UGANDA HUMAN RIGHTS COMMISSION

THE 22ND ANNUAL REPORT - 2019

ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA









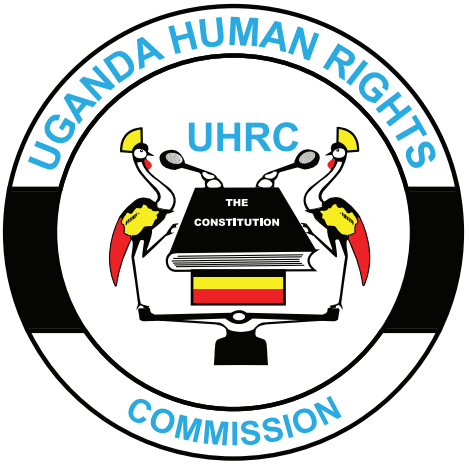








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ON THE STATE OF HUMAN RIGHTS AND FREEDOMS
IN UGANDA

SUBMITTED TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA

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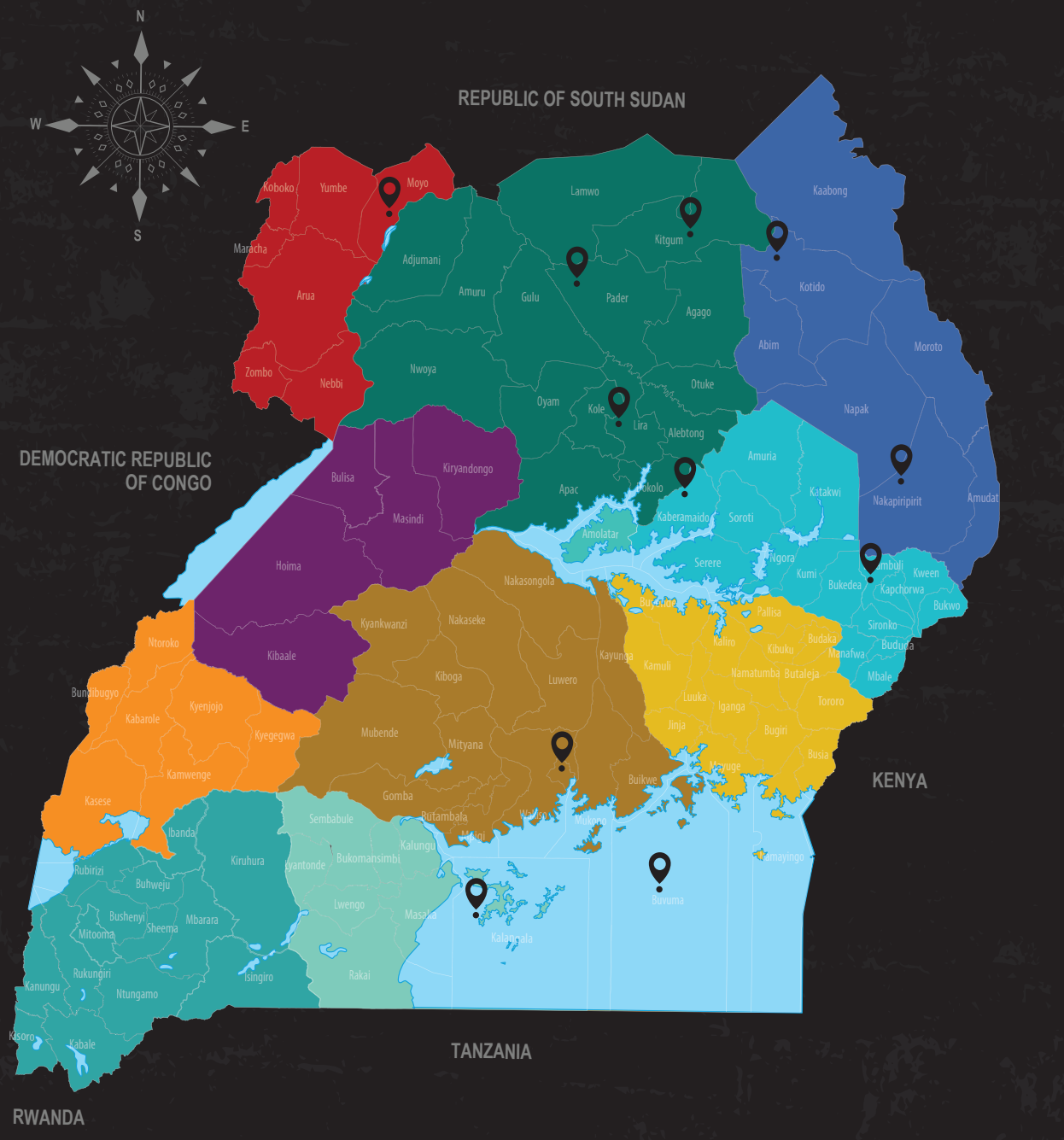
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MAP OF UGANDA SHOWING LOCATION OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES



Arua
Fort Portal
Gulu
Hoima
Moroto
Central
Jinja
Mbarara
Masaka
Soroti
Field offices

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

Dear Madam

RE: UGANDA HUMAN RIGHTS COMMISSION 22ND ANNUAL REPORT TO PARLIAMENT

The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 22nd Annual Report in accordance with Article 52 (2) of the Constitution of the Republic of Uganda.

The report comprises of 14 chapters, with the first nine chapters dedicated to the thematic issues that were monitored by the Uganda Human Rights Commission in the reporting period. Chapter ten addresses the Key emerging human rights concerns in the year 2019, chapter eleven gives Highlights on the various Interventions by the Commission in 2019 , Chapter twelve considers the Position of the Commission on Bills before parliament of Uganda, Chapter thirteen looks at the Status of Ugandan Government Compliance with the Recommendations made by the Commission, while the last chapter of the report (chapter fourteen) looks at how Uganda has performed in terms of its reporting to International and Regional treaty bodies.

Yours faithfully,

Mariam Wangadya
CHAIRPERSON
UGANDA HUMAN RIGHTS COMMISSION

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Contents

ABBREVIATIONS & ACRONYMS i
ABOUT UGANDA HUMAN RIGHTS COMMISSION vi
HON. MED S.K KAGGWA, CHAIRPERSON ix
ACKNOWLEDGEMENTS xi
EXECUTIVE SUMMARY xii

CHAPTER 1: ACCESS TO WATER IN UGANDA 1
1.0 INTRODUCTION 1
1.1 LEGAL FRAMEWORK ON THE RIGHT TO WATER 2
1.1.1 International legal framework 2
1.1.2 Regional legal framework 3
1.1.3 National legal and policy framework 3
1.2 UNDERSTANDING THE RIGHT TO WATER 3
1.2.1 Affordable 3
1.2.2 Physically accessible 4
1.2.3 Sufficient water supplies 4
1.2.4 Safety of the water 4
1.2.5 Acceptability 4
1.3 WATER SOURCES IN UGANDA 4
1.3.1 Lakes and rivers 4
1.3.2 Rainwater 6
1.3.3 Wetlands 7
1.3.4 Underground water through wells, springs and boreholes 7
1.4 SITUATION ANALYSIS ON ACCESS TO WATER IN UGANDA 8
1.5 VULNERABLE GROUPS AND THEIR ACCESS TO WATER 9
1.5.1 Women 9
1.5.2 Children 10
1.5.3 Persons with disabilities 10
1.5.4 Older persons 10
1.5.5 Detainees in prisons and police facilities 12
1.5.6 Slum Dwellers 12
1.5.7 Refugees 12
1.6 HUMAN RIGHTS CONCERNS REGARDING ACCESS TO WATER 13
1.6.1 High cost of water 13
1.6.2 Long distances to water sources or inaccessibly of water sources 14
1.6.3 Water scarcity 14
1.6.4 Unprotected and unsafe water 16
1.6.5 Violation of the right to health 17
1.6.6 Violation of the right to education 17

1.7 CHALLENGES AFFECTING THE REALISATION OF ACCESS TO WATER IN UGANDA 18
1.7.1 Limited budget allocation to the water sector 18
1.7.2 Gaps in the legal framework 18
1.7.3 Increased population growth 18
1.7.4 Inadequate sustainability and management of water sources 19
1.7.5 Climate change 19
1.8 GOVERNMENT'S INTERVENTIONS ON ACCESS TO WATER 19
1.8.1 Initiative to improve water coverage 19
1.8.2 Water, sanitation and hygiene (WASH) programmes 20
1.8.3 New technologies or modifications in designs of water sources 20
1.8.4 Development of the Water and Sanitation Gender Strategy, 2018-2022 20
1.9 RECOMMENDATIONS 20
1.10. CONCLUSION 20

CHAPTER 2: UNEMPLOYMENT AND UGANDA'S LABOUR MARKET: HUMAN RIGHTS IMPLICATIONS

2.0 INTRODUCTION 21
2.1 UNDERSTANDING UNEMPLOYMENT AND RELATED CONCEPTS 22
2.1.1 Unemployment 22
2.1.2 The right to work 22
2.1.3 Essential elements of the right to work 22
2.2 LEGAL FRAMEWORK REGARDING UNEMPLOYMENT 22
2.2.1 International legal framework 22
2.2.2 Regional framework 23
2.2.3 National legal and policy framework 23
2.3 STATE OF UNEMPLOYMENT IN UGANDA IN 2019 23
2.3.1 Uganda's labour market 23
2.3.2 Employment according to sectors 24
2.3.3 Growth without jobs 25
2.3.4 Underemployment 25
2.4 CAUSES OF UNEMPLOYMENT IN UGANDA 25
2.4.1 Mismatch between academic qualifications and available job opportunities 25
2.4.2 Discrimination in the job market 25
2.4.3 Preference for white-collar jobs 26
2.4.4 Rural-urban migration 26
2.4.5 High population growth rate 26
2.4.6 Corruption 27
2.4.7 Lack of business management skills 27
2.5 HUMAN RIGHTS IMPLICATIONS OF UNEMPLOYMENT 27
2.5.1 Unemployment and the right to work 27

2.5.2 Unemployment and the right to dignity 27
2.5.3 Implications on the right to health 27
2.5.4 Implications on the right to a livelihood 28
2.5.5 Unemployment and crime 28
2.5.6 The right to social security 28
2.6 INTERVATIONS TO ADDRESS UNEMPLOYMENT 28
2.6.1 The Youth Livelihood Programme (YLP) 28
2.6.2 Enhancing skills development 29
2.6.3 Uganda Women Entrepreneurship Programme 29
2.6.4 Labour export 30
2.6.5 Operation Wealth Creation 30
2.6.6 Promotion of trade through development of infrastructure 31
2.6.7 Interventions by non-state actors 31
2.7 RECOMMENDATIONS 33
2.8 CONCLUSION 33

CHAPTER 3: THE IMPACT OF CORRUPTION ON THE RIGHT TO DEVELOPMENT IN UGANDA IN 2019

3.0. INTRODUCTION 34
3.1. LEGAL FRAMEWORK AGAINST CORRUPTION 35
3.1.1. International framework 35
3.1.2. Regional framework 36
3.1.3 National legal and policy framework 36
3.2. THE STATE OF CORRUPTION IN UGANDA IN 2019 37
3.2.1. International ranking 37
3.2.2. Uganda's corruption standing within East Africa 37
3.2.3. Corruption level by institution 38
3.2.4 Gender dimension of corruption 40
3.2.5. The nature of corruption cases in 2019 40
3.3 CAUSES OF CORRUPTION IN UGANDA 41
3.3.1 Morbid greed and materialism 41
3.3.2 Moral decadence 41
3.3.3 Peer influence 41
3.3.4 Public perception 41
3.3.5 Low pay for public officials 41
3.4 SELECTED CORRUPTION ALLEGATIONS IN 2019 41
3.5 GOVERNMENT INTERVENTIONS AGAINST CORRUPTION 43
3.5.1 Interventions by the Inspectorate of Government 43
3.5.2 Complaints registered, investigated and recoveries made 43
3.5.3 Prosecution and conviction 43
3.5.4 Engagement of citizens 43
3.5.5 Monitoring government projects 43
3.5.6 Interventions by the State House Anti-Corruption Unit 44

3.5.7 The national anti-corruption walk. 44
3.5.8 Oversight role of Parliament of Uganda 44
3.5.9 Interventions by the Land Commission of Inquiry 44
3.5.10 Interventions by Auditor General's office 45
3.5.11 Contribution by civil society organisations and others 45
3.6 THE IMPACT OF CORRUPTION ON THE RIGHT TO DEVELOPMENT IN UGANDA 45
3.6.1. Corruption discourages investment or donor support 46
3.6.2 Corruption reduces revenue base 46
3.6.3 Corruption limits citizen's participation in development 46
3.6.4 Corruption weakens political institutions and mass participation 49
3.6.5 Poor quality/ inadequate services provided 49
3.7 CHALLENGES IN ADDRESSING CORRUPTION IN UGANDA 51
3.7.1 Inadequate financial, logistical and human resources 51
3.7.2 Political interference 52
3.7.3 Inadequate awareness of the citizen's role in fighting corruption 52
3.7.4 Public perception that anti-corruption laws are selectively applied 52
3.7.5 Limited implementation of the Access to Information Act 52
3.7.6 Inadequate protection mechanism for whistleblowers 52
3.7.7 Limited will in the fight against corruption 52
3.7.8 Corruption is accepted and glorified 53
3.7.9 Weak investigation of corruption cases 53
3.8 RECOMENDATIONS 53
3.9 CONCLUSION 54

CHAPTER 4: PLANTATION AGRICULTURE AND HUMAN RIGHTS CONCERNS

4.0 INTRODUCTION 55
4.1 LEGAL FRAMEWORK 56
4.1.1 International legal framework 56
4.1.2 Regional legal framework 56
4.1.3 National legal and policy framework 56
4.2 SITUATION ANALYSIS OF SELECTED PLANTATION AGRICULTURE SITES 57
4.3 HUMAN RIGHTS CONCERNS IN PLANTATION AGRICULTURE 59
4.3.1 Deprivation of the right to a clean and healthy environment 59
4.3.2 Use of harmful chemicals and pesticides 60
4.3.3 Child labour 60
4.3.4 Deprivation of the right to property 61
4.3.5 Food insecurity 61
4.4 CHALLENGES IN THE REALISATION OF WORKERS' RIGHTS 62
4.4.1 Lack of a minimum wage 62
4.4.2 Shortage of labour officers 62
4.4.3 Lack of regulation of casual work 62
4.4.4 Limited awareness of labour laws 63
4.4.5 Gaps in the law 63

4.5 RECOMMENDATIONS 63
4.6 CONCLUSION 63

CHAPTER 5: QUALITY OF EDUCATION IN UNIVERSAL PRIMARY EDUCATION [UPE] SCHOOLS

5.0 INTRODUCTION 64
5.1 LEGAL FRAMEWORK AND POLICY FRAMEWORK ON UPE 66
5.1.1 International legal framework 66
5.1.2 Regional legal framework 67
5.1.3 National legal and policy framework 67
5.2 UNIVERAL PRIMARY EDUCATION IN UGANDA 67
5.2.1 Quality of Universal Primary Education 68
5.2.2 Accessibility 68
5.2.3 Availability 70
5.2.4 Acceptability 72
5.2.5 Adaptability 72
5.3 MEASURES TOWARDS IMPROVING UPE 73
5.3.1 Pupil enrolment growth 73
5.3.2 Construction of more classrooms 73
5.3.3 Increase in number of teachers hired 74
5.3.4 Teachers' salaries raised 74
5.3.5 Increased PLE pass rate 75
5.3.6 Gender parity achieved 75
5.3.7 Increased funding for monitoring and inspecting schools and commitment to teacher trainings 75
5.3.8 Increased budget allocations to the MoES 76
5.3.9 Food programme in Karamoja 76
5.3.10 Refugee education 76
5.4 HUMAN RIGHTS CONCERNS IN UPE SCHOOLS 77
5.4.1 Low retention 77
5.4.2 Poor performance 78
5.4.3 Inadequate infrastructure 78
5.4.4 Abseentism in UPE schools 78
5.4.5 Insufficient quantity and quality of teaching staff 78
5.4.6 Poor working conditions for teachers 78
5.4.7 Inadequate sexual and reproductive health education 79
5.4.8 Insufficient space in schools for physical education and sports 79
5.4.9 Automatic promotion 79
5.4.10 Violence against children 79
5.5 CHALLENGES 80
5.5.1 Inadequate budgetary allocation to the education sector 80
5.5.2 Corruption 80
5.5.3 Limited parental capacity to meet cost of education 80
5.5.4 Negative parental attitude towards their responsibilities to their children 81

5.5.5 Increased population growth 81
5.5.6 Feeding of pupils 81
5.6 RECOMMENDATIONS 82
5.7 CONCLUSION 82

CHAPTER 6: CHILD NEGLECT AND ITS IMPLICATION ON THE RIGHTS OF CHILDREN IN UGANDA

6.0 INTRODUCTION 83
6.1 THE LEGAL AND POLICY FRAMEWORK 84
6.1.1 International legal framework 84
6.1.2 Regional legal framework 85
6.1.3 National legal and policy framework 85
6.2 SITUATION ANALYSIS OF CHILD NEGLECT AND PARENTAL RESPONSIBILITY IN UGANDA 85
6.3 THE MAGNITUDE OF CHILD NEGLECT 86
6.4 CAUSES OF CHILD NEGLECT 88
6.4.1 Poverty 88
6.4.2 Cultural beliefs and practices 89
6.4.3 Alcoholism and drug abuse 90
6.4.4 Broken families and unstable relationships 90
6.4.5 Loss of a parent 91
6.4.6 Inadequate enforcement of laws 91
6.4.7 Child, early and forced marriages 92
6.4.8 Psychological and emotional state of the parent 93
6.4.10 Uncertainity of paternity of the child 95
6.4.11 Stigmatization and discrimination associated with disabilities 95
6.5 HUMAN RIGHTS IMPLICATIONS OF CHILD NEGLECT 95
6.5.1 Deprivation of the right to health 95
6.5.2 Deprivation of the right to education 96
6.5.3 Loss of life 97
6.5.4 Child exploitation 97
6.5.5 Early and forced child-marriages 98
6.5.6 Loss of sense of belonging 98
6.5.7 Strained relationship with the perpetrator 98
6.6 GOVERNMENT INTERVENTIONS 99
6.7 RECOMMENDATIONS 100
6.8 CONCLUSION 100

CHAPTER 7: THE PLIGHT OF CHILDREN IN STREET SITUATIONS

7.0 INTRODUCTION 101
7.1 LEGAL AND POLICY FRAMEWORK 102
7.1.1 International legal framework 102
7.1.2 Regional legal framework 102
7.1.3 National legal and policy framework 102

7.2 SITUATION ANALYSIS OF CHILDREN IN STREET SITUATIONS IN UGANDA 103
7.2.1 Estimated population of children in street situations 103
7.2.2 Gender of the children on the streets 104
7.2.3 Living condition of children in street situations 104
7.2.4 Street-connected children 104
7.3 PARENTING AND CHILDREN IN STREET SITUATIONS 105
7.3.1 Access to food and water 105
7.4 EXPERIENCES OF VIOLENCE AND CRIME ON THE STREETS 105
7.4.1 Sexual violence 106
7.4.3 Perpetrators of violence against children in street situations 107
7.4.4 Illegal substance and drug abuse 107
7.4.5 Children born on the streets 108
7.4.6 Children working on the streets 108
7.4.7 Experience and services at rehabilitation centres 109
7.4.8 Life after the streets 109
7.4.9 Former street children ('street uncles') 109
7.5 FACTORS INFLUENCING CHILDREN TO LIVE AND WORK ON THE STREETS 110
7.5.1 The Push Factors 110
7.5.2 The Pull Factors 111
7.6 GOVERNMENT INTERVENTIONS TO RESPOND TO CHILDREN IN STREET SITUATIONS 112
7.6.1 Existence of an enabling legal, policy and institutional framework 112
7.6.2 Development of an ordinance criminalizing the existence of street children and facilitation of their continued stay by different individuals 113
7.6.3 Establishment of Children Rehabilitation Centres 113
7.6.4 Resettlement and family reunification of children by MoGLSD 113
7.6.5 Screening, placement and resettlement of children by Kampiringisa National Rehabilitation Centre under MOGLSD 113
7.6.6 Interventions by non-state actors 115
7.7 HUMAN RIGHTS CONCERNS OF CHILDREN IN STREET SITUATIONS 115
7.7.1 Violation of the right to special protection and assistance 115
7.7.2 Deprivation of the right to parental care and maintenance 116
7.7.3 Violation of the right to freedom from torture, cruel, inhumane and degrading treatment or punishment. 116
7.7.4 Deprivation of the right to education 116
7.7.5 Freedom from discrimination 117
7.7.6 Deprivation of the right to health 117
7.7.7 Deprivation of the right to access to justice 118
7.7.8 Deprivation of the right to adequate housing 118
7.8 RECOMMENDATIONS 119
7.9 CONCLUSION 119

CHAPTER 8: DEFILEMENT AND ITS HUMAN RIGHTS IMPLICATIONS

8. 0 INTRODUCTION 120

8.1 LEGAL AND POLICY FRAMEWORK ON DEFILEMENT 121

8.1.1 International legal framework 121

8.1.2 Regional legal framework 122

8.1.3 National legal and policy framework 122

8.2 SITUATION ANALYSIS OF DEFILEMENT IN UGANDA 122

8.2.1 Nature of defilement 123

8.2.2 Majority of defilement cases go unreported 126

8.2.3 Some seasons linked to rampant cases of defilement 126

8.3 CAUSES/DRIVERS OF DEFILEMENT IN UGANDA 126

8.3.1 Drug and substance abuse 126

8.3.2 Vulnerability of children 126

8.3.3 Using informal means to settle defilement cases 126

8.3.4 Poverty 127

8.3.5 Child neglect as parents abdicate their duty of parenting 127

8.3.6 Ignorance and illiteracy 127

8.3.7 Cultural practices 128

8.3.8 Early childhood environments 128

8.4 HUMAN RIGHTS CONCERNS ARISING FROM DEFILEMENT 128

8.4.1 Deprivation of the freedom from torture 128

8.4.2 Deprivation of the right to health 129

8.4.3 Deprivation of the right to education 129

8.4.4 Social and psychological stigma 129

8.4.5 Deprivation of the right to life 129

8.4.6 Lack of psychosocial support to victims 130

8.4.7 Concerns relating access to justice 130

8.5 GOVERNMENT INTERVENTIONS TO ADDRESS DEFILEMENT IN THE COUNTRY 132

8.6 RECOMMENDATIONS 134

8.6.1 For the Government 134

8.6.2 For the Judiciary 134

For the Police 134

8.7 CONCLUSION 134

CHAPTER 9: RIGHT TO INCLUSIVE EDUCATION FOR CHILDREN WITH DISABILITIES IN UGANDA

9.0 INTRODUCTION 135

9.1 INTERPRETATION OF RIGHT TO EDUCATION FOR CHILDREN WITH DISABILITIES AND GOOD PRACTICES ON INCLUSIVE EDUCATION 136

9.2 LEGAL FRAMEWORK 139

9.2.1 International legal framework 139

9.2.2 Regional legal framework 139

9.2.3 National legal and policy framework 140

9.3 SITUATION ANALYSIS ON RIGHT TO EDUCATION FOR CHILDREN WITH DISABILITIES 140
9.3.1 Challenges children with disabilities face in the realisation of the right to education 142
9.4 GOVERNMENTS INTERVENTIONS IN REGARD TO RIGHT TO EDUCATION FOR CHILDREN WITH DISABILTIES 146
9.4.1 National Learning Needs Identification Tool and Resource Guide 146
9.4.2 Draft National Inclusive Education Policy 147
9.4.3 Disability-friendly architectural drawings 147
9.4.4 Supply of hearing devices 147
9.4.5 Involvement in co-curricular activities for children with disabilities 147
9.4.6 Contribution of non-state actors 148
9.5 RECOMMEDATIONS 149
9.6 CONCLUSION 149

CHAPTER 10: EMERGING HUMAN RIGHTS ISSUES IN UGANDA IN 2019
10.0 GENERAL INTRODUCTION 150
10.1 SAFE HOUSES AND THE HUMAN RIGHTS CONCERNS IN 2019 151
10.1.1 Introduction 151
10.1.2 Legal framework 152
10.1.3 Situation analysis of safe houses in Uganda in 2019 153
10.1.4 The commission's interventions 154
10.1.5 Human rights concerns over detention of people in safe houses 155
10.1.6 Recommendations 158
10.2 ILLEGAL POSSESSION AND MISUSE OF FIREARMS AND THE HUMAN RIGHTS CONCERNS 159
10.2.1 Introduction 159
10.2.2 Legal framework 159
10.2.3 Situation analysis of illegal possession and misuse of firearms in Uganda 160
10.2.4 Human rights concerns arising out of illegal possession and misuse of firearms 162
10.2.5 Government interventions to prevent illegal possession and misuse of firearms 164
10.2.6 Recommendations 165
10.2.7 Conclusion 165
10.3 ACID ATTACKS AND HUMAN RIGHTS IMPLICATIONS 166
10.3.1 INTRODUCTION 166
10.3.2 Legal framework 166
10.3.3 Situation analysis of acid attacks in Uganda 167
10.3.4 State and non-state response in addressing acid attacks 170
10.3.5 Human rights implications of acid attacks 171
10.3.6 Challenges in accessing justice 173
10.3.7 Recommendations 175
10.3.8 Conclusion 175
10.4 MERCY KILLING OF CHILDREN WITH DISABILITIES IN UGANDA AND ITS HUMAN RIGHTS IMPLICATIONS 176
10.4.1 Introduction 176
10.4.2 Legal framework 176

10.4.3 Situation analysis on mercy killing of children with disabilities in selected districts in Uganda 177
10.4.4 Causes of mercy killing of children with disabilities in selected districts in uganda 179
10.4.5 Human rights implications arising from mercy killing of children with disabilities 181
10.4.6 Recommendations 182
10.4.7 Conclusion 182
10.5 SCARCITY OF BLOOD IN GOVERNMENT HOSPITALS AND ITS HUMAN RIGHTS IMPLICATIONS . 183
10.5.1 Introduction 183
10.5.2 Legal framework 183
10.5.3 Situation analysis of scarcity of blood 184
10.5.4 Underlying causes of blood shortage in Uuganda 191
10.5.5 Challenges faced by health facilities carrying out blood transfusion processes 192
10.5.6 Human rights concerns over scarcity of blood 193
10.5.7 Recommendations 194
10.5.8 Conculusion 194
10.6 HUMAN RIGHTS CONCERNS ARISING FROM NATURAL DISASTERS THAT OCCURRED IN 2019 .. 195
10.6.1 Introduction 195
10.6.2 Legal framework 195
10.6.3 Situation analysis of natural disasters 196
10.6.4 Government response to the disasters in terms of mitigation and preparedness 200
10.6.5 Human rights concerns arising from the natural disasters 201
10.6.6 Challenges encountered by the authorities during the disaster response 203
10.6.7 Recommendations 203
10.6.8 Conclusion 203

CHAPTER 11: HIGHLIGHTS OF THE COMMISSION'S INTERVENTIONS IN 2019

11.0 INTRODUCTION 204
11.1 COMPLAINTS MANAGEMENT 205
11.1.1 Complaints received and registered 205
11.1.2 Nature of alleged human rights violations registered 208
11.1.3 Respondents in human rights complaints registered 209
11.1.4 Investigations 211
11.1.5 Referrals to other institutions 211
11.1.6 Mediations 212
11.1.7 Resolution of complaints through the commission tribunal 212
11.1.8 Decentralisation of compensation awards 213
11.1.9 Total number of complaints disposed of 213
11.1.10 Challenges 213
11.1.11 Recommendation 213
11.2 HIGHLIGHTS OF CONDITIONS IN PLACES OF DETENTION 214
11.2.1 Legal framework 214
11.2.2 Places of detention inspected by the commission in 2019 214
11.2.3 Highlights of key findings in places of detention inspected in 2019 215
11.2.4 Recommendations 222

11.3 UHRC INTERVENTIONS IN HUMAN RIGHTS AND CIVIC EDUCATION IN 2019 223
11.3.1 Human rights education through barazas (community meetings) 223
11.3.2 Human rigts education through roadshows 226
11.3.3 Human rights and civic education through training workshops and dialogues 227
11.3.4 Human rights education through club debates 234
11.3.5 Human rights education through partnerships 235
11.3.6 Commemoration of International, Regional and National Human Rights Days 236
11.3.7 Human rights education through the media 239
11.3.8 Human rights awareness through iec materials 243
11.3.9 The commission library and documentation centres 245
11.3.10 Quick impacts of human rights education activities in 2019 247
11.3.11 Challenges in human rights/civic education 248
11.3.12 Recommendations 249
11.4 FINANCE AND ADMINISTRATION IN THE FINANCIAL YEAR 2018/2019 250
11.4.1 Funding 250
11.4.2 Human resources and administration from January to December 2019 251
11.4.3 The commission regional coverage 253
11.4.4 Information and communications technology 254
11.4.5 Transport 255
11.4.6 Construction of own regional office premises 255
11.4.7 Maintaining a-status for complying with international requirements 255
11.4.8 Public affairs management 255
11.4.9 Planning and budgeting 256
11.4.10 General challenges 256
11.4.11 Recommendations 256
11.4.12 Conclusion 257

CHAPTER 12: THE COMMISSION'S POSITION ON SELLECTED BILLS BEFORE PARLIAMENT

12.0 INTRODUCTION 258
12.1 THE UHRC'S POSITION ON THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2019 259
12.1.1 GENERAL BACKGROUND TO ELECTORAL REFORMS IN UGANDA 259
12.1.2 The Electoral Commission (Amendment) Bill, 2019 259
12.2 THE UHRC'S POSITION ON THE NATIONAL COFFEE BILL, 2018 262
12.2.1 General background 262
12.2.2 The National Coffee Bill, 2018 262
12.3 THE UHRC'S POSITION ON THE NATIONAL HEALTH INSURANCE SCHEME BILL, 2019 268
12.3.1 Introduction 268
12.3.2 The National Health Insurance Scheme Bill 268
12.4 THE UHRC'S POSITION ON THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2019 273
12.4.1 General background 273
12.5 THE UHRC'S POSITION ON THE POLITICAL PARTIES AND ORGANISATIONS (AMENDMENT) BILL, 2019 275
12.5.1 General background 275

12.6 THE UHRC'S POSITION ON THE SUCCESSION (AMENDMENT) BILL, 2018 278
12.6.1 General Background 278
12.7 THE UHRC'S POSITION ON THE NATIONAL SOCIAL SECURITY FUND (AMENDMENT) BILL, 2019 282
12.7.1 General Background 282

CHAPTER 13: GOVERNMENT COMPLIANCE WITH THE COMMISSION'S RECOMMENDATIONS IN 2019

13.0 INTRODUCTION 286

CHAPTER 14: STATUS OF UGANDA'S REPORTING OBLIGATIONS TO INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

14.0 INTRODUCTION 292
14.1 TREATY BODY REPORTING IN 2019 292
14.2 RATIFIED TREATIES AND UPDATED STATUS ON UGANDA'S REPORTING OBLIGATIONS AS OF DECEMBER 2019 294
14.3 STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS FROM THE COMMITTEE ON THE CRPD AND THE UPR IN LINE WITH THE SUSTAINABLE DEVELOPMENT GOALS 309
14.3.1 Recommendations from the committee on the CRPD 309
14.3.2 Progress on the implementation of the Universal Periodic Review (UPR) recommendations and voluntary pledges 321
14.4 STATUS OF THE NATIONAL ACTION PLAN ON HUMAN RIGHTS (NAPHR) 332
14.5 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS 332
14.6 RECOMMENDATIONS 332

LIST OF FIGURES

Figure 1: Map of Uganda showing major lakes and rivers 5
Figure 2: Jinja 2019 climate outlook 6
Figure 3: Spatial map showing seasonal rainfall outlook for 2019 over Uganda 6
Figure 4: Rural water supply infrastructure in Uganda as at June 2019 7
Figure 5: Percentage distribution of older persons within 1km to main source of drinking water (improved, <1km) by residence and sex 11
Figure 6: Percentage of households headed by older persons by distance to water source and living arrangement 11
Figure 7: Percentage distribution of households headed by older persons that are within 5km from the nearest health facility by district 11
Figure 8: FY 2019/2020 sector budget shares in percentages 18
Figure 9: FY 20 Trends of Uganda's corruption performance for the last 10 consecutive years 37
Figure 10: Graph showing increase in bribery rate across selected government sectors/institutions 38
Figure 11: Bribery rate in selected government institutions in Uganda in 2019 compared to 2015 39
Figure 12: A graph showing corruption levels by institution in 2018 39
Figure 13: Number of corruption allegations registered by Inspectorate of Government from January to June, 2019 39
Figure 14: Perpetrators of corruption by sex 40
Figure 15: The nature of corruption cases registered by Inspectorate of Government in January to June 2019 40
Figure 16: Map showing the literacy levels of Uganda 69
Figure 17: PLE pass rate from 2016 to 2019 69
Figure 18: Sources of water in primary schools 72
Figure 19: Progressive construction of classrooms in Uganda over the past two decades 74
Figure 20: Government expenditure on teacher salaries in UGX 74
Figure 21: PLE pass rate over the years 75
Figure 22: Budget allocations to MoES between 2015 and 2019 76
Figure 23: Child neglect cases as percentage of cases registered by UHRC for the last five years 87
Figure 24: Cases of child neglect reported at police and number of victims of child neglect 87
Figure 25: Disposal of complaints of child neglect by the Commission in 2019 88
Figure 26: Prevalence of CEFM in Uganda 92
Figure 27: Estimated number of children in street situations in districts where the Commission conducted research 103
Figure 28: Perpetrators of violence against children in street situations 107
Figure 29: Status of children in street situations per region 114
Figure 30: Defilement cases reported to police between 2015 and 2018 122
Figure 31: Defilement cases registered by police in 2019 in the selected districts 124

Figure 32: Defilement cases registered per district 124
Figure 33: Aggravated defilement cases registered by police in 2019 124
Figure 34: Child-to-child sex cases registered by police 125
Figure 35: Simple defilement cases in the selected districts 125
Figure 36: Blood collected and issued in the period 2012-2018 186
Figure 37: The blood cold chain from collection to transfusion 190
Figure 38: Trend of complaints received by the Commission since 1997 206
Figure 39: Complainants disaggregated by gender per regional office 207
Figure 40: Trend of the gender disaggregated complainants since 2015 207
Figure 41: Registered complainants disaggregated by age per regional office 208
Figure 42: Percentage of complaints disposed of by the Commission 213
Figure 43: Baraza attendance in 2019 aggregated by regional office and gender 223
Figure 44: Baraza attendance from 2015 to 2019 aggregated by gender 224
Figure 45: Roadshow participants 2015 to 2019 aggregated by gender. 226
Figure 46: Participation of schools in the debate competitions per regional office disaggregated by gender 235
Figure 47: Radio talk shows disaggregated by gender and quantity 2015-2019 240
Figure 48: Population covered by live call-in radio talks disaggregated by regional office 240
Figure 49: Radio spot messages and population reached in 2019 242
Figure 50: Spot messages aired out in the last five years (2015 - 2019) 242
Figure 51: Number of Commission library users in the last five years (2015 to 2019) 246
Figure 52: Access to Commission library information services by region and gender 246
Figure 53: Percentage funding contribution by GOU and development partners across the last five years 251
Figure 54: The Universal Periodic Review cycle 321

LIST OF TABLES

Table 1: Examples of low-quality water in Uganda 17
Table 2: Employment according to sectors 25
Table 3:Number of hours worked per week 25
Table 4: A summary of selected corruption allegations in 2019 42
Table 5: Nature of corruption grievances involving NUSAF 3 received by IG's office in FY 2018/19 47
Table 6: Cash and project items recovered from NUSAF 3 projects through IG's interventions in 2019 48
Table 7: Plantations that were monitored by the Commission 57
Table 8: Enrolment in primary schools between 2015 and 2019 68
Table 9: Percentage enrolment of male and female pupils in schools (1996-2017) 68
Table 10: The qualifications of primary school teachers 71
Table 11: Availability of infrastructure in selected primary schools across the country 71
Table 12: Number of primary schools, teachers and pupils in Uganda from 1996 to 2017 73
Table 13: UPE beneficiary perceptions on reasons for pupil dropout for lower and upper primary, and not completing 77
Table 14: Estimated primary education funding gaps (in billion Uganda shillings) 80
Table 15: Management of cases of child neglect by the police in 2018 88
Table 16: Reasons for arrest as stated by street children 107
Table 17: Status of children handled at Kampiringisa National Rehabilitation Centre in July, 2019 114
Table 18: Defilement cases handled by the ODPP by July 2019 123
Table 19: Victims of defilement by age group in 2019 123
Table 20: Percentage distribution of persons 6-18 years by school attendance and disability status 142
Table 21: Percentage distribution of persons 6-18 years by school attainment and disability status 143
Table 22: Firearms/guns and ammunitions lost and recovered in 2019 164
Table 23: Victims of acid attacks in 2019 167
Table 24: Number of complaints received in 2019 205
Table 25: Number of complaints registered by the Regional Offices in 2019 205
Table 26: Number of complainants disaggregated by gender per regional office 206
Table 27: Registered complainants disaggregated by age 207
Table 28: Registered complainants disaggregated by age per regional office 208
Table 29: Violations registered at the Commission regional offices in 2019 209
Table 30: Categorisation of respondents by regional office 210
Table 31: Some violations reported against Uganda Police Force 210
Table 32: Some violations reported against Uganda People's Defence Forces 210
Table 33: Some of the violations reported against Uganda Prisons Service 211
Table 34: Complaints investigated per regional office 211
Table 35: Complaints referred in 2019 by regional office 212
Table 36: Complaints resolved through mediation in 2019 by regional office 212
Table 37: Summary of complaints pending at the Tribunal as at 31st December 2019 213
Table 38: Complaints disposed of by the Commission 213
Table 39: Number of detention facilities inspected by the Commission in 2019 215

Table 40: Training workshops and dialogue participants disaggregated by gender 228
Table 41: Participants in IWD talk shows disaggregated by age and gender 236
Table 42: Press conferences by the Commission in 2019 243
Table 43: Press releases issued by the Commission in 2019 243
Table 44: IEC materials produced by the Commission in 2019 244
Table 45: GoU and external funding to the Commission over the last five years 251
Table 46: Human resource staffing levels in the year 2019 252
Table 47: Training/Capacity building programmes by the Commission in 2019 252
Table 48A: Recruitment and appointments in 2019 253
Table 48B: Resignations, retirement and interdiction in 2019 253
Table 49: The regional coverage of the Commission as at the end of 2019 254
Table 50: Summary of Government compliance with Commission recommendations in 2019 286
Table 51: Summary of status of Government compliance with Commission recommendations in 2019 286
Table 52: Status on action taken by MDAs by end of 2019 to comply with Commission recommendations 287
Table 53: Status of Uganda's reporting obligations by end of December 2019 294
Table 54: Summary of recommendations from the CRPD Committee and the status of implementation in line with SDGs 310
Table 55: Summary of status of implementation of accepted recommendations from the UPR mechanism in line with SDGs – December 2019 322

Abbreviations & Acronyms

A	
ACCOB	Anti-Corruption Coalition of Busoga
ACCU	Anti-Corruption Coalition Uganda
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on Rights and Welfare of the Child
ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
AIGP	Assistant Inspector General of Police
ANPPCAN	African Network for the Prevention and Protection Against Child Abuse and Neglect
ARU	Arua
ASSIP	Agricultural Sector Strategy and Investment Plan
AU	African Union
AYC	African Youth Charter
B	
BFWP	Budget Framework Paper
BMAU	Budget Monitoring and Accopuntability Unit
BoQ	Bill of Quantities
BTVET	Business, Technical and Vocational Education and Training
C	
CAO	Chief Administrative Officer
Cap	Chapter
CAT	Coalition Against Torture
CDP	Continuous Professional Development
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEFM	Child, Early and Forced Marriages
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CERESAV	Centre for Rehabilitation of Survivors of Acid and Burns Violence
CERWC	Committee of Experts on the Rights and Welfare of the Child
CFPU	Child and Family Protection Unit
CICCO	Chinese International Construction Company
CIDs	Criminal Investigation Departments
CMI	Chieftaincy of Military Intelligence
CMW	Convention on the Rights of Migrant Workers
CPA	Certified Public Accountant
CPS	Central Police Station
CRANE	Children at Risk Action Network
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CTR	Central
CUUL	Consortium of Uganda University Libraries
CWDs	Children with Disabilities
D	
DEO	District Education Officer
DGF	Democratic Governance Facility
DISO	District Internal Security Officer
DNA	Deoxyribonucleic Acid
DP	Democratic Party
DPC	District Police Commander
DPP	Directorate of Public Prosecutions
DRC	Democratic Republic of the Congo
DSC	District Service Commission
E	
EAVU	End Acid Violence-Uganda
EC	Electoral Commission
ECD	Early Childhood Development
EEMIS	External Employment Management Information System
EGRP	Early Grade Reading Policy
EICA	East India Cultural Association
EOC	Equal Opportunities Commission
ESCRs	Economic, Social and Cultural Rights
ESIP	Education Strategic Investment Plan
ESO	External Security Organisation
ESSP	Education Sector Strategic Plan
F	
F/Y	Financial Year
FAO	Food and Agriculture Organization
FCC	Family and Juvenile Courts
FDC	Forum for Democratic Change
FDPs	Food Distribution Points
FGM	Female Genital Mutilation
FGD	Focus Group Discussion

FIDA (U)	Uganda Association of Women Lawyers
FPT	Fort Portal
FUFA	Federation of Uganda Football Associations

G

GANHRI	Global Alliance of National Human Rights Institutions
GC	General Comment
GCCA	Global Climate Change Alliance
GDP	Gross Domestic Product
GER	Gross Enrollment Ratio
GHs	General Hospitals
GISO	Gombolola Internal Security Officer
GIZ	(German Agency for International Cooperation) Deutsche Gesellschaft für Internationale Zusammenarbiet
GLU	Gulu
GoU	Government of Uganda

H

HB	Hemoglobin level
HCII	Health Centre Two
HCIV	Health Centre Four
HE	His Excellency
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunodeficiency Syndrome
HMA	Hoima
HRBA	Human Rights Based Approach
HRE	Human Rights Education
HURINET (U)	Human Rights Network Uganda
HURIS	Human Rights Integrated Information System

I

IAA	International Air Ambulance
IASC	Inter-Agency Standing Committee
IBIS	Integrated Ballistics Identification System
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICT	Information and Communications Technology
IG	Inspectorate of Government
IGG	Inspector General of Government
ILO	International Labour Organization
ISDP	Infrastructure Service Delivery Plans
ISER	Initiative for Social and Economic Rights
ISO	Internal Security Organisation
ISPs	Internet Service Providers
IT	Information Technology
IV	Intravenous

J

JEEMA	Justice Forum
JJA	Jinja
JLOS	Justice, Law and Order Sector

K

KCCA	Kampala Capital City Authority
KEVEVAPI	Kenya Veterinary Vaccines Production Institute
KNRC	Kampiringisa National Rehabilitation Centre
KOPGT	Kalangala Oil Palm Growers Trust

L

LCA	Leadership Code Act
LCI	Local Council One
LCII	Local Council Two
LCIII	Local Council Three
LCV	Local Council Five
LDC	Law Development Centre
LDUs	Local Defence Units

M

M&E	Monitoring and Evaluation
MBR	Mbarara
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MHM	Menstrual Hygiene Management
mm	Millimetre
MoES	Ministry of Education 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
MoICT	Ministry of Information and Communications Technology and National Guidance

MoJCA	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government
MoLHUD	Ministry of Lands, Housing and Urban Development
MoPS	Ministry of Public Service
MoWE	Ministry of Water and Environment
MRT	Moroto
MSK	Masaka
MTEF	Medium Term Expenditure Framework

N

NAP	National Action Plan
NAPE	National Assessment of Progress in Education
NAPHR	National Action Plan on Human Rights
NBS	Nile Broadcasting Services
NCD	National Council for Disability
NCDC	National Curriculum Development Centre
NECOC	National Emergency Coordination and Operations Centre
NEMA	National Environment Management Authority
NGB	National Gaming Board Uganda
NGOs	Non-Governmental Organisations
NHIS	National Health Insurance Scheme
NHRIs	National Human Rights Institutions
NIRA	National Identification and Registration Authority
NITA (U)	National Information Technology Authority – Uganda
NMS	National Medical Stores
NOP	National Orphans and Other Vulnerable Children Policy
NPA	National Planning Authority
NPHC	National Population and Housing Census
NRA	National Resistance Army
NRM	National Resistance Movement
NSSF	National Social Security Fund
NTV	Nation Television
NUACC	Northern Uganda Anti-Corruption Coalition
NUDIPU	National Union of Disabled Persons of Uganda
NUSAF	Northern Uganda Social Action Fund
NWP	National Water Policy
NWSC	National Water and Sewerage Corporation

O

OC	Officer-in-Charge
ODPP	Office of the Director of Public Prosecutions
OECD	Organisation for Economic Co-operation and Development
OP-CRC-AC	Optional Protocol to the Convention on the Rights of Children in Armed Conflict
OP-CRC-SC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
OPM	Office of the Prime Minister
OPUL	Oil Palm Uganda Limited
OVC	Other Vulnerable Children
OWEC	Operation Wealth Creation

P

PAYE	Pay As You Earn
PEAP	Poverty Eradication Action Plan
PGD	Post Graduate Diploma
PLE	Primary Leaving Examinations
PNFP	Private Not For Profit
POMA	Public Order Management Act
PRDP	Peace, Recovery and Development Plan
PSPS	Public Service Pension Scheme
PTA	Parents and Teachers Association
PWDs	Persons with Disabilities

R

RDCs	Resident District Commissioners
RED	Research, Education and Documentation
RIA	Regulatory Impact Assessment
RIP	Rest In Peace
RRHs	Regional Referral Hospitals

S

SASCU	Save Street Children Uganda
SAUTI	Uganda Child Helpline
SDGs	Sustainable Development Goals
SFG	School Facilities Grant
SGBV	Sexual and Gender Based Violence
SNE	Special Needs Education
SOND	September, October, November and December
SRT	Soroti
STIs	Sexually Transmitted Infections

T

TAMTECO	Toro and Mityana Tea Company
TBAs	Traditional Birth Attendants
TEPD	Teacher Education and Professional Development
TI	Transparency International
TIETD	Teacher/Tutor, Instructor Education and Training Department
TTI	Transfusion Transmissible Infections

U

UAE	United Arab Emirates
UBOS	Uganda Bureau of Statistics
UBTS	Uganda Blood Transfusion Services
UCC	Uganda Communications Commission
UCDA	Uganda Coffee Development Authority
UDHR	Universal Declaration of Human Rights
UDHS	Uganda Demographic and Health Survey
UGSC	Uganda Supreme Court
UGX	Uganda shillings
UHRC	Uganda Human Rights Commission
UK	United Kingdom
ULRC	Uganda Law Reform Commission
UN OHCHR	United Nations Office of the High Commissioner for Human Rights
UN	United Nations
UNAD	Uganda National Association of the Deaf
UNATCOM	Uganda National Commission for UNESCO
UNBS	Uganda National Bureau of Standards
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities
UNDP	United Nations Development Programme
UNEB	Uganda National Examinations Board
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNGP	United Nations Guiding Principles on Business and Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHS	Uganda National Household Survey
UNICEF	United Nations International Children's Emergency Fund
UNMA	Uganda National Meteorological Authority
UNODC	United Nations Office on Drugs and Crime
UNRA	Uganda National Roads Authority
UPC	Uganda People's Congress
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPPC	Uganda Printing and Publishing Corporation
UPR	Universal Periodic Review
URN	Uganda Radio Network
URSB	Uganda Registration Services Bureau
USA	United States of America
USDC	Uganda Society for Disabled Children
USE	Universal Secondary Education
UTFMR	Ugandan Task Force on Monitoring and Reporting
UTGC	Uganda Tea Growers Corporation
UTSEP	Uganda Teacher and School Effectiveness Project
UWA	Uganda Wildlife Authority
UWEP	Uganda Women Entrepreneurship Programme
UWOPA	Uganda Women Parliamentary Association

V

VHC	Vithaldas Haridas & Company

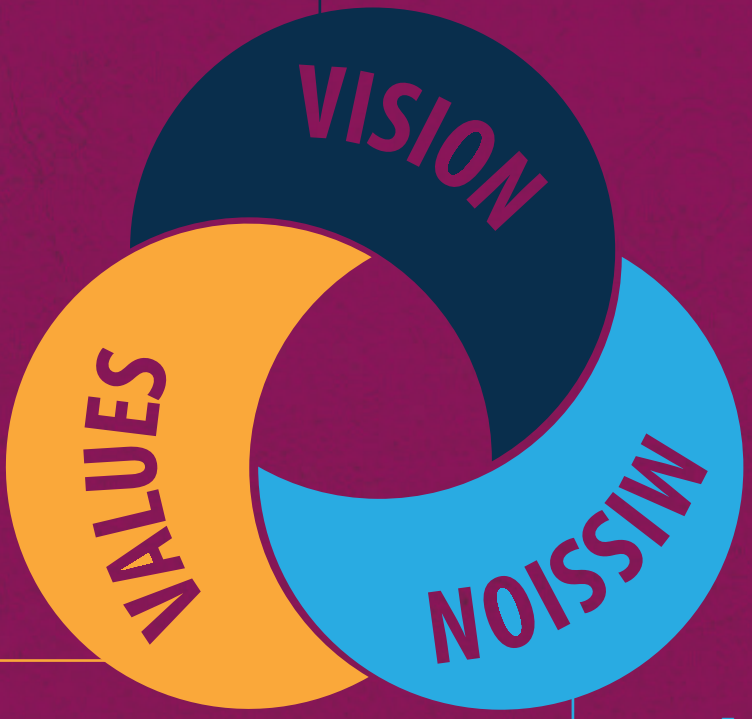
W

WASH	Water Sanitation and Hygiene
WfP	Water for Production
WFP	World Food Programme
WHO	World Health Organisation
WSP	Water Stabilisation Plans

Y

YIG	Youth Interest Group
YLP	Youth Livelihood Programme
YMCA	Young Men's Christian Association

A society that respects human rights and fulfils civic obligations.



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.

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

ABOUT UGANDA HUMAN RIGHTS COMMISSION

Mandate

The functions of the Commission as per Article 52 (1) of the Constitution of the Republic of Uganda, 1995 are 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) requires the Commission to publish periodic 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 Commission an intervention role in situations where a State of Emergency has been declared: "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), the Commission has 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.

The 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;

Payment of compensation; or

b) Any other legal remedy or redress.

Independence of the UHRC

Article 54 states that the Commission 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

Article 55 provides that the Commission shall be self-accounting and all the administrative expenses, 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 the Commission

The Commission appoints officers and other employees in consultation with the Public Service Commission.

Other laws governing the Commission

The laws that regulate and facilitate the performance of the functions of the Commission are the Uganda Human Rights Commission Act, 1997 and Uganda Human Rights Commission Rules of Procedures, 1998.

“Human rights are not a privilege conferred by government. They are every human being’s entitlement by virtue of his/her humanity.”

~ Mother Teresa ~

A TRIBUTE TO

Hon. Med S.K Kaggwa, Chairperson

The late Hon. Med S.K. Kaggwa died suddenly on 20th November 2019 on his way to work. He was aged 64. He was until his death the Chairperson of the Uganda Human Rights Commission, since his appointment in May 2009. His professional career cut across the public and private sectors in Uganda. He joined the Commission from private legal practice where he was a senior partner and advocate with a renowned legal firm in Kampala and doubled as a lecturer at the Law Development Centre in Kampala.

Hon. Kaggwa worked diligently and selflessly for the protection and promotion of human rights both at national and international levels. He is remembered for ably leading the Commission in implementing its constitutional mandate of protecting and promoting human rights in Uganda. The Commission attributes many of its achievements to his able leadership. These include the expansion of the Commission's countrywide presence; the ever-growing programmes of civic education to the citizenry; monitoring and raising with government issues that were not in conformity with human rights standards; as well as religiously submitting annual

reports to Parliament. Other milestones of the Commission under Hon. Kaggwa's tenure include contributions made to strengthen the national human rights legal framework; particularly, the enactment of the Prevention and Prohibition of Torture Act in 2012. As Chairperson of the Commission, Hon. Kaggwa was a member of the Leadership Committees of the Justice, Law and Order Sector.

He is remembered as an ardent human rights advocate who regularly spoke out on behalf of the Commission on human rights observance and the citizens' constitutional duties. He is equally remembered for his exemplary qualities of patience, flexibility, timekeeping, fairness, empathy, diplomacy and attention to etiquette, among others. In his humble, open-minded manner, Hon. Kaggwa engaged across the country with people from all walks of life, including victims of human rights violations and abuses. His commitment and leadership were instrumental in building strong partnerships with various stakeholders through which concrete improvements in the human rights situation were achieved.

Hon. Kaggwa is credited for steering the Commission, which is the National Human Rights Institution (NHRI) in Uganda, to greater heights in the past 10 years in which it maintained its "A-Status" accreditation with the United Nations Global Alliance of National Human Rights Institutions (GANHRI) for the third time running. During his stewardship, the Commission also received an award as the Best NHRI in Africa in Banjul in 2012.



Hon. Kaggwa's contribution to human rights extended beyond Uganda, as he eloquently engaged at the regional and international fora. He had an elaborate career and served in various high-profile capacities, as Chairperson of the Organisation of Islamic Cooperation (OIC)'s Independent Permanent Human Rights Commission; Commissioner at the African Commission for Human and Peoples' Rights where he was also the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa.

Prior to his appointment as Chairperson, Hon Kaggwa had served as a Commissioner of the Uganda Constitutional Commission; and a Delegate to the Constituent Assembly which promulgated the 1995 Constitution of the Republic of Uganda. His stint in politics had seen him represent Kawempe South Constituency asa Member of the Parliament of Uganda; represent Uganda to the East African Legislative Assembly (EALA); and was once a Minister of State in the Office of the President. He will also be remembered for bringing to the Commission his vast managerial experience from the private sector where he previously worked as Bank Secretary in the then Libyan Arab Foreign Bank after rising through the ranks as well as Board Secretary of the Uganda Revenue Authority for five years in the early 90s at its inception. He also held other positions of responsibility in the country which included serving as a member of Makerere University Council; Vice Chairperson of Kyambogo University Council and Member of Senate.

The Commission and indeed the country at large lost an accomplished Human Rights Defender and an experienced leader in Hon. Med Kaggwa. His absence continues to be felt by members, staff and partners of the Commission.

His calmness and wise counsel to all at the Commission will be missed. The staff will particularly miss Hon. Kaggwa as a father and mentor. He inspired many; and we at the Commission pledge to maintain his legacy.

May his soul rest in eternal peace!

By Members and Staff of the Commission

ACKNOWLEDGEMENTS

The Uganda Human Rights Commission (UHRC) has come to an end of a year of execution of its constitutional mandate. The complex mandate that revolves, majorly, around the protection and promotion of human rights, involves many processes including stakeholder and public engagements, research and complaints handling, all in an effort to reach out and protect the rights of, mostly, the vulnerable; those that require protection because of, among others, their age, disability, social, political and economic positioning.

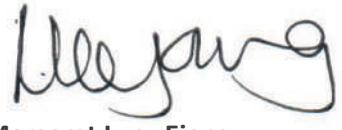
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Margaret Lucy Ejang
Ag. SECRETARY, UGANDA HUMAN RIGHTS COMMISSION

EXECUTIVE SUMMARY

The 22nd Annual Report of the Uganda Human Rights Commission (the Commission) presents the human rights and freedoms situation in the country in 2019. It is based on the Commission's monitoring and documenting throughout the reporting year, complaints of human rights violations and research on thematic human rights areas conducted by the Commission in 2019. In each chapter, the Commission makes recommendations to relevant authorities for the improvement of the human rights situation under review or discussion.

The report comprises 14 chapters, with the first nine covering thematic issues while the next four present highlights of the interventions undertaken by the Commission in 2019, and the last chapter focusing on Uganda's reporting to international and regional treaty bodies. The following thematic issues were covered: access to water in selected districts in Uganda; unemployment, Uganda's labour market and the attendant human rights concerns; the impact of corruption on the right to development in Uganda; and plantation agriculture in Uganda and its human rights concerns. Other areas include:The quality of education in Universal Primary Education (UPE) schools; the human rights concern around child maintenance and parental responsibilities; the plight of children in street situations; defilement and its human rights implications; and the right to inclusive education for children with disabilities.

Chapter Ten addresses the key emerging human rights concerns in 2019; namely, safe houses and the human rights implications; illegal possession and use of firearms by private agencies; acid attacks and the human rights implications; mercy killing of children with disabilities in selected districts in Uganda; scarcity of blood in government hospitals; as well as disasters and their human rights implications.

In Chapter Eleven, the Commission highlights its interventions in complaints management including investigations and tribunals; monitoring and inspections; human rights education; as well as finance and administration. Chapter Twelve is on the position of the Commission on Bills that were before the Parliament of Uganda in 2019, while Chapter Thirteen provides the status of Uganda Government's compliance with the Commission's recommendations. Chapter Fourteen presents Uganda's performance in reporting to international and regional human rights treaty bodies.

In compilation of the report, the Commission made reference to its findings during monitoring and inspections as well as emerging issues during human rights education activities; information provided during interviews, focus group discussions and the Commission's stakeholder engagements; and, where relevant, reference to secondary information was made. Below are the highlights of the 14 chapters.

Chapter 1
Access to water in selected districts in Uganda

The right to water is indispensable for leading a life of dignity and it is a prerequisite for the realisation of other human rights including the right to health, right to education and right to food, among others. The Commission noted that access to safe and clean water in adequate quantities and quality in Uganda remains a major impediment to the country's human development. Limited access to safe water and subsequently inadequate sanitation thus continue to compromise the right to health of a large proportion of the country's population.

Against this background, this chapter focuses on assessing the levels of access to water in selected districts in Uganda, and the resultant access challenges.

Recommendations

1. The Ministry of Water and Environment should apply a Human Rights Based Approach to the provision of water to ensure that water is available, safe, acceptable, accessible and affordable to all;
2. Citizens of Uganda should ensure that they harvest water during rainy seasons and Government should help citizens to adopt and popularize modern technology to facilitate safe water harvesting in Uganda.
3. Government should increase funding to the water sector for establishment, monitoring, repairs and servicing of water sources in order to make water more accessible, safer and adequate for the citizens.
4. National Water and Sewerage Corporation should erect storage tanks at the public water taps to ensure that the public has constant water supply.
5. The Ministry of Energy and Mineral Development, Ministry of Health and Ministry of Water and Environment should all sensitise the mining communities on the dangers of the use of mercury and other substances to the water table, environment and health of both people, and animals that use the water.
6. The Ministry of Water and Environment should sensitise the public on environmental protection and promotion to improve the weather conditions and thus reduce effects of climate change including increased incidences of drought that are affecting the water table in the country.
7. The Ministry of Water and Environment should intensify efforts of establishing reliable water sources to enhance access to water for the increasing population and production.
8. Government should consider mechanisms of pumping water from lakes and rivers to places that face water scarcity.

Chapter Two
Unemployment and Uganda's labour market: Human rights implications

As Uganda's population escalates, unemployment, underemployment and poverty levels continue to rise and have remained at extremely high levels despite considerable efforts to promote sustainable development by governments and international development agencies.

The Commission noted that in recent years, concern increased over the tragic waste of human potential, particularly of the youth, most of whom are either unemployed or underemployed. Concerns have also been raised around Uganda's exportation of labour to other countries, where many young people especially girls and women are alleged to be harassed, sexually abused or subjected to modern-day slavery.

This chapter, therefore, examined Uganda's labour market, the legal and policy framework,remuneration of workers, the available employment, exported labour force, government's intervention and the human rights issues.

Recommendations

1. The Ministry of Gender, Labour and Social Development should put much emphasis on training the youth,on enterprise selection, skills and management before they can access the Youth Livelihood Programme funding.
2. The Ministry of Gender, Labour and Social Development should ensure that much of the funds go to already existing youth groups that have ongoing projects since they already have experience in managing businesses.
3. The Ministry of Education and Sports should strengthen vocation education institutions to absorb more young people so as for them to acquire practical skills.
4. All stakeholders, from parents, teachers and the general community, should sensitise the citizens to have a positive attitude towards work.

5. The Government, through the Ministry of Education and Sports should construct more skilling centres and vocational institutes across the country as a means of enhancing practical skills among the population.
6. The Ministry of Education and Sports should adopt competency-based curriculum at all levels of education to ensure that people acquire key competencies that are required in the job market as opposed to theoretical skills.
7. The Ministry of Gender, Labour and Social Development should sensitize the youth on financial literacy and creating their own jobs.
8. The Government, through the Ministry of Gender, Labour and Social Development, should conduct an employment baseline survey to ascertain the exact number of unemployed youths in the country.
9. The Ministry of Gender, Labour and Social Development should put in place measures to ensure regular monitoring and reporting by countries hosting migrant workers from Uganda to submit quarterly reports on the status of each and every Ugandan worker in their jurisdiction.

Chapter Three
The impact of corruption on the Right to Development in Uganda in 2019

Under the Whistle Blowers Protection Act, 2010, the the Commission is one of the institutions required to receive complaints regarding corruption and abuse of office, other than the IGG's office. The Commission noted that the consequences of corruption are multiple and often have an impact on the realisation,respect and fulfulment of all human rights including civil, political, economic, social and cultural, as well as the right to development.

This chapter examined the impact of corruption in the realisation of the Right to Development(RTD) in Uganda in 2019. It contains highlights of the legal, policy and institutional framework against corruption, the state of corruption in Uganda in 2019, the effects of corruption on the Right to Development, government initiatives/interventions against graft in the country, key challenges encountered in the anti-corruption fight in Uganda, recommendations and conclusion.

There are no quick fixes and short answers for the elimination of corrupt and unethical behaviours in a particular society. Through carefully crafted multi-dimensional and diversified approaches directed towards the broader context of enhancing good governance, rule of law and respect for human rights as well as uplifting the moral ethical values, the fight against corruption can be made possible. The Commission makes the following recommendations to enhance the fight against corruption.

Recommendations

1. The Inspectorate of Government, Ministry of ICT and National Guidance and Ministry of Ethics and Integrity should enhance community awareness on their roles, duties and responsibilities in regard to anti-corruption efforts in Uganda.
2. Every citizen of Uganda should fulfill their constitutional duties/obligations in regard to corruption including desisting from corrupt tendencies, monitoring government projects and demand for accountability as well as promptly reporting all corruption cases for appropriate action.
3. The Ministry of Education and Sports should include at appropriate levels of education tailor-made curricula and courses aimed at inculcating ethical codes, values and morals among the young generation.
4. The Ministry of Public Service should, in addition to other qualifications, look out for and recruit people with integrity in public service and ensure strict enforcement of the code of ethics for public officials.
5. The Parliament of Uganda should fast track the enactment of the witness' protection law to enable adequate protection of witnesses/whistle blowers from threats to themselves or to their immediate members of family.

6. The Government of Uganda should enhance public participation in the fight against corruption through removal of obstacles that impede effective implementation of the Access to Information Act to ensure timely access to information.

7. The Ministry of Finance, Planning and Economic Development should strengthen the anti-corruption institutions such as the Inspectorate of Government, Uganda Police Force and the Anti-Corruption Court by increasing budgetary allocations to them to enhance human resource and logistical strength as well as progammatic interventions.

8. The Ministry of Internal Affairs should enhance the operating environment of Civil Society Organisations (CSOs) in Uganda to bolster their role in the anti-corruption efforts in Uganda.

Chapter Four

Plantation agriculture in Uganda and human rights concerns

Plantation agriculture is one of the modern types of agriculture practiced in Uganda and it involves the growing of crops and the rearing of animals. It can be done on a large or small scale, mainly for subsistence or commercial purposes. *In Uganda, we have major plantation agriculture on Sugarcane, flower, palm oil, tea and coffee farms. Despite the economic usefulness of these ventures, labour rights in most of these plantation agricultural enterprises are at risk and often abused. Most of the abuse relate to child labour, low wages, harassment, long hours of work, risks to chemical pollution and exposure, among others.*

This chapter, therefore, addresses the human rights abuses/ concerns in plantation agriculture monitored by the Commission in 2019 with special focus on flower, sugarcane, tea and oil palm growing. The chapter further looks at the level of enjoyment of human rights of Ugandans and all employees to work in dignified conditions and associated rights, and the challenges faced in realising labour rights in Uganda.

Recommendations

1. Parliament should ensure that the Minimum Wage Bill is passed and operationalized, to protect the rights of workers from exploitation, oppression and under-payment.

2. Ministry of Gender, Labour and Social Development should adequately staff every district with more labour officers to monitor and inspect business operations throughout the country.

3. Ministry of Finance, Planning and Economic Development should adequately fund district labour officers to enable them carry out their work.

Chapter Five

Quality of education in Universal Primary Education schools

Education is both a human right in itself and an indispensable means of realizing other human rights such as the right to participate in the affairs of government. The Government of Uganda recognizes education as a basic human right and continues to strive to provide free primary education to all children in the country. In 1997, Government introduced the Universal Primary Education (UPE) programme to improve enrollment and attainment in primary schools. It was initially realised to provide free education for four children per family, but the programme was later opened out to all children.

The major objectives of UPE were to make basic education accessible to learners, making education equitable in order to eliminate disparities and inequalities, ensuring that education is affordable to the majority of Ugandans and enabling every child to enter and remain in school until he/she completes the primary education cycle.

When UPE was rolled out, schools experienced a massive influx of pupils and the demand for learning materials, teachers and infrastructure became a challenge to the education system. Currently, Universal Primary Education (UPE) has resulted in high enrolment rates in Uganda, but education tends to be of a low quality and few pupils actually complete primary school. Issues

regarding funding and organisation also continue to plague the UPE, coupled with inadequate teacher training and inadequate facilities, which hinder the progress of educational development.

The Chapter, therefore, highlights issues concerning the availability, accessibility and quality of UPE education in Uganda in 2019, the challenges and hindrances of accessing quality education, and gives recommendations on how to address these challenges.

Recommendations

1. The Ministry of Education and Sports should strengthen the current inspection system by increasing the frequency of inspection of schools and institutions (at least two times per school/institution per term) with a special focus on the quality of leadership, management, teaching, the learning process and learner achievement.
2. The Ministry of Education and Sports should strengthen the proposed UPE capitation formula which reveals that, at the current inflation rates, the per unit capitation should be revised upwards from the current UGX 10,000 to UGX 63,546 for urban primary schools and UGX 59,503 for rural/SNE primary schools.
3. Ministry of Education and Sports should strengthen infrastructure by constructing more classrooms, teachers' houses, stances, water sources, libraries and schools per parish, increase on textbooks, desks, chairs, chalk and computers, among others, and revise some of the guidelines on community participation; e.g. the provision of lunch to pupils at schools and parental responsibilities towards their children.
4. The Ministry of Education ans Sports should sensitise teachers on positive non-violent approaches to school discipline.
5. The ministry should address the disparities between UPE education and education obtained under private primary schools by improving the quality of UPE education.
6. Ministry of Finance, Planning and Economic Development should increase funding for UPE in order to improve the quality provided by the same.
7. Government should make use of the pupils' National Identification Numbers (NINs) to track learners throughout the education cycle.

Chapter Six
Child neglect and its implication on the rights of children in Uganda in 2019

All parents are financially and physically responsible for their children. The Commission noted that one of the human rights violations, which have continued to top the Commission's list of human rights violation, is the violation of the right to child maintenance. Over the years, the Commission has noted that many parents, especially fathers, are abrogating their duty and responsibility to care for their children, contrary to Chapter four, Article 34 of the Constitution of Uganda.

The Commission monitored the state of child neglect and parental responsibilities and its implications on the rights of children in selected districts in the country in 2019 in a bid to establish the magnitude of child neglect, its underlying causes, its implications on rights of children and available redress mechanisms for victims. The Commission further sought to establish the perpetrators of child neglect to make informed recommendations to government.

This chapter, therefore, considers the levels of denial of child maintenance, the causes and the effects of its denial as well as the human rights concerns.

Recommendations

1. The MoFPED should provide adequate funding and human resource to the Commission, the Child and Family Protection Unit of the Police, the District Probation and Social Welfare Offices and the Family and Children Court in order to effectively organise, coordinate and implement programmes intended to protect and promote rights and duties of children in line with National Objective V (i) and Article 34(I) of the Constitution.

2. The MoGLSD should strengthen and adequately resource the Probation and Social Welfare Office at the district level so that they can monitor protection of the rights of children.
3. The MoGLSD, MoICT&NG should intensify community sensitisation on responsible parenting and create awareness on available redress mechanisms and referral pathways.
4. The MoLG and MoGLSD should train LCIs on the rights and duties of children and on their role in protecting and promoting children's rights.
5. The Justice for Children programme of JLOS and the UPF should strengthen the enforcement of laws on the protection of children.

Chapter Seven
The plight of children in street situations

The problem of street children has become a critical area of concern to many Ugandans. It is a result of a combination of many factors, which are greatly compounded by poverty. The Commission received concerns of how street children are raped and sodomized, how they are trafficked and murdered, and how many are lured into criminal activity.

This chapter examines the legal and policy framework with regard to children in street situations and gives an analysis of children in street situations in Uganda, pointing out the factors that influence children to live and work on the streets. It also looks at the interventions made by government to curb the flow of children on the streets, the human rights implications to children in street situations and concludes by giving recommendations on how best the rights of children in street situations can be respected, protected and fulfilled.

Recommendations

1. The MoGLSD should conduct a countrywide data collection exercise to determine the total number of children in street situations to guide the planning and design of programmes.
2. The MoGLSD should enact adequate policies and laws and establish institutions to provide for the facilitation and needs of children to divert them off the streets.
3. The MoGLSD should devise appropriate strategies aimed at fostering socio-economic empowerment of families and communities so that they can better support child development.
4. The MoFPED should increase funding to the MoGLSD to ensure timely and adequate response to issues pertaining to children in street situations.

Chapter Eight
Defilement and its human rights implications

Hardly a day passes without a Ugandan newspaper, radio or TV report focusing on a fresh case of defilement, a sex crime against juveniles. Defilement continues to be most reported cases in the criminal justice system and is often attributed to poverty, parental neglect and moral decadence. Because of the high levels of corruption, many cases still remain unreported while others are often dismissed by courts of law due to lack of evidence, leaving survivors without any remedy or recourse.

It is upon this background that the Commission monitored the situation on defilement in the year 2019, placing emphasis on the human rights concerns, access to justice for the survivors of defilement, the challenges faced by the authorities when dispensing justice and the possible solutions to addressing the challenges.

This chapter, therefore, looks at issues around the causes of defilement, its effects, and hindrances in accessing justice in defilement cases in Uganda.

Recommendations

To Government

1. The Ministry of Internal Affairs should set up regional analytical laboratories in referral hospitals across the country to enhance their chemical analytical capacity to facilitate speedy conclusion of police investigations. Having the government analytical laboratory services in a handful of places perpetuates the delay in receiving justice by the victims of defilement.
2. The Ministry of Gender, Labour and Social Development should establish and coordinate social and self-defence skills for girls to protect themselves and be able to report abuses. This will enable them to develop psychosocial competencies needed to protect themselves from abuse.
3. The Ministry of Health and the Ministry of Internal Affairs should prioritise provision of free medical services to all survivors of defilement.
4. The Ministry of Public Service should scale up the staffing capacity of the Judiciary and the Directorate of Public Prosecutions to enable them expedite resolutions of defilement cases.
5. The Ministry of Gender, Labour and Social Development should set up facilities and opportunities to rehabilitate victims of defilement through elaborate psychosocial support mechanisms.

To Judiciary

1. More survivor-friendly court processes and procedures should be rolled out across the country so as to enable victims to testify behind screens or on camera.

To Police

1. Private rooms/offices should be put in place where victims can go to report and tell their ordeals in privacy to enable them open up.
2. Community policing should be scaled up to change the norms, which allow communities, especially poverty-stricken households, to negotiate defilement matters out of court thereby perpetuating the vice.
3. Police's Professional Standards Unit should step up the fight against corruption within the ranks of the force to weed out corrupt elements that collude with offenders to defeat justice for survivors of defilement.

Chapter Nine
The right to inclusive education for children with disabilities in Uganda

The right to education has been recognized as a fundamental human right by the Universal Declaration of Human Rights (UDHR), and has been later codified by a number of legal instruments like Article 30 of the Constitution of the Republic of Uganda in regard to the Right to education of all persons in Uganda and the Convention on the Rights of Persons with Disabilities (CRPD). Inclusive education is key and it is meant to ensure that children with disabilities benefit as much as non-disabled children from education. Instead of focusing on preparing children to fit into existing schools, the new emphasis focuses on preparing schools so that they can deliberately reach out to all children irrespective of their status. This chapter analyses the right to education of persons with disabilities in Uganda, in line with the requirements under the CRPD.

Recommendations

1. Government should speed up the adoption of the Special Needs and Inclusive Education Policy and development of its guidelines for implementation.
2. Ministry of Finance, Planning and Economic Development should increase financing for inclusive education.
3. Inclusive education should be considered as an independent and examinable discipline in the primary teacher education curriculum.

4. *Early Childhood Development* (ECD) teacher training institutions should provide basic Special Needs and Inclusive Education (SNIE) skills to teacher trainees for enhancement of their capacity to teach children with disabilities and other special learning needs. They should also be trained in sign language.
5. The Uganda Law Reform Commission should review the Persons with Disabilities Act, 2019 to criminalize the concealment, abandonment, neglect or segregation of children with disabilities and also provide for the Government to support information, awareness and support activities designed to prevent the concealment, abandonment, neglect or segregation of children with disabilities by their parents.

Chapter Ten
Emerging human rights concerns in 2019

This chapter considers some of the key human rights concerns that occurred during the year 2019, in which the Commission was not able to do a comprehensive study. They are flagged so that the responsible authorities can study them further, take them up and address their human rights implications that the Commission raises here. These include: safe houses and their human rights implications; illegal possession and use of firearms by private agencies; acid attacks and their human rights implications; mercy killing of children with disabilities in selected districts in Uganda; scarcity of blood in government hospitals; and disasters and threats and their human rights implications.

(a) Safe houses and human rights concerns in 2019

A safe house is a secret place for sanctuary or a place suitable to hide persons from the law, hostile actors or actions, or from retribution, threats or perceived danger. This subsection focused on detention of suspects in safe houses, which was not only a great concern to the Commission but also to the general public and Parliament in 2019. The issue of detaining people in safe houses and its negative human rights implications like torture and deprivation of personal liberty was analysed and the following recommendations made:

1. Security agencies should gazette safe houses as specialised places for rehabilitating hard-core criminals.
2. The police and other security agencies should conduct thorough investigations into all the allegations about torture in safe houses in order to establish their authenticity, safeguard the reputation of the institutions in question, and bring the culprits (the torturers or those who make false claims) to book.
3. Security agencies should observe human rights in the course of their work as provided for in the Constitution of Uganda.
4. The Government should ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
5. The Government should expeditiously enact a law on witness protection.

(b) Illegal possession and misuse of firearms and human rights concerns

In Uganda, as in many other parts of the world, the illegal possession and misuse of weapons/firearms presents a serious threat to personal safety, security and development within the country. The Commission was concerned about the rising trend of illegal possession and misuse of firearms in the country which was characterised by rising cases of shootings and murder of people in different public places around the country in 2019. The subsection provides an analysis of the rising human rights concerns caused by illegal possession and misuse of firearms as well as the recommendations for addressing the issue.

1. The Ministry of Internal Affairs should strengthen cross-border cooperation and coordination to ensure adequate border control measures to avoid infiltration of firearms along our very porous borders.
2. The Ministry of Foreign Affairs should consider ratifying and dpmesticating the United Nations Arms Trade Treaty which came into force in December 2014.

3. The Uganda Police Force should continue promoting community policing through police-public forums/baraza aimed at improving police-public trust so as to encourage reporting by community members especially in Karamoja sub-region.
4. The Uganda Police Force should strengthen training standards of private security organisations and ensure closer supervision of all activities of private security organisations.
5. The Ministry of Internal Affairs should regulate the legal firearms within the hands of private owners.
6. Security agencies should tighten the control of and monitoring use of firearms in public such as bars, shopping malls and other public places like markets.
7. The Uganda Police Force should carry out intensive training of security guards before they are given licences to carry guns.
8. The Ministry of Internal Affairs should undertake and ensure regular stockpile management, recordkeeping and marking all the firearms within the country and this should be an ongoing process.

(c) Acid attacks and human rights implications

Acid attacks involve intentional acts of violence in which perpetrators throw, spray or pour acid onto victims' faces or bodies. These attacks are usually brutal and leave victims in excruciating pain with scars, blindness, disfigurement and sometimes death. The Commission analysed the human rights implications of acid attacks, the difficulty of accessing justice for the victims and what has been done to address it. The Commission made the following recommendations to address the issue:

1. The Government, through the Ministry of Health, should extend regional treatment centres in the regional referral hospitals for victims of acid attacks.
2. Ministry of Health and Uganda Police Force should strengthen monitoring systems to track acid-related violence in the country to ease investigations and prosecution.
3. Parliament should spearhead the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
4. Uganda Law Reform Commission should amend the Toxic Chemicals Prohibition and Control Act, 2015 to include stricter measures on the sale, distribution and use of acid.
5. Ministry of Health and Ministry of Gender, Labour and Social Development should undertake gender-based violence and acid attacks awareness raising programmes to make the public aware of the vice and its consequences.
6. Uganda Law Reform Commission should amend the Persons with Disabilities Act 2006 to include acid attack victims among persons with disabilities because a number of them have become disabled as a result of the attacks.

(d) Mercy killing of children with disabilities in Uganda and its human rights implications

Having a child with a disability poses severe challenges to parents, making their lives more difficult, particularly the poor. Parents of children with disabilities are not only subjected to stigma, but also some feel a sense of shame and burden for having children with disabilities. Some often worry about how their children would cope in society as they grow. All this, coupled with the limited physical and psychosocial support, and the high expenses for medical care and support equipment for children with disabilities which many cannot afford, have left many parents helpless; some have resorted to mercy killing of such children. This subsection examines the practice of mercy killing, analysing why the perpetrators do it and the human rights implications. The following recommendations to curb the vice are suggested:

1. The Ministry of Gender, Labour and Social Development should create awareness and sensitise the people across Uganda, especially the traditional societies, about the rights of PWDs and the existing legal protection for them to ensure that the Persons with Disabilities Act is effectively enforced.

2. The Ministry of Finance, Planning and Economic Development should provide funds for medical research to the Ministry of Health to carry out a thorough research on disabilities in children, to inform appropriate interventions.
3. The Ministry of Finance, Planning and Economic Development should establish a Disability Trust Fund to support PWDs, particularly parents of CWDs to enable the children access the expensive healthcare and psycho-social services.
4. Community leaders and members should report to the relevant authorities such as Uganda Police Force, any cases of mercy killing and other atrocities committed on CWDs that occur in their localities.
5. The Uganda Police Force should investigate the mercy killing reports in the television documentary and in the interviews district officials had with the Commission, in order to ensure justice is done and to institute preventive measures.
6. Parents of CWDs should desist from discriminating them and facilitate them to access equal opportunities in all aspects of their lives within the communities.
7. Parents should be supported by families, communities and peers to accept their CWDs as human beings who deserve respect of their dignity so that they can address their unique needs.

(d) Scarcity of blood in government hospitals and human rights implications

Blood and its components are essential for the human body to keep active. Uganda has for the past years been struggling to resolve a countrywide shortage of blood in both government-owned and private hospitals that resulted into the cancellation of operations and loss of lives especially for anaemic children, injured casualties, pregnant mothers and all patients in need of safe blood. The director of Uganda Blood Transfusion Services admitted that they had been unable to supply blood to health facilities across the country. In view of this, the Commission assessed the extent to which different hospitals were affected; and the implications for human rights in realisation and fulfilment to the right to health. The recommendations below were made.

1. The Ministry of Finance, Planning and Economic Development should increase funding to the UBTS to address the challenges raised and eliminate scarcity of blood since the cost of delivering one unit of blood is very high.
2. UBTS should continue strengthening partnerships with government agencies, corporate bodies, cultural and religious institutions with a view of increasing the pool of donors to raise the units of blood collected.
3. The Ministry of Health should decentralise blood collection centres to all regional referral and district hospitals so as to improve on availability of blood.
4. The Ministry of Health should increase human resources at the Health Centre IVs and adequately equip them all so that they are in position to carry out blood transfusion processes.
5. The Ministry of Health should approve Health Centre IIIs to transfuse blood since they have maternity wards in which safe blood is critical for child bearing women.
6. The Ministry of Health should always carry out monitoring visists to all health facilities in order to monitor the situation on the ground on issues related to sale of blood and proper records of hospitals filing returns for blood supplied.

(e) Human rights concerns arising from natural disasters that occurred in 2019

In 2019, natural disasters such as floods and landslides affected areas of Sironko, Nwoya, Pakwach, Bundibugyo, Kampala, Bukedi sub-region and Bududa district. Others were catastrophic threats like the locust invasion and the 2019 novel coronavirus disease (COVID-19) that emerged at the close of 2019. The Commission monitored their impact in 2019 including loss of lives, destruction of property, deprivation of the right to education; government's preparedness and response to the disasters; and made the following recommendations:

1. As previously recommended in the 13th, 15th, 16th and 21st Annual Reports,

Parliament should enact an enabling law establishing a Disaster Management Commission to effectively prepare and respond to natural disasters within the country.

2. The OPM should expedite the process of resettling all other people that are prone to being affected by landslides.

3. The OPM should regularly report to Parliament on the resettlement programme.

4. The Government should put in place strategies to prevent the escalation of the outbreak of the novel coronavirus disease and the locust invasion.

5. The Ministry of Water and Environment should support District Local Governments to enact and enforce ordinances and bye-laws regulating commercial charcoal burning and providing for mandatory tree planting in order to reduce the effects of environmental degradation on climate change.

Chapter Eleven: Highlights of the Commission's interventions in 2019

The chapter presents highlights of the Commission's activities in implementing the functions of its constitutional mandate. It covers complaints management, inspections of places of detention, civic/human rights education, and finance and administration. The Commission's challenges in implementing these interventions are also highlighted as well as recommendations for addressing them.

(a) Complaints management in 2019

Under complaints management, the complaints received by the Commission, registered, investigated and referred to other institutions for further management are highlighted as well as those resolved through mediation and the Commission Tribunal.

The highest number of complaints received were regarding violation of the freedom from torture at 299 (35%) followed by deprivation of personal liberty through detention beyond 48 hours at 222 (26%). Complaints alleging denial of child maintenance came third at 171 (20%). The Uganda Police Force (UPF) topped the list of respondents with 307 complaints which reduced by 34% from the 466 registered in 2018. Private individuals followed with a total of 255 complaints against them; then the Uganda People's Defence Forces (UPDF) with 85 complaints, up by 28% from the 66 complaints against them in 2018. The Uganda Prisons Service (UPS) had 30 complaints against them while Local Governments had 23.

The subsection presents the challenges encountered by the Commission in complaints resolution and the recommendations made to address them.

1. Government, through the Ministry of Justice and Constitutional Affairs, should streamline the process of decentralisation of payment of Tribunal awards by the Ministries, departments and Agencies(MDAs). The ministry should act as a focal point to coordinate the process and follow up with the concerned MDAs to ensure that the payments are made to the victims of human rights violations.

(b) Conditions in places of detention

The Commission's findings and recommendations regarding conditions in places of detention as established during monitoring and inspections in 2019 are presented. A total of 907 inspection visits were made to places of detention in 2019; of which 428 were to police stations, 323 to police posts, 114 to government prisons, 05 to remand homes and 07 to military detention facilities. These were both initial and follow-up inspection visits.

The Commission noted positive developments in conditions in places of detention like access to medication, clothing, food, information and others. However, several human rights concerns were also noted, including detention of civil debtors, inmates pending ministerial orders, and arbitrary detention to which the high prison population was attributed. The Commission made some recommendations as follows to address the concerns:

1. Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them build better structures so as to have facilities suitable for human habitation and stop overcrowding.
2. Ministry of Internal Affairs and 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.
3. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
4. Ministry of Finance, Planning and Economic Development should adequately fund the Uganda Police Force to enable it facilitate all its Stations and Posts with the necessary stationery, equipment and transportation to enable officers do their policing work.
5. The Minister of Justice and Constitutional Affairs should address the plight of inmates pending ministerial orders.

(c) The civic/human rights education programmes in 2019

The Commission implemented human rights and civic education interventions in response to both previously identified challenges to the promotion and protection of human rights and constitutionalism as well as the emerging issues. Special focus was on child, early and forced marriages (CEFM), the re-emergence of female genital mutilation (FGM) in Sebei sub-region, torture as well as the rights of vulnerable persons.

Key stakeholders from the security agencies (Uganda Police Force and the UPDF), staff from JLOS institutions, media owners and practitioners, cultural leaders, political parties and members of the general public were engaged through, baraza meetings, workshops, dialogues on radio and TV, road shows and radio spot messages, among others. In view of the observations and emerging issues from implementing civic/human rights interventions, the Commission made recommendations as follows:

1. Government and other partners should continue supporting the Commission with more funding so as to increase the Commission's civic and human rights education programmes, establish more offices in the countryside and procure motor vehicles appropriate for the conditions in which the Commission works.
2. The Ministry of Gender, Labour and Social Development should support districts to enact and enforce ordinances and bye-laws that promote the right to education and protection of children and women from child, early and forced marriages and other vices like FGM.
3. The Ministry of Local Government should strengthen the functionality of District Human Rights Desks/Committees through continuous capacity building in human rights.
4. The Ministry of Health should scrap charges on medical forms for victims of SGBV so as to assist the vulnerable victims of negative cultural practices including child, early and forced marriages and FGM to easily access justice.
5. The Ministry of Health should prioritise capacity building and retooling of TBAs in the Sebei sub-region to curb FGM during childbirth.
6. The Ministry of Tourism, Wildlife and Antiquities should fast track the establishment of the Wildlife Compensation Certification Committee under the Uganda Wildlife Act, 2019. This will enable effective assessment of any injuries, killing or destruction on humans and their source of livelihood caused by wildlife and facilitate compensation of victims.
7. Parliament of Uganda should fast-track the enactment of the Alcoholic Drinks Control Bill, 2016 into law so as to regulate the production, marketing and sale of alcohol which has a great bearing on exacerbating SGBV and violations of human rights.

8. The Ministry of Lands, Housing and Urban Development should urgently resolve the border conflict between the districts of Napak and Abim so as to determine who should provide services to the people in Kobulin since they are currently missing out on basic services to which they are entitled as citizens.
9. The Ministry of Works and Transport should upgrade all roads in rural areas to motorable standards to improve access to rural areas.
10. The Ministry of Local Government should ensure that District Local Governments do regular maintenance of feeder roads to improve mobility in remote and hard-to-reach areas of the country.
11. The Ministry of East African Community Affairs should fast-track the enactment of the East African Community Prohibition of Female Genital Mutilation Bill, 2016 so as to address the challenge of Ugandans who cross to Kenya and use it as safe haven for FGM perpetrators.
12. The Ministry of Justice and Constitutional Affairs should fast-track the approval of the National Civic Education Policy by Cabinet.

(d) Finance and administration in the financial year 2018/2019

The finance and administration function of the Commission is critical for supporting the implementation and achievement of the strategic objectives since it entails planning, budgeting, financing of activities as well as management of human resources, logistics, procurements and disposals, IT systems and public relations.

In the period under review, the Commission was funded by the Government of Uganda and development partners. All the available resources were maintained at levels necessary to accomplish the planned activities of complaints management, civic education, monitoring and inspections of places of detention and other facilities of human rights interest, administrative tasks as well as supporting international engagements. The Commission made the following recommendations for addressing the challenges noted in executing the finance and administration role:

1. The Ministry of Finance, Planning and Economic Development should make deliberate efforts to improve the Medium-Term Expenditure Framework (MTEF) ceiling for the commission .
2. The appointing authority – the President of the Republic of Uganda – should expedite the appointment of the Chairperson of the Commission and other members to replace the former members in order to have the commission fully constituted.

Chapter Twelve: The Commission's position on selected bills before Parliament

The Commission reviewed eight bills before the Parliament of Uganda in fulfillment of its constitutional mandate under Articles 48, 49, 51 and 52 of the Constitution of Uganda. The Constitution vested in the Commission the responsibility of scrutinising, reviewing and analysing bills before Parliament, to ensure that they are in line with human rights standards. The bills reviewed include: the Electoral Commission (Amendment) Bill, 2019; the National Coffee Bill, 2018; the National Health Insurance Scheme (Amendment) Bill, 2019; the Parliamentary Elections (Amendment) Bill, 2019; the Political Parties and Organisations Bill, 2019; the Presidential Elections Bill, 2019; the Succession (Amendment) Bill, 2018; and the NSSF (Amendment) Bill, 2019. The Commission's recommendations to Parliament on the bills are highlighted below:

(a) The Electoral Commission (Amendment) Bill, 2019

The Commission expressed concerns over the independence of the Electoral Commission (EC) that had not been included in the bill especially with the general public concern in its conduct and outcome of elections. Currently, the EC Chairperson, Deputy Chairperson and Members are all appointed by the President and this has created a perception among the electorate that the body's autonomy and impartiality are questionable.

Recommendations

1. The process of appointment of the Chairperson, Deputy Chairperson and Members of the EC should be made more transparent through a public vetting process managed by the Judicial Service Commission.
2. EC appointments should be made upon a recommendation of representatives from civil society organisations, the Elders Forum and the political parties, and should involve open application, public hearings and vetting by Parliament. This would restore confidence of Ugandans in the EC as impartial and with potential to conduct credible elections.
3. The tenure of office of the members of the EC should be strictly seven years and non-renewable.

(b) The National Coffee Bill, 2018

The Commission welcomed the bill for giving powers to UCDA to regulate the coffee sector for production of quality coffee. However, it noted that some provisions posed a threat to the enjoyment of rights regarding the definition of a coffee farmer, issues around child labour, compulsory registration and de-registration of a coffee farmer, access to justice, food insecurity, low wages, offences and penalties on handling coffee and promotion of recommended types and varieties of coffee.

Recommendations

1. The bill should focus on inclusion of all farmers whether they are in commercial farming or other purposes so as to include even the small-scale farmers. The bill should include provisions to strongly prohibit the use of children below the age of 18 in any labour in the coffee industry that denies them the right to education or that which affects their health and well-being.
2. The bill should set a standard on the size of land where coffee may be grown taking into consideration the small-scale farmers and poor people who depend on coffee farming as their sole economic activity. The registration exercise should be left open-ended so that even farmers who want to engage in coffee farming in the future can do so given the fact that farmers regularly shift from one crop farming to another depending on what is giving them profit in the market.
3. The bill should provide mechanisms to support farmers who fail to meet the minimum requirements for registration and alternatives should be provided for farmers who are de-registered, such as re-registration.
4. Redress mechanisms should be made feasible and easily accessible to farmers especially those in the rural areas. Such powers should be extended to coffee extension officers based at regional offices to bring services closer to the rural farmers.
5. The bill should strike a balance between growing coffee for commercial purposes as well as ensuring that food crops are not ignored in the process as this will cause food insecurity. Farmers should also be encouraged to grow both food and cash crops alongside the coffee. Coffee growers and labourers should receive fair wages for their work and it is the duty of the authority to see that such human rights violations like discrimination, unfair wages, long hours of work and hard labour do not exist in the coffee industry. Heavy penalties should be set for the farmers found to be in violation of these human rights, among others.
6. Instead of imposing penalties on coffee farmers, the bill should focus more on sensitizing farmers and guiding them on the proper procedures for growing, harvesting and storing coffee to ensure production of quality coffee. Farmers should also be made aware of the important role that coffee plays in the development of the country and their own economic empowerment so that they understand the benefits of proper handling of the coffee.
7. A provision should be added to the safe methods for controlling pests and diseases

that affect coffee. Coffee inspectors should also educate farmers on the safe methods and any farmer found to be using hazardous chemicals should be arrested and penalties imposed as well as their licenses revoked.

(c) The National Health Insurance Scheme Bill, 2019

The Commission commended the bill as a positive step towards the realisation of the right to health and access to quality healthcare services as a means of strengthening social protection and the right to life. It would contribute in ensuring that the poor and vulnerable persons are able to access quality healthcare. However, it was noted that the bill is silent on the contributions of low-income earners, such as domestic workers and commission earners who are 18 years and above and earning income.

Recommendations

1. The drafted bill should limit the term salary earners and wages for workers earning money after the given work. The issue of domestic workers and commission earners contributing to the fund should also be clarified to ensure that all workers who can afford do contribute to the fund.
2. The term "child" should be replaced with the term "offspring" or "dependant".
3. The scheme should be inclusive to cover all groups of people without any discrimination.
4. The information in the Certificate of Financial Implications concerning the contributions should be clearly stipulated under the bill, so that the contributors are aware of what they are required to remit towards the scheme.
5. Penalties for default or delayed payment by any contributor should be harmonized in order to avoid inconsistencies in the law.
6. The scheme should use technology or an electronic identity system such as a fingerprint database of all contributors, such that even in the absence of a card, patients can still access health services.
7. Government should make a contribution for the vulnerable, poor and indigent persons to cater for individuals that are unable to contribute to the scheme.
8. The Ministry of Health should carry out mass sensitisation on the importance of health insurance and the provisions of NHIS Bill to the public so that the public is equipped with the necessary information before the rolling out of the health insurance scheme.
9. The benefit packages should be comprehensive to cover and include curative, preventative and palliative care, and rehabilitative services such as those required by mental health patients and those suffering from chronic illnesses.

(d) The Parliamentary Elections (Amendment) Bill, 2019

The object of the bill is to amend the Parliamentary Elections Act, 2005 to provide for the participation of independent candidates in elections, provide for restrictions on candidates' source of funding to finance elections, require the EC to designate restricted areas and to provide for special procedure for voting in restricted areas.

Recommendations

1. A time frame should be given to the political parties to work on the cessation of membership to allow those who wish to participate in the electoral process as independents.
2. Parliament should respond with urgency to the matter of Ugandans in diaspora taking part in the election process and further provide to them the means to participate in the voting process at their respective destinations' embassies.
3. An election tribunal should be set up to specifically handle election-related matters that are causing case backlog in the courts of law.

(e) The Political Parties and Organisations (Amendment) Bill, 2019

The main objective of the bill is to amend the Political Parties and Organisations Act, 2005 to remove the powers given to the Minister to prescribe a code of conduct for political parties and organisations and to prescribe a code of conduct for political parties and organisations as required by article 71(2) of the Constitution. Whereas the bill contains a code of conduct and important provisions that promote democratic governance and the rule of law, the Commission notes that there are important provisions that have not been included but which are crucial for ensuring that the bill is human rights compliant.

Recommendations

1. The Ministry of Justice and Constitutional Affairs, the Electoral Commission and Parliament should ensure that proposals for electoral reforms from all stakeholders are considered and implemented early enough so that they are not left to last-minute discussions which could adversely affect the smooth management of all electoral processes.
2. The UPF, UPDF, vigilante groups and crime preventers should not be involved in partisan politics. The Ministry of Internal Affairs and the Ministry of Security should also take measures to ensure that there are no vigilante groups involved in security matters during the election period.
3. Parliament and the Ministry of Finance, Planning and Economic Development should consciously support multiparty democracy so that it is nurtured and becomes a culture in Uganda; for instance, through increasing funding for civic education to enable people fully appreciate the requirements of a multi-party dispensation, in order to forestall the impact of so many independent candidates.
4. Political parties should enforce strict disciplinary measures in their institutions to deter their members from inciting and causing violence during the election period.

(f) The Succession (Amendment) Bill, 2018

The main objective of the bill is to amend the Succession Act Cap 162 to conform with the Constitution and international and regional human rights standards; to repeal sections declared unconstitutional by the Constitutional Court; to streamline the definition of a child; to redefine a customary heir; to clearly provide for protection of principal residential property for the surviving and lineal dependants and to revise the percentages of distribution of the estate of an intestate. The Commissions welcomes amendment but notes that other laws such as the Administrator General's Act, the Estates of Missing Persons (Management) Act, the Administration of Estates (Small Estates) (Special Provisions) Act, the Local Council Courts Act, the Probates (Resealing) Act, the Trustees Incorporation Act, the Public Trustee Act and the Administration of Estates by Consular Officers Act still have provisions that contravene the Constitution and human rights standards on equality and non-discrimination.

Recommendation

The above-stated laws should be equally amended to bring them into conformity with the Constitution and international and regional human rights standards.

(g) The National Social Security Fund (Amendment) Bill, 2019

The objective of the bill is to expand social security coverage by contributing to the National Social Security Fund (NSSF) mandatory for all workers in the formal sector and also allowing workers in the formal and informal sectors to make voluntary contributions to NSSF. The bill also seeks to enhance the spectrum of benefits available to workers and to improve management of the NSSF. The Commission welcomes the bill, which will bring Uganda in line with its international, regional and national obligations pertaining to the right to social security. However, the bill has human rights concerns that should be addressed.

Recommendations

1. The proposal to expand lending to government should not be without conditions to shield the Fund from the risk of government interference in the investment decisions of the Fund.
2. The appointment to managerial positions should be gender-sensitive and also take into account the qualification for one to be either managing director or deputy managing director.
3. There is need to provide clarity in the bill to ensure that the members' opening balance is protected from the effects of inflation at the time of accessing the benefits.
4. NSSF should ring-fence each member's opening balance to ensure that it does not suffer tax again at the point of payments of benefits to the member.
5. The meaning of "midterm access'' should be clearly spelled out for clarity purposes.

Chapter Thirteen: Government's compliance with the Commission's Annual Report recommendations

This chapter highlights the level of compliance of the Government of Uganda with the recommendations that the Commission has been making over the years to various MDAs, aimed at improving the human rights situation in the country. In the last 21st Annual Report presented to Parliament, the Commission made a total of 69 recommendations to 18 MDAs and only 19% (13) of these have been complied with so far, leaving 81% (56) with no response or non-compliance.

Chapter Fourteen: Status of Uganda's reporting to international and regional human rights mechanisms

Uganda has signed and ratified core international and several regional human rights instruments by which the State undertook to promote, protect, respect and fulfill the obligations therein including submitting initial and periodic reports on the measures undertaken to implement the rights. In line with Article 52 (1) (h) of the Constitution, this chapter highlights the status of Uganda's reporting to treaty bodies at the international and regional levels focusing on reporting activities done in 2019. It presents progress on implementation of the recommendations from the treaty bodies in line with the 2030 Agenda for Sustainable Development, the challenges of treaty body reporting and makes recommendations on how to improve on the reporting mechanism. The mechanisms in focus are: The Universal Periodic Review (UPR), the Committee on the Convention on the Rights of Persons with Disabilities and the status of the National Action Plan (NAP) on human rights.

Recommendations

1. There is need for implementing agencies to utilise the database on recommendations that was developed.
2. The Ministry of Finance, Planning and Economic Development should increase budget allocations for MDAs to effectively implement the treaty body reporting obligations.

Chapter 1

Access to water in Uganda



1.0 INTRODUCTION

Millions of people around the world lack safe drinking water or live without access to adequate sanitation systems necessary to reduce exposure to water-related diseases. An estimated 14,000 to 30,000 people, mostly young children and older persons, die every day globally from water-related diseases.[1]

Vulnerable groups particularly face challenges in accessing and using water facilities. These include children, persons with disabilities (PWDs), the frail, older persons, pregnant women, parents with young children, and people with injuries or the sick. At any given moment, approximately one-half of the people in the developing world suffer from diseases caused by drinking contaminated water or eating contaminated food.

1 https://www.unwater.org/water-facts/scarcity

The right to water is indispensable for leading a life of dignity and it is a prerequisite for the realisation of other human rights including health, education and food, among others.

An adequate amount of safe water is necessary to prevent death from dehydration; reduce the risk of water-related diseases; and provide for consumption, cooking, personal and domestic hygienic requirements.[2] Owing to its importance to life, water was incorporated as Number 6, of the Sustainable Development Goals(SDGs) which aims at ensuring availability and sustainable management of water and sanitation for all by 2030. Safe and affordable drinking water for all by 2030 requires significant investment in adequate infrastructure, provision of sanitation facilities and promotion of hygiene.

Uganda's Vision 2040 also aims at having 100 per cent of the population with access to safe, piped water. The Health sector's target on access to improved water sources is 66 per cent of the population in rural areas being within 1km and 69 per cent of the population in urban areas within 0.2km of an improved water source.

Improved water sources include the following; piped water into dwellings, public tap, borehole, protected wells or springs, rainwater and bottled water, while unimproved sources include unprotected well or spring, tanker truck or vendor, surface water and other sources. Use of unimproved water sources increases the prevalence of waterborne diseases and the burden of service delivery through increased demand for health care.

In 2019, the Commission focused on access to water in Uganda, monitoring how people accessed safe and clean water, especially the marginalised or vulnerable persons and those in rural areas. The Commission interviewed key informants and marginalised persons including older persons, children, women, PWDs and refugees, among others.

1.1 LEGAL FRAMEWORK ON THE RIGHT TO WATER

1.1.1 International legal framework

Access to water is a fundamental human right implicitly and explicitly supported by international law, declarations and State practice. It is also a precondition to other rights such as the right to life and health enshrined in t*he main international instruments on the protection of fundamental human rights. The right to water is mentioned as a component that, together with other elements, characterises rights such as the right of women living in rural areas to "enjoy adequate living conditions" and the rights of children and PWDs to social protection.*

The Covenant on Economic, Social and Cultural Rights 1966 (ESCR) specifies a number of rights emanating from and indispensable for the realisation of the right to an adequate standard of living "including adequate food, clothing and housing". *General Comment 15 of the Committee on Economic, Social and Cultural Rights defines the right to water as emanating from and indispensable for the realisation of the right to an adequate standard of living. According to the Committee, "the use of the word 'including' indicates that this catalogue of rights was not intended to be exhaustive. The right to water, therefore, falls within the category of guarantees that are essential for securing an adequate standard of living.[3] The Committee also stated that the right to water "entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements".*

The Convention on the Elimination of All Forms of Discrimination against Women 1981 (CEDAW) stipulates that states parties shall ensure to women the right to "enjoy adequate living conditions, particularly in relation to water supply".[4] The Convention on the Rights of the Child (CRC) 1989 requires states parties to

2 Economic, Social and Cultural Rights General Comment 15, 2002 on the Right to Water.
3 Article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights.
4 Article 14, paragraph 2, of CEDAW.

combat disease and malnutrition "through the provision of adequate nutritious foods and clean drinking water",[5] while the Convention on the Rights of Persons with Disabilities 2008 (CRPD) stipulates that states parties shall ensure equal access by PWDs to clean water services and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs.[6] The common feature of the three treaties is that they oblige states parties to guarantee access to water to specific categories of people, including children under the age of eighteen; PWDs and women living in rural areas. In the same breath, Sustainable Development Goal (SDG) No.6 requires states to ensure availability and sustainable management of water and sanitation for all.[7]

1.1.2 Regional legal framework

The African Charter on the Rights and Welfare of the Child stipulates that every child shall have the right to enjoy the best attainable standard of physical, mental and spiritual health and that State parties shall take necessary measures to ensure the provision of adequate nutrition and safe drinking water.[8] The African Charter on Human, Peoples' Rights, and the Maputo Protocol also provide for access to water for all.

1.1.3 National legal and policy framework

The National Objectives and Directive Principles of State Policy and Articles 39 and 245 of the Constitution provide for the right to a clean and a healty environment that has a big connection to water. Objective XIV provides that the State shall in particular ensure that all Ugandans enjoy access to clean and safe water[9]. In addition, Objective XXI provides for clean and safe water and that the State shall take all practical measures to promote a good water management system at all levels[10].

The Water Act[11] provides for the use, protection and management of water resources and supply; the composition of water and sewerage authorities; and facilitates the devolution of water supply and sewerage undertakings. The objectives of the Act are to promote the rational management and use of the waters of Uganda, to promote the provision of a clean, safe and sufficient supply of water for domestic purposes to all persons, among others. It also prohibits pollution of water by creating an offense for any person who attempts or pollutes a water source.[12]

The National Water Policy (NWP), 1999 provides the overall policy framework for the water subsector, and emphasises the importance of inclusion. It states that involvement of all categories of people (including women, youth, older persons and PWDs) in design, construction, operation and maintenance of improved water supply and sanitation facilities should be supported through training. The policy also provides for participation of women by specifying that women and men should have equal opportunity to participate fully in all aspects of community-based management.

1.2 UNDERSTANDING THE RIGHT TO WATER

The right to water entitles everyone to affordable, physically accessible, sufficient, safe and acceptable water for personal and domestic uses. General Comment 15 interprets these elements as indicated below.

1.2.1 Affordable

Water and sanitation facilities and services must be available and affordable for everyone, even the poorest. The costs for water and sanitation services should not exceed 5% of a household's income; meaning that services must not affect people's capacity to acquire other essential goods and services, including food, housing, health services and education.

5 Article 24, paragraph 2, of the United Nations Convention on the Rights of the Child.
6 Article 28 of the CRPD.
7 2015 United Nations Sustainable Development Goals.
8 Article 14(1) and 2(c) of the African Charter on the Rights and Welfare of the Child.
9 As above
10 The Constitution of Uganda, 1995
11 CAP 152
12 Section 31(1) of the Water Act, 1997

1.2.2 Physically accessible

Everyone has the right to water and sanitation services that are physically accessible within, or in the immediate vicinity of, their household, workplace and educational or health institutions. Relatively small adjustments to water and sanitation services can ensure that the needs of the PWDs, elderly, women and children are not overlooked, thus improving the dignity, health and overall quality for all.

According to Uganda Water and Environment Sector Performance Report 2017, the water source has to be within 1,000 metres of the home and collection time should not exceed 30 minutes. A 2017 performance report by WHO stated that in Uganda, 70% of the people were within 1,000 meters (rural) and 71% within 200 meters (urban) were accessing improved water source in 2017.[13]

1.2.3 Sufficient water supplies

The water supply and sanitation facility for each person must be continuous and sufficient for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene. According to WHO, between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.

1.2.4 Safety of the water

The water required for personal or domestic use must be safe; therefore, free from micro-organisms, chemical substances and radiological hazards that constitute a threat to health and life. Measures of drinking-water safety are usually defined by national and/or local standards. WHO's Guidelines for Drinking-water Quality provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking water. Everyone is entitled to safe and adequate sanitation. Facilities must be situated where physical security can be safeguarded. Ensuring safe sanitation also requires substantial hygiene education and promotion. This means toilets must be available for use at all times of the day or night and must be hygienic; wastewater and excreta safely disposed of and toilets firmly constructed to prevent collapse. Sanitation Services must ensure privacy and water points should be well positioned to enable use for personal hygiene, including menstrual hygiene.

1.2.5 Acceptability

Water should be of acceptable, safety,quality, colour, odour and taste for personal or domestic use. All water and sanitation facilities and services must be culturally appropriate and sensitive to gender and privacy requirements.

1.3 WATER SOURCES IN UGANDA

Uganda has abundant freshwater resources water including lakes, rivers, wetlands and widespread groundwater which all provide sources of freshwater and numerous opportunities to foster socio-economic transformation.[14]

1.3.1 Lakes and rivers

Freshwater resources cover over a third of Uganda's surface area, with large active storage capacity flowing into lakes such as Victoria, Albert, Kyoga, George and Edward. Uganda also has a vast network of rivers that connect to these various lakes; Lake Victoria is the source of River Nile, the longest river in Africa, whose flow exceeds 25 cubic kilometres per year. The Nile is an important water resource for 12 beneficiary Nile Basin countries.

Uganda also has renewable groundwater resources estimated at 29km^3 per year. The total renewable water resources amount to 43.3 billion cubic metres per year, of which only 13.6 billion cubic metres per year is the internal renewable water resources.[15]

13 GoU. (2019). *Water and Environment Sector Performance Report 2017.*
14 Uganda Vision 2040.
15 Uganda Vision 2040.



Women and girls lining up to get water at a borehole

FIGURE 1:

Map of Uganda showing major lakes and rivers

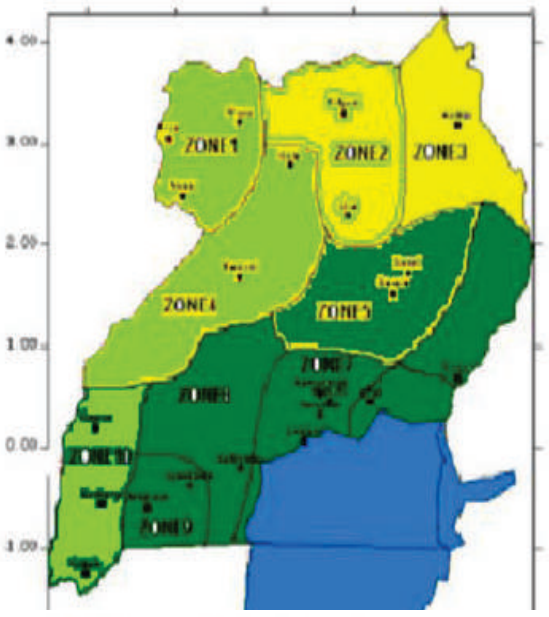


1.3.2 Rainwater

Uganda receives a significant amount of rainfall, with the highest at 2,500mm (Lake Victoria basin), an average of about 1,200mm and lowest of about 500mm (North East Uganda) per annum. The rainfall is a major source of freshwater for many Ugandans who use it for agriculture and domestic use in most communities through water harvesting. Rainwater harvesting is an increasingly important water source for communities. There is no shortage of rain in Uganda, particularly during the two rainy seasons that much of the country enjoys. In 2019, the Uganda National Meteorological Authority (UNMA), which falls under the Ministry of Water and Environment, predicted that there would be likelihood of normal rainfall tending to below normal rainfall over the northwestern, parts of western and southwestern Uganda, while parts of Lake Victoria and eastern region were likely to experience above-normal rainfall. The rest of the country was expected to experience near-normal dry conditions punctuated with occasional light rains as shown by the map below:

FIGURE 2:

Jinja 2019 climate outlook[16]

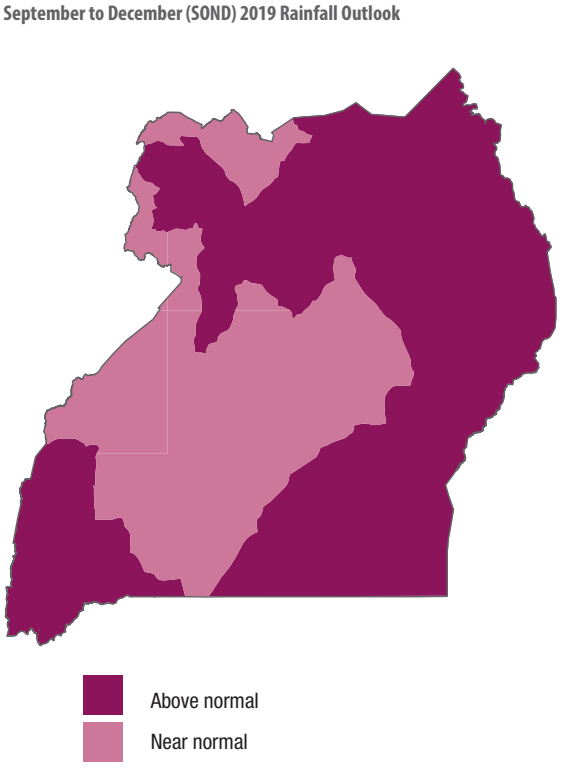


The probability of rainfall occurring in each category

45%	High chances for above normal rainfall
35%	High chances for near normal rainfall with slight tendence to above normal
20%	High chances for near normal rainfall with slight tendence to below normal

FIGURE 3:

Spatial map showing seasonal rainfall outlook for 2019 over Uganda[17]



16 Uganda National Meteorological Authority report
17 Uganda National Meteorological Authority report on September to December 2019 seasonal rainfall outlook over Uganda

1.3.3 Wetlands

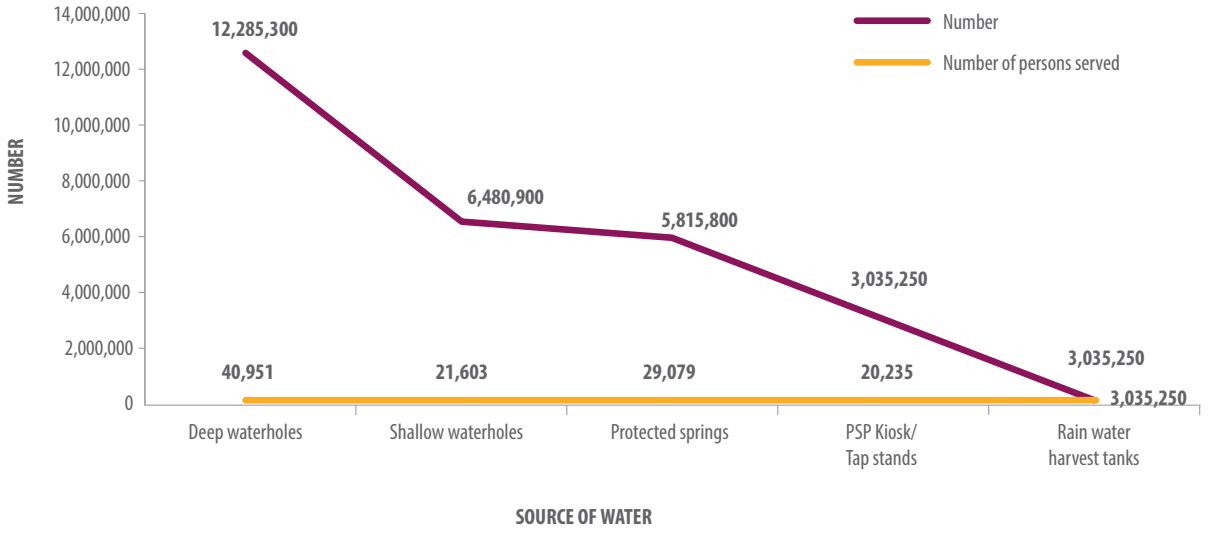
There are two broad distributions of wetland ecosystems in Uganda; namely, the natural lakes and lacustrine swamps found around major lakes and the river line and flood plain wetlands which are associated with the major river systems in Uganda. Wetlands perform a number of functions, such as mitigating the effects of floods and droughts, providing fish resources and supporting cropping and grazing along their margins. In Uganda, wetlands are a source of livelihood to the majority of Ugandans and hence directly contribute to the National Development Plans, Vision 2040 and attainment of the Sustainable Development Goals. However, wetlands are under a lot of pressure from conversion for industrial development, settlements, agriculture and sand and clay mining. Most of these degrading activities are perceived to be of greater importance than wetland conservation itself. According to the Ministry of Water and Environment, in 1994, wetland coverage on the surface area of Uganda was 15.6%, compared to 8.9% in 2019. However, some 734 hectares of wetlands were restored in the financial year 2018/2019.

1.3.4 Underground water through wells, springs and boreholes

Groundwater is the major source of water supply in the rural, semi-arid and arid areas of Uganda. Groundwater development has been going on since the 1930s through construction of deep boreholes, shallow wells and protected springs. As of June 2019, there were approximately 40,951 deep boreholes, 21,603 shallow wells and 29, 079 protected springs in the country constructed mainly for rural domestic water supply.[18] It is a fact that the primary source of freshwater for drinking and irrigation in the world is groundwater. Groundwater supplies 75% of all safe sources of drinking water in Africa.[19] In Uganda, 61% of the country's water is from groundwater sources, accessed through springs, wells and boreholes.

FIGURE 4:

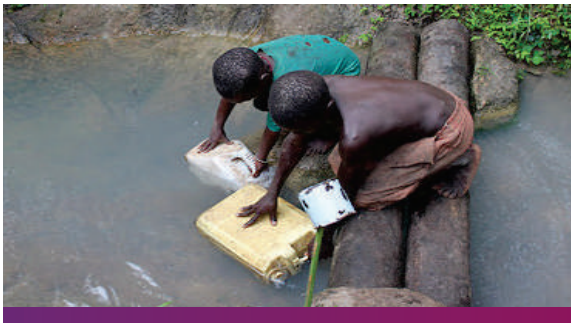
Rural water supply infrastructure in Uganda as at June 2019



Source: Uganda Water Supply Database, June 2019

18 GoU. (2019). *Water and Environment Sector Performance Report 2019.*

19 Mileham, L., Taylor, R.G., Todd, M., Tindimugaya, C. and Thompson, J. (2009). The Impact of climate change on groundwater recharge and runoff in a humid, equatorial catchment: Sensitivity of projections to rainfall intensity. *Hydrological Sciences Journal, 54(4), 727-738*. Available at http://dx.doi.org/10.1623/hysj.54.4.727



Children drawing water from a water stream

The Commission noted that the most common sources of water for the rural water supply are boreholes, shallow springs and protected wells, among others. According to the Ministry of Water and Environment, the main technology options used for water supply in rural areas included deep boreholes at 44.3%, shallow wells at 23.4%, and protected springs at 21%. Others included tap stands/kiosks of piped schemes and rainwater harvesting tanks (11%).[20]

Boreholes in Uganda are commonly used as a water source in dry areas. Accessing underground water through deep boreholes is done through parameters such as regolith thickness, aquifer yields and rest water levels. Uganda is characterised with a clayey regolith especially in the upper layers where relatively low permeability dominates. The regolith thickness across the country can be described as low to medium, varying between 20m and 45m. This leads to medium to high groundwater potential through provisional storage.

When it comes to springs, there are two major types of springs in Uganda; namely, contact and fracture springs. Fracture springs are usually very susceptible to contamination and drying up while contact springs are more reliable[21]. Shallow wells in most parts of Uganda are constructed in valleys and near wetlands. Their potential is favoured by the thick regolith that is fairly coarse-grained. In Uganda, shallow wells are a very reliable source of water supply to the communities although precautions need to be taken to ensure that they are not contaminated.

1.4 SITUATION ANALYSIS ON ACCESS TO WATER IN UGANDA

Despite the fact that Uganda is blessed with all these water resources, many people in Uganda still lack access to clean water, especially those who live in rural areas and the most marginalised urban people. In addition, Uganda also experiences water challenges such as water pollution, siltation of rivers and other water sources; this affects the quality and safety of water. Priority in the allocation of water must be given to the right to water for personal and domestic uses, especially drinking water, due to the fact that it can have negative implications of the right to health and right to life. In addition, it should be for prevention of starvation and diseases.[22]

In June 2019, the national safe drinking water coverage in rural areas was estimated at 69%, down from 70% in June 2018. This was attributed to the villages increasing in number, more than new water facilities.[23] The districts with access to water that were below 50% included Kakumiro at 34%; Buyende, Mubende and Rakai at 37%; Kasanda at 38%; Sembabule at 39%; Kiruhura at 42%; Kisoro at 43%; Isingiro, Lyantonde and Wakiso at 45%; Yumbe at 47%; and Amudat at 49%.[24]



Child drinking water from a tap

20 GoU. (2019). *Water and Environment Sector Performance Report 2019*
21 Taylor, R.G. and Howard, K.W.F. (1996). Groundwater recharge in the Victoria Nile basin of East Africa: Support for the soil-moisture balance method using stable isotope tracers and flow modelling studies. *Journal of Hydrology, 180(1-4), 31- 53*. http://dx.doi.org/10.1016/0022-1694(95)02899-4
22 Hildering, A. (2006). *International Law, Sustainable Development and Water Management*. Page 101
23 Hildering, A(2006) International law,Sustainable Development and water management
24 GoU. (2019). *Water and Environment Sector Performance Report 2019.*

In 2019, access to safe drinking water in urban areas increased to 79.1% of the urban population in large and small towns, and rural growth centres using improved drinking water sources compared to 77% in June 2018.[25] This was attributed to completion of water supply systems in Koboko, Rukungiri, Pallisa and Katwe-Kabatoro. In small towns and rural growth centres, 55.9% of the population was using improved drinking water sources compared to 36% in FY 2017/2018. During the FY 2017/18, out of the 57,585 villages, only 38,183 (66%) had a safe water source. In large towns, 81.6% of the population was using improved drinking water sources compared to 84% in FY 2017/2018. The decrease was attributed to newly created municipalities and town councils with low safe water coverage.

In addition, it was reported by the Ministry of Water and Environment that customer satisfaction with actual water supply services was rated at 86%.[26] However, according to the Commission findings, many people were not happy with the level of access to safe water in the country due to the fact that there are a number of challenges people face in accessing safe and clean water. These included the high cost of water, poor quality of water, climate change causing scarcity of water and long distances to water points especially for those is rural areas.

1.5 VULNERABLE GROUPS AND THEIR ACCESS TO WATER

1.5.1 Women

Gender is a concept that refers to socially constructed roles, behaviour, activities and attributes that a particular society considers appropriate and ascribes to men and women. These distinct roles and the relations between them may give rise to gender inequalities where one group is systematically favoured and holds advantages over another.[27]

Women and girls are most often the primary users, providers and managers of water in their households and are the guardians of household hygiene. If a water system falls into disrepair, women are the ones forced to travel long distances over many hours to meet their families' water needs. In this regard, women and girls benefit most when water services are improved.

In eastern Uganda, research found that women spent an average of 660 hours per year collecting water for their households, which represents two full months of labour. Cumulatively, one estimate suggested that some 40 billion hours a year, were spent collecting water in sub-Saharan Africa.[28]



Women fetching water from an unprotected source.



Children collecting dirty water from a local waterhole.

25 GoU. (2019). *Water and Environment Sector Performance Report 2019.*
26 GOU(2019)water and environment sector performance report 2019
27 World Bank. (2010). *Gender in Water and Sanitation.*
28 World Bank. (2010). *Gender in Water and Sanitation.*

The water and sanitation sector can contribute to redressing inequality and can impact positively on the social, political and economic position of women. Well-targeted services can improve the health and security of women and their families, and free them to engage in social, economic and political activities, thus tackling 'time poverty' - the situation where women's time is inflexible, consumed by routine and non-productive tasks, perpetuating their absence from decision-making and other profitable pursuits. A gendered approach can create a framework of cooperation between men and women, so that the insights and abilities of both men and women are available to shape programmes and meet sector objectives.[29] Women who travel long distances carrying heavy loads of jerricans and other water containers are also exposed to all sorts of sexual gender-based violence either along the way or at water collection points.[30]

1.5.2 Children

Clean water, sanitation and hygiene are all crucial to children's survival and health, particularly in relation to water-borne diseases and malnutrition. According to UNICEF, 78% of children in Uganda were using water from an improved source; 24% were severely water-deprived, having to travel long distances or wait in long queues for safe water. In addition, 25% of the children in rural areas and 9% in urban areas were deprived of adequate sanitation.[31]

For children to grow up healthy and happy, they need access to clean water, proper sanitation and good hygiene. During dry seasons, conflict and disasters, children often lost access to safe water which greatly affected them. The Commission noted that in rural areas, many children travelled long distances in search of water for their families. Many school-going children also had to first travel to wells and streams in the morning to collect water before going to school, which affected their education since many arrived at school late. The Commission noted that most of these children ended up not completing their studies; they dropped out of school and some of the girls got married at a young age.



Children carrying water from a water source

1.5.3 Persons with disabilities

Persons with disabilities continue to face barriers in accessing water due to spheres of technical access barriers such as facility structure, distance to facilities, social barriers related to stigma or abuse and communication barriers. **Access** to safe and clean **water** and sanitation facilities is a basic right of all people, including people with disabilities, the denial of which can have serious implications on their well-being. Over 500 million people in the world are disabled, the majority of whom live in poverty in low-income communities. The Commission noted that the presence of social barriers, physical barriers, long distances, discrimination and stigma from communities were the most commonly reported reasons for persons with disabilities not accessing water for themselves.

1.5.4 Older persons

In spite of the policies and interventions put in place by Government to improve access to safe water and sanitation at household level, there are still gaps that need to be addressed especially with regard to the needs of older persons in Uganda. One of the older persons interviewed in Nakirebe village, Mpigi district indicated that one of her main expenses is paying somebody to fetch water. The results from the National Population and Housing Census (NPHC), 2014 showed that 51 percent of the older persons used a water source within 1km. About 67 percent and 48 percent of the older persons residing in urban and rural areas respectively used an improved water source that was located within 1km from the household. It's important to note that three in 10 of the older persons had no access to any improved water source.[32]

29 As above
30 As above
31 GoU., UNICEF. (2019). *Situation Analysis of Children in Uganda 2019. Page 12.*
32 Status of Older Persons in Uganda – 2019 report

Other older persons interviewed said they have no access to water and they have no strength and energy to go to the wells to fetch water. Most of them noted that their greatest fear was the long distances to water sources and that most water sources especially in the rural areas were not physically accessible. K. A, an 80-year-old respondents in Mayuge district, said, *"I cannot afford going to fetch water at the well; it is first and foremost very far and yet I have problems with my legs especially the knees. I cannot walk; I cannot stand for a long time. I have no one to send to the well"*.

The figure 6 shows that the highest proportion of households headed by older persons was within less than 1km from the main source of drinking water irrespective of the living arrangement. However, in households where the older persons stay alone, 78 percent used a water source that was not on premise (0km). This implies that they have to move and fetch the water by themselves yet they may not be physically fit to do such activities.

The map above shows that Amudat had the least percentage of households headed by older persons (25%) that were located within 5km from the nearest health facility. On the other hand, districts of Luuka, Mukono, Masaka, Maracha, Sheema, Bukwo, Iganga, Butambala, Rukungiri, Mbale, Moyo, Wakiso, Sironko, Kampala and Jinja had the highest percentage of households headed by older persons (86% to 96%) that were within 5km from the nearest health facility.

FIGURE 5:

Percentage distribution of older persons within 1km to main source of drinking water (improved, <1km) by residence and sex[33]

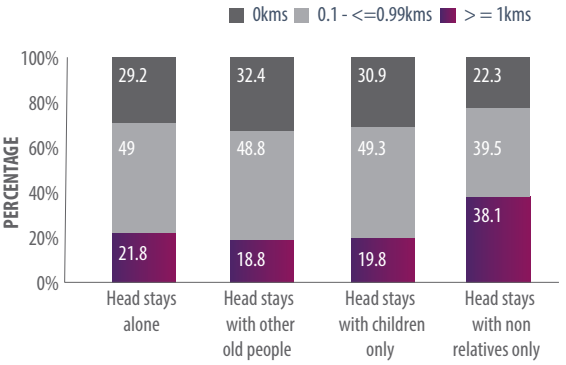


FIGURE 6:

Percentage of households headed by older persons by distance to water source and living arrangement

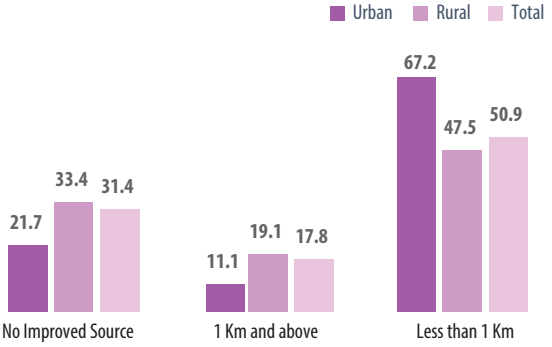
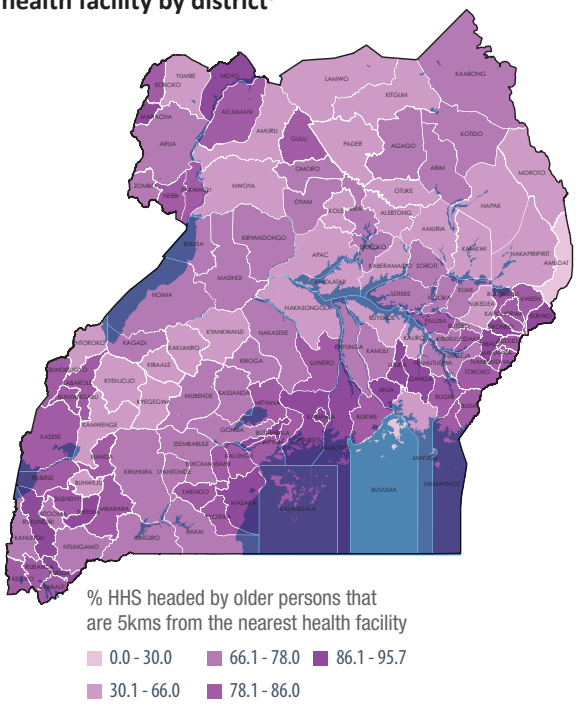


FIGURE 7:

Percentage distribution of households headed by older persons that are within 5km from the nearest health facility by district[34]



33 *Ibid*
34 Status of Older Persons in Uganda – 2019 report

1.5.5 Detainees in prisons and police facilities

In 2019, the Commission observed that majority of inmates could access clean and safe water through various sources such as harvested rainwater, water taps, boreholes, wells, swamps, springs and dams. In most of the facilities visited, the inmates boiled water which they stored in small jerricans. However, other facilities without available sources of water had to buy water from water hawkers. Prison facilities with clean and safe water included Kanoni Government Prison, Sanga Government Prison, Kitalya Government Prison and Kabasanda Government Prison. Police facilities with clean and safe water included Bushenyi Police Station, Kisubi Police Station, Mitooma Police Station, Rutoto Police Post, Kashongi Police Station and Butare Police Post, among others.

1.5.6 Slum Dwellers

According to UN-Habitat, a slum household is a group of individuals living under the same roof in an urban area. They lack durable housing for a permanent nature and access to safe water in sufficient amounts at an affordable price. In addition, they lack adequate sanitation in the form of a private or public toilet shared by a reasonable number of people. Poor sanitation affects access to safe and clean water.

In Uganda, there are several areas that have slum households; namely, Lower Naguru, Bwaise, Namuwongo, Kisenyi, Kifumbira-Kamwokya and Katanga, among others.[35] People who live in the aforementioned places face one challenge of access to clean and safe water and most of them are affected by cholera due to the fact that they have no waterborne toilets and lack enough space to dig pit latrines. The Commission notes that this does not only happen in Kampala slums but in other slums in the country. *"Majority of slum dwellers defecate in polythene bags commonly known as 'flying toilets' because they do not have enough space to dig pit latrines; they dump the contents in open trenches and pools of floodwater,"* a resident of Katanga, a Kampala slum, said.[36]



A slum in Kampala. ©URN photo

1.5.7 Refugees

Currently, Uganda hosts approximately 1.4 million refugees from South Sudan, Burundi and the Democratic Republic of the Congo (DRC). The Office of the Prime Minister (OPM) and the United Nations High Commissioner for Refugees work with other partners to ensure that they respond to the right to clean and safe water for the refugees. A number of water sources including water tanks and boreholes (both motorized and local) are available at various points of the settlements. However, the refugee numbers continue to grow every day, with a daily arrival rate of approximately 2,000 refugees.

These refugees are unlikely to return to their countries of origin in the near future and it should be noted that they have already put an additional strain on the limited water resources in West Nile region and other areas. It should further be noted that in areas where there are refugee settlements, more than half of them reside and create tensions with the Ugandan host communities.

The most significant problems associated with refugee-affected areas are depletion and pollution of water resources, deforestation, soil erosion and poor waste management, among others, and there is urgent need for sustainable use of water. *"There is a need for sustainable use of the water, environment and natural resources through coordinated interventions involving all stakeholders for restoration, preservation and conservation actions to promote a peaceful*

35 https://unhabitat.org
36 Interview with a resident of Katanga in February 2020.



Refugees drawing water in Moyo district ©UHRC

co-existence of refugees and host community," said the state minister for Environment, Ms. Beatrice Anywar.[37] On a good note, the Government **and development partners committed about UGX 462 billion ($124.2m) to provide water for refugees and the host communities in the next three years.**[38]

1.6 HUMAN RIGHTS CONCERNS REGARDING ACCESS TO WATER

There are a number of human rights concerns regarding access to water in Uganda. Some of these include the high cost of water, scarcity of water, unsafe water, the violation of the right to health, the violation of right to education and deprivation of life, among others.

1.6.1 High cost of water

According to General Comment 15 on the Right to Water, water and sanitation facilities and services must be available and affordable for everyone, even the poorest. In Uganda, water is not economically affordable to everyone; there are some persons or people that cannot afford safe and clean water including the rural people and those that live in slums of urban areas in the country. For example, in most towns of Uganda during seasons of water scarcity, people purchase water from those who are connected to the water networks like National Water and Sewerage Corporation (NWSC) in their neighbourhood and they pay a sum of UGX 500 or sometimes UGX 1,000 for one jerican of water. This cost is extremely high for the marginalised, people in slums and even those that live in rural areas.

The Commission notes that the informal urban economy is growing dramatically in Uganda, with the biggest increases in population concentrated in the poorest, most crowded places or slums, often with no water to their homes. Due to the high cost of water, majority find water unaffordable and they limit their water consumption to a level dangerous to their health and well-being or lead them to compromising their access to other needs such as medicine and food. For example, in Nakasongola district, the main sources of water in the district were water dams, boreholes and water along the shores of Lake Kyoga. During the dry spell, the cost of water was very high, one 20-liter jerrycan costed about UGX 2,000 which is not affordable to the vulnerable and marginalised groups of people hence they resort to using contaminated water sources.

The Commission notes that this translates into the poor paying more to buy minimum quantities of water than those connected to the water network. The latter tend to be better off as they can afford the often-expensive new connection fees. *"To some people especially those in rural areas and slums, water is a luxury as they have to pay for it and yet they also have other competing household needs,"* said Ms. Sylvia Namara, a former employee of SNV Netherlands Development Organisation. According to NWSC, the cost of domestic tariffs for a new water connection is UGX 200,000 and a unit of domestic water costs approximately UGX 3,600; the same unit used to cost UGX 500 in 2017. As a consequence, many people tend to be left behind in regard to their enjoyment of the right to water due to the high costs involved and thus water is considered as a luxury rather than a basic need.

When it comes to harvesting rainwater, the Commission notes that even though Uganda is well endowed with high bimodal rainfall in most parts of the country, this resource has not been adequately exploited to improve water coverage. The uptake of rainwater is still low, partly because of the inadequate knowledge on available storage technologies but also due to

37 Nelson Kiva. (2020). Gov't commits over sh460b to provide water for refugees. *New Vision, March 13, 2020.*
38 Nelson Kiva. (2020). Gov't commits over sh460b to provide water for refugees. *New Vision, March 13, 2020.*

the high cost of water-harvesting technologies. In most communities, water harvesting is done through collecting rainwater in pots, buckets, jars, tanks and other containers. As such, few families can collect large amounts of water through roof catchments due to limitations in storage facilities. The Commission notes that the cost of rainwater harvesting is also very high due to the expensive water tanks and the need to build water terminals. This explains why water harvesting is not adequately used in most parts of the country. For one to harvest rainwater, they need water tanks and gutters to install and harvest water. Therefore, most community members become very reluctant to have them installed for water harvesting because of the costs involved. B. Pearl, a resident of Munyonyo, Kampala, said, "*In Uganda there is lack of creativity mainly caused by lack of finances because with this so much rain, it is very possible to tap it into tanks".* Another respondent, Mr. Derrick Kiiza, the Executive Director, Mental Health Uganda, stated: *"Failure to develop, support and popularize a clear strategy on rainwater harvest by government is a lost opportunity; it would go a long way in addressing issues around access and affordability of clean water."*

1.6.2 Long distances to water sources or inaccessibly of water sources

Access to safe water is a common challenge for many people in Uganda. Barriers are formed not only in availability of water sources and costs, but it is also intertwined with access to property rights. Apart from legal barriers, there are social, technical, financial and institutional obstacles that often need to be overcome. Water outlets or sources are required to be placed within or in the immediate vicinity of each household, educational and health institution, as well as any other place where people spend significant amounts of time and not very far to cause people to walk long distances looking for water.

During dry spells, most wells, dams and streams in Uganda dry up, causing water scarcity. This is common in Karamoja sub-region and Uganda's cattle corridor, a semi-arid stretch from southwestern to northeastern Uganda. It covers districts such as Kiruhura, Mbarara, Nakasongola and Luwero. The cattle corridor is synonymous with periodic late onset rains and droughts. For many Ugandans in rural areas, the dry spells force them to travel long distances in search of water due to drying up of wells, springs and dams. The poor and most vulnerable communities suffer the most as a result of water scarcity since they have to trek for long distances in search of water for domestic use and for their animals.

The Commission noted that in most rural areas, the distance to fetch water can be as long as 25km; in Ntunda trading centre, Kyankwanzi district, there is no gravity flow water, thereby leaving the public to walk distances of about 9km in search of borehole water. In Kikonda and Migongolomo villages of Nsambya sub-county, Kyankwanzi district, the residents informed the Commission that they walk about 15km to 20km during the dry season in search of water as most parts of the district were not yet connected to NWSC.[39] One of the core obligations in relation to the right to water that is of immediate effect is for States to ensure physical access to water facilities or services for all including persons with disabilities, older persons, refugees, children, detainees, and slum dwellers. However, in Uganda, the most vulnerable or marginalised face challenges in accessing water, and have to walk long distances looking for water.

1.6.3 Water scarcity

According to General Comment No.15 on the Right to Water, the water supply for each person is required to be sufficient and continuous for personal and domestic use.[40] The uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene.[41] The Government of Uganda has a goal of ensuring the provision of at least one improved water source per village. In FY 2017/18, out of the 57,585 villages, only 38,183 (66%) had a safe water source. This percentage stagnated as recorded in FY 2018/2019 because there was an increase in the number of villages from 57,585 in FY 2017/2018 to 57,974 in FY 2018/2019[42] and the result was scarcity of water for drinking and other domestic purposes.

39 Nelson Kiva. (2020). Gov't commits over sh460b to provide water for refugees. *New Vision, March 13, 2020.*
40 Continuous means that the regularity of the water supply is sufficient for personal and domestic uses.
41 ESCR General Comment No. 15.
42 Water and Environment Sector Performance Report 2019.

The problem of scarcity of water is more pronounced in Karamoja and the cattle corridor. It is estimated that 60% of the pastoral households in the cattle corridor lack water for domestic and household use as well as for crop production.[43] In response to these challenges, the Global Climate Change Alliance (GCCA) project was adopted by the Government of Uganda (GoU) through the Climate Change Department and Water for Production (WfP) Department in the Ministry of Water and Environment in order to strengthen the resilience of rural populations, cattle keepers and agricultural production systems and build the capacities of the communities and commercial farmers to cope with climate change.[44]

The Commission found that most of the districts monitored had a general problem of limited availability of water. This challenge was more pronounced in the town councils of the districts of Kamuli, Kabarole, Kampala, Hoima, Bugiri, Abim, Kotido Kaabong, Agago, Pader, Oyam and some areas of greater Masaka, among others. At Kiryabana village, Mparo division, Hoima district, the Commission noted that the area has a spring well which serves more than 100 people. The spring is located 2km out of Hoima town.[45] For those who have access to water supplied by NWSC, some complained about the corporation's water rationing as well as the unreliability and low pressure of the tap water. One of the respondents informed the Commission that water is only available in the morning hours, which creates long queues at water sources.[46] Consequently, residents in the municipality who can afford have devised means of digging wells near their homes in order to access water.

The Commission, however, noted that there were some customers of NWSC in the central parts of Hoima municipality who received water regularly. Other than these, majority of the population in the suburban areas only received water for a few hours or none at all. Areas in Hoima, which did not have piped, water included Kibati, Bujumbura and Busiisi, among others. Respondent Mr. I. K. said, "*Within his area of Kifumura in Hoima district, the communities use swamp, spring and stream water. The water is not adequate compared to the high population within the area. There are also water shortages in the areas of Kibati, Busiisi and Bujumbura".*

The NWSC engineer in Hoima informed the Commission that the corporation is having ongoing separate water projects in the areas of Kyesiga ward, Kasingo and Kyentale to ensure adequate supply of water. Due to increased water demand and the physical elevation of Kasingo area, NWSC has secured land in Mpaija cell for a separate water project in Kasingo and has procured boreholes to be installed within the area. In Kyentale, trenching works are ongoing for the water project and in Kyesiga ward, NWSC procured land at Kijwenge hill and a water reservoir is going to be installed and pipes have already been installed.



People queue at a water source in Nakayot village, Napak District in Karamoja

43 http://www.fao.org/uganda/news/detail-events/en/c/900294/ Accessed on
44 http://www.fao.org/uganda/news/detail-events/en/c/900294/ Accessed on
45 Interview with Mr. Alfred Irumba.
46 Interview with Mr. Alfred Irumba.

1.6.4 Unprotected and unsafe water



Drawing water from a waterhole



A young girl draws water from a flooded river in western Uganda.

Water and health are interrelated and the suitability of water for various uses depends on the biological, physio-chemical and radiological properties of water. In this regard, contaminated water and poor sanitation are linked to transmission of diseases such as cholera, diarrhoea, dysentery, hepatitis A, typhoid and polio. The absence, inadequacy and inappropriate use and management of water can expose communities to health risks.

According to the World Health Organisation, diseases due to poor access to drinking water, unimproved sanitation and poor hygiene practices cause 4% of all deaths and 5.7% of all disability or ill health in the world. From a human rights perspective, the water required for personal or domestic use must be safe to use for human consumption (drinking and the preparation of food) and for personal and domestic hygiene and, therefore, free from micro-organisms, chemical substances and radiological hazards that constitute a threat to health**.** The percentage of collected water samples that complied with national standards in rural areas was fair at 64%, good at 89% in small towns and very good (99.3%) in towns managed by National Water and Sewerage Corporation. The water quality rating implies that the rural population is prone to suffer from waterborne diseases like typhoid, cholera, bilharzia and dysentery, among others.[47]

In addition, the Commission established that artisanal mining affected the quality of water in some parts of the country; namely, in Karamoja, Busia, Namayingo, Buhweju and Mubende as most of the artisanal miners are involved in crude extraction of precious metals and stones like gold and marble. This crude extraction negatively affects the quality of drinking water. For instance, in the artisanal mining of gold, mercury is used to extract the gold mental from the soil or rock particles. This practice allows mercury to be exposed in the environment and subsequently onto the surface and groundwater, thus making water very poisonous to human beings. The issue was also established in Karita, Amudat district. Other examples of low quality in Uganda include the following:

47 BMAU Briefing Paper FY 2018/2019 - May 2019.

TABLE 1:

Examples of low-quality water in Uganda

No.	Quality of water	Village, district or region
1.	Industrialisation where industrial waste is dumped into streams namely Mayanja, Kafu, Mpongo and Kiggundu.	Kyankwanzi
2.	Water sources are exposed to open defecation.	Karamoja
3.	Absence of adequate sanitation systems leading to widespread pollution of water sources that communities rely upon for survival.	Kasijjagirwa in Masaka district
4.	Boreholes, pipes corroded thus contaminating the water as a result; this forced the residents to draw water from the swamps.	Butemba village in Kyankwanzi
5.	Digging of wells yet the water table is low. This raises sanitary or hygienic concerns due to contamination of water by faecal matter.	Bugiri
6.	Residents grappling with contaminated water from wells with faecal matter due to the growing urbanization in the area and new residents who erect pit-latrines on the upper level of the spring water, which contaminates water from the ground before it flows.	Namasuba Kalina cell in Wakiso district
7	Wells shared by human beings and animals.	Karamoja
8	Open defecation and bathing in or around the water sources affects quality of water.	Karenga district
9	Borehole at Okule Primary School had a latrine that sank so deep up to the water table. It was also established that there were brownish worms in the protected spring.	Minakulu sub-county, Oyam district
10.	1,188 non-protected springs/wells, this can lead to increased prevalence of waterborne diseases and a burden on service delivery through increased demand for healthcare.	Kabarole district

1.6.5 Violation of the right to health

The lack of access to water results into people not being vigilant to wash hands each time they go to the latrine, especially in rural areas and slums. This leads to waterborne diseases like diarrhoea and cholera. Seventeen percent of rural households do not have pit latrines while 63 percent have no access and are not using a hand washing facility.[48] This greatly leads to poor health outcomes among families and communities due to limited water and sanitation facilities. As a result, this leads to death. Though there were no reported cases in 2019.

1.6.6 Violation of the right to education

The lack or scarcity of water affects the right to education. Children are forced to wake up early in the morning to fetch water for domestic use and hence get delayed for their studies. In a nutshell, the task of providing water for household use most often falls disproportionately or unreasonably on children and specifically girls. They spend a lot of time collecting water and they end up missing out on vital education.

48 NPHC 2014.

1.7 CHALLENGES AFFECTING THE REALISATION OF ACCESS TO WATER IN UGANDA

1.7.1 Limited budget allocation to the water sector

Government of Uganda has an obligation to progressively achieve the realisation of the human rights to water and sanitation, using the maximum available resources in a non-discriminatory manner. The national and local governments budgets are hence supposed to have specific allocations or budget lines for water, sanitation and hygiene.[49] Investing in water averts illnesses such as diarrhea, thereby reducing child mortality and increasing adults' productivity and children's attendance in schools.[50] The total nominal allocation was projected to decrease from UGX 1,266 billion in FY 2018/2019 to UGX 756 billion in FY 2019/2020. In FY 2019/2120, 3.0% of the national budget was allocated for water and environment, down from 5.0% in FY 2018/2019. The Commission notes that this was very low compared to the allocations made for other sectors like Works and Transport which had 20.8% whereas the Education sector had 10.5%, and Health at 8.9%. As a consequence, this affects or creates a great challenge on access to safe and clean water in the country.

1.7.2 Gaps in the legal framework

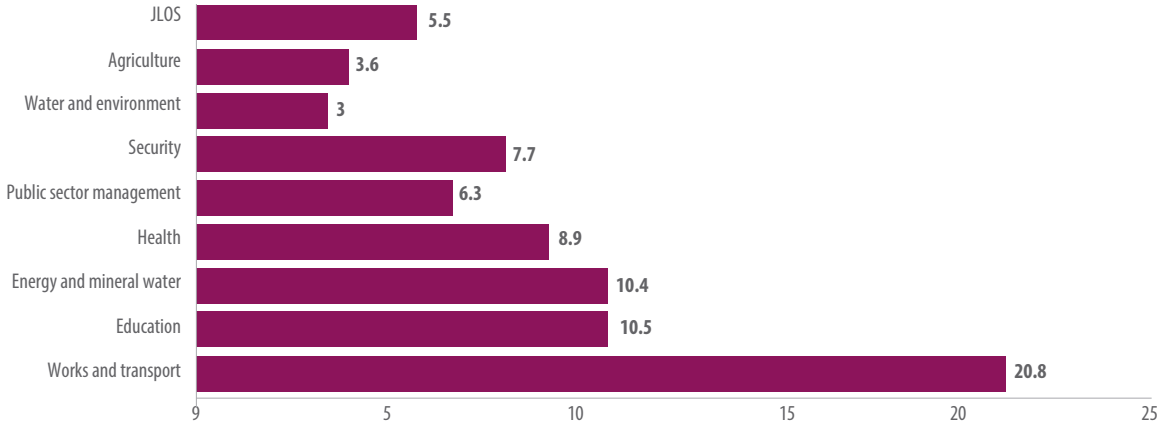
The Constitution of Uganda does not explicitly recognize the human rights to water and sanitation. Explicit recognition is a first crucial step for realizing the right to water and is an unquestionable sign of commitment to realise these rights for all. The right to water needs to be provided for in the bill of rights under Chapter 4. In addition, the right to water needs to be translated into laws, policies and budgeting. The law should clearly affirm that the allocation of water for personal and domestic uses should be prioritised over other water uses. The Commission notes that such a lacuna in the legal framework affects the realisation and enjoyment of the right to water.

1.7.3 Increased population growth

Uganda has a population of more than 40 million people and with an annual population growth rate of 3.2%, is one of Africa's fastest-growing countries. Although barely 17% of Ugandans live in cities at present, Uganda's growth rate suggests a tripling of its urban population by 2025.[51] Due to the increased population growth, the demand for water has equally increased for various uses. This has resulted into exerted pressure on most water resources, prompting the promotion of rational water use planning, allocation and water use efficiency.

FIGURE 8:

FY 2019/2020 sector budget shares in percentages



49 Statement by the United Nations Special Rapporteur on the human right to water and sanitation (visit to Kenya, 22-28 July 2018.
50 As above.
51 World Bank, & Cities Alliance in Action. (2013). Improving service delivery in Uganda's secondary cities. Washington DC: World Bank. http://documents.worldnak.org Accessed on 2nd March, 2020.

1.7.4 Inadequate sustainability and management of water sources

Sustainability is a fundamental human rights principle essential for realizing the human rights to water and sanitation. Once the services and facilities are improved, the positive change must be maintained and slippages or retrogression must be avoided. In Uganda, there are a number of water facilities that were developed but are not functional or no longer operating. There is limited investment in operation and maintenance and yet UN-Water suggests that 75% of investment in water and sanitation should go to operation and maintenance. In addition, the level of water lost due to illegal connections, leakages and other technical losses was a great challenge. Furthermore, community springs have not been well maintained as communities sometimes allow animals to access these water points.

While functionality of water points in Uganda is reported at 86% and 92% in rural and urban areas respectively, it is believed to be lower than 30% on the scale of reliability due to poor operation and maintenance especially in rural water supply systems' particular point water sources such as boreholes.[52] Respondent Ms. Sylvia Namara, a former employee of SNV Netherlands Development Organisation, said, "*The cost of investment of water systems is too high in Uganda and this affects access to water. In addition, most of the water systems lack proper management and maintenance systems".* Although, the Government's policy is to gradually phase out point water sources in favour of piped systems, more that 60% of the population relies on these less reliable point water sources that are prone to frequent breakdowns thus affecting access to safe water especially for the poor and vulnerable persons.[53]

1.7.5 Climate change

Water is the primary medium through which we will feel the effects of climate change.[54] Water availability is becoming less predictable in many parts of the country due to long periods of floods in eastern and western Uganda, and increased incidences of flooding destroy water points and sanitation facilities, and contaminate water sources. Specifically, droughts too are worsening water scarcity and thereby negatively impacting people's health and productivity; moreover, the rate of forest cover loss in Uganda stands at 2.6% annually, one of the highest in the world.

According to the 2016/17 Uganda National Household Survey, more than 80% of Uganda's rural households use firewood for cooking. The high demand for wood fuel and the limited access to energy-saving alternatives mean that forest cover is at risk of continued degradation.[55] Destruction of forests explains the climate variability in the country evidenced by prolonged periods of drought, heavy rains, irregular rain and dry season patterns; and all these have a negative impact on access to water.

1.8 GOVERNMENT'S INTERVENTIONS ON ACCESS TO WATER

1.8.1 Initiative to improve water coverage

In order to step up water production and improve water supply reliability and service coverage, NWSC initiated the systematic rehabilitation, upgrade and expansion of infrastructure through annual Infrastructure Service Delivery Plans (ISDP) and Water Stabilization Plans (WSP). These two initiatives aimed at providing for network expansion and reducing water supply shortages in the short-to-medium term. During the FY2015/16, over **900km** of water and 18.5km of sewer mains were extended in different parts of the country. In the last two and a half years alone, NWSC extended over 2,805km of water mains under the programme.[56] The Commission notes that this is a good initiative; however, there is no capacity for the corporation to accomplish it due to limited resources.

52 CSO Position Paper on the Water and Environment Sector Budget FY2018/2019.
53 CSO Position Paper on the Water and Environment Sector Budget FY2018/2019.
54 UN-Water. Water and climate change. https://www.unwater.org/water-facts/climate-change/ Accessed on 1st April 2020.
55 Uganda National Household Survey 2016/17.
56 Interview with an official from the National Water and Sewerage Corporation.

1.8.2 Water, sanitation and hygiene (WASH) programmes

In implementing the clean water, sanitation and hygiene (WASH) programme, a Government initiative, water source committees are put in place which ensure that water sources are clean and collect a water source maintenance fee from the community that accesses a given water source.

1.8.3 New technologies or modifications in designs of water sources

During FY 2018/19, MoWE constructed large gravity flow piped water systems, solar-powered mini-piped water supply systems based on groundwater and solar-powered irrigation systems, among others. For example, Bududa gravity flow scheme was constructed to 99.6% completion with 11.9km of the transmission and 65km of the distribution pipeline laid, leading to 1,800 connections being made and serving approximately 47,655 persons. The scheme has improved the quality of life of the vulnerable and marginalised groups in the community by providing clean water nearer to the communities and promoting sanitation and hygienic practices to ensure a clean, safe water chain.

1.8.4 Development of the Water and Sanitation Gender Strategy, 2018-2022

Government of Uganda developed the Water and Sanitation Gender Strategy, 2018 - 2022 whose overall goal is to empower men, women, boys, girls and vulnerable groups through ensuring equity in access to and control of resources in the water and sanitation subsector, leading to poverty reduction. The strategy is aimed at broadening opportunities for women, men, boys, girls and other vulnerable groups to participate equally in, and benefit from the creation of wealth in the water and sanitation subsector, thereby contributing to poverty reduction.

1.9 RECOMMENDATIONS

1. Ministry of Water and Environment should apply a Human Rights Based Approach to water to ensure that water is available, safe, acceptable, accessible and affordable to all.
2. Citizens of Uganda should ensure that they harvest water during rainy seasons and Government should help citizens to adopt and popularize modern technology to facilitate water harvesting in Uganda.
3. Government should increase funding to the water sector for establishment, monitoring, repairs and servicing of water sources in order to make water more accessible, safer and adequate.
4. National Water and Sewerage Corporation should erect storage tanks at the public water taps to ensure that the public has constant water supply.
5. The Ministry of Energy and Mineral Development, Ministry of Health and Ministry of Water and Environment should sensitise the mining communities on the dangers of the use of mercury and other substances to water, environment and health of people, plants and animals.
6. The Ministry of Water and Environment should sensitise the public on environmental protection and promotion to improve the weather conditions and thus reduce effects of climate change including increased incidences of drought that are affecting the water table.
7. The Ministry of Water and Environment should intensify efforts of establishing reliable water sources to enhance access to water for the increasing population.
8. Government should consider mechanisms of pumping water from lakes and rivers to places that face water scarcity.

1.10. CONCLUSION

Access to water remains a challenge to human development and the fulfilment of human rights in many parts of the world. In Uganda, the unequal and not dependable provision of clean and safe water continues to inhibit people around the nation from enjoying their right to health. It is undeniable that the Government of Uganda has many human development challenges to address. However, the lack of access to clean and safe water undermines all fundamental rights and should be given precedence in communities which are unable to access their right to water.

Chapter 2

Unemployment and Uganda's labour market: human rights implications



2.0 INTRODUCTION

Unemployment continues to be a serious challenge in developing countries, Uganda inclusive. This comes with grave implications on human rights in general and on the enjoyment of the right to work in particular. As Uganda's population increases, unemployment, underemployment and poverty levels have continued to increase despite considerable efforts to address them. Therefore, there is increased concern over the tragic waste of human potential, particularly for the youth. The majority of the Ugandan population are either unemployed or underemployed. Uganda's exportation of labour to other countries has also caused concern, where migrant workers are reportedly harassed, sexually abused, subjected to modern-day slavery or tortured to death.

The Commission has over the years raised concerns over unemployment in Uganda and its likely human rights implications. For instance, in its 2013 Annual Report[57], the Commission noted that unemployment was a fundamental emerging issue, with likely negative consequences on the enjoyment of human rights.

57 Uganda Human Rights Commission, 16th Annual Report, 2013, page 107.

This chapter, therefore, explores Uganda's labour market, the state of unemployment, exported labour force and their implications on the enjoyment of fundamental human rights and freedoms. The chapter also considers interventions by state and non-state actors to address unemployment. Data was collected from the districts of Buvuma, Kiboga, Lira, Gulu, Lamwo, Kitgum Kyankwanzi, Buliisa, Kakumiro, Kikuube, Bukomansimbi, Masaka, Karenga, Amudat, Kumi, Kalangala, Masaka, Abim, Nakapiripirit and Moroto. The Commission used semi-structured questionnaires to interview key informants, and randomly selected members of the public, taking into account age, education background and sex, amongst others.

2.1 UNDERSTANDING UNEMPLOYMENT AND RELATED CONCEPTS

2.1.1 Unemployment

The International Labour Organisation (ILO) defines unemployment as a situation where people are without jobs and they have actively looked for work within the past four weeks. Thus, the unemployment rate is a measure of the prevalence of unemployment and it is calculated as a percentage by dividing the number of unemployed individuals by all individuals currently in the labour force.[58] Unemployment has also been defined as a state of non-engagement in any economic activity but available and willing to work.[59]

2.1.2 The right to work

The Commission considered unemployment within the broader framework of the right to work as defined by the UN Committee on Economic, Social and Cultural Rights. In its General Comment

llll number 18[60], the Committee noted that the right to work includes the opportunity to earn a livelihood by work freely chosen or accepted. In progressively realizing this right, states are obliged to ensure availability of technical and vocational guidance, and to take appropriate measures to develop an enabling environment for productive employment opportunities. States must ensure non-discrimination in relation to all aspects of work.

2.1.3 Essential elements of the right to work

The right to work includes four essential features; namely, availability, accessibility, acceptability and quality. In terms of availability, states must ensure the existence of tailored services to help people to identify employment opportunities and find work. Accessibility implies that access to work must be without any form of discrimination, work must be physically accessible, and all information regarding available job opportunities must be accessible to all. Discrimination in access to and continuation of employment is prohibited. States must ensure that reasonable accommodation is made so that workplaces are physically accessible, particularly for persons with physical disabilities. Furthermore, everyone has the right to seek, obtain and impart information on employment opportunities. Acceptability and quality include the right to choose and accept work freely, just and favourable conditions of work, safe working conditions, and the right to form trade unions.

2.2 LEGAL FRAMEWORK REGARDING UNEMPLOYMENT

2.2.1 International legal framework

Internationally, the right to work is guaranteed under the Universal Declaration of Human Rights 1948 (UDHR) which recognizes the right of every person to work, free choice of employment, just and favourable conditions of work and protection against unemployment.[61] The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) also requires states parties to recognize the right to work, which includes the right of everyone to the opportunity to

58 International Labour Organisation (ILO), 2013.
59 Definition adopted from ActionAid International Available at http://actionaid.org/sites/files/actionaid/youthrepot-final.
60
61 Article 23 (1) of the Universal Declaration of Human Rights, 1948

gain his living by work which he/she freely chooses or accepts, and to take appropriate steps to safeguard this right.[62] Article 7 of ICESCR further enjoins states parties to recognize the right of everyone to the enjoyment of just and favourable conditions of work. The ICESCR also prohibits forced labour and provides detailed guidance to states regarding their obligations to respect, protect and fulfill the right to work.

2.2.2 Regional framework

Regionally, the African Charter on Human and Peoples' Rights 1981 (ACHPR) recognizes that every individual has the right to work under equitable and satisfactory conditions, and to receive equal pay for equal work.[63] The African Youth Charter 2006 (AYC) also recognizes that every young person has a right to gainful employment[64] and obliges states parties to address and ensure the availability of accurate data on youth employment, unemployment and underemployment so as to facilitate the prioritization of the issue in national development programmes complemented by clear programmes to address unemployment.[65]

2.2.3 National legal and policy framework

Meanwhile, at the domestic level, the Constitution of the Republic of Uganda guarantees the right of every person to practice his or her profession and to carry on any lawful occupation; trade or business.[66] Furthermore, the Employment Act of 2006 provides that it shall be the duty of the state to promote equality of opportunity with a view of eliminating any discrimination in employment.[67]

The National Employment Policy for Uganda (2011) also acknowledges the challenge of youth unemployment and seeks to consolidate and create synergies among different sectors and anchor employment creation as a key indicator of economic development. The National Youth Policy (2001) provides a framework for development of a National Action Plan for Youth that spells out the strategic areas for action, target groups and implementation modalities.

2.3 STATE OF UNEMPLOYMENT IN UGANDA IN 2019

This section considers the state of unemployment in Uganda as at 2019. This is based on primary data collected by the Commission, official statistics from key government institutions and other secondary sources.

2.3.1 Uganda's labour market

According to the Uganda Bureau of Statistics (UBOS), the total working age population is at 18,843,000, which is 49.9 percent of the population of Uganda which is estimated at 37, 73000 people. Uganda's labour force has a total of 9,932,000 people, constituting 53 per cent of the total working age population. Out of this, 8,973,000 were gainfully employed while 959,000 were unemployed. The rest of the population is either underemployed (1,060,000) or underutilized labour which stands at 4,271,000 (35.1%). In addition, those who were not actively seeking for employment totalled 6,659,000.

Despite these official statistics by UBOS, majority of respondents interviewed by the Commission in the districts sampled revealed that unemployment was highly prevalent in their districts. There was, however, no concrete data in regard to the exact number of unemployed people since the respondents did not have a database to that effect.

The Commission notes with concern the contradictions between UBOS and Ministry of Gender, Labour and Social Development in regard to official definition of unemployment and the statistics reflecting the rate of unemployment in Uganda. The strict definition of unemployment as used by UBOS considers only those who are not in any form of gainful work. In this regard, UBOS indicates that only 959,000 Ugandans are officially unemployed. This leaves out a high number of people who are engaged in petty

62 Article 6(1) of the International Covenant on Economic, Social and Cultural Rights.
63 Article 15 of the African Charter on Human and Peoples' Rights
64 Article 15(1) of the African Youth Charter
65 Article 15(3) of the African Youth Charter
66 Article 40(2) of the Constitution of the Republic of Uganda, 1995.
67 Section 6(1) of the employment Act, 2006.

forms of work to make ends meet. This largely contradicts figures reported in the media which said that more than half of Uganda's population were unemployed. The official understanding of unemployment, therefore, seems not to take into consideration some of the socially and morally unacceptable forms of work including gambling, sex work and striptease. Yet a recent study indicates that many youths who have failed to get formal employment have resorted to these forms of work to earn a living.[68]

The Commission is persuaded by the perspective of unemployment by the Ministry of Gender, Labour and Social Development that official labour force participation and employment rates hide deeper labour market issues that are better understood by going beyond the employed-unemployed dichotomy. Issues of underemployment, involuntary part-time work and widespread informalised labour are pertinent features of the Ugandan labour market.[69]

2.3.2 Employment according to sectors

The Commission findings indicated that most of the youth were employed in the informal sector. However, the respondents noted that although most of the university graduates were in the past employed in the formal sector, in the recent past there has been a shift where university graduates are being employed in factories as causal labourers, others work as boda boda riders, cab drivers, shopkeepers and few have resorted to farming on a small scale.

It was further revealed that the most common job opportunities for the youth were majorly in the service sector, followed by agriculture, specifically poultry and piggery, civil service, private sector and petty jobs with immediate income such as boda boda riding. This was the



Unemployed Makerere graduates demonstrating

case in all the districts where the research was conducted. For instance, in Kalangala district, most people were reported to be working in oil palm plantations and fishing. Other sectors employing many people in the sampled districts include the civil service. Respondents, however, noted that civil service jobs are very competitive, taking in very few fresh university graduates.

In terms of new job opportunities during the last one year, respondents interviewed by the the Commission noted that there were very few new job opportunities in the year 2019. The few opportunities included road construction, as was the case on the Gulu-Kitgum highway where the district community development officer of Kitgum noted that hundreds of youth were employed by Chongqing International Construction Corporation (CICCO). The influx of refugees in some of the border districts such as Lamwo was also reported to have created job opportunities especially in the humanitarian NGO sector. These findings by the Commission are consistent with the findings of the Ministry of Gender, Labour and Social Development. According to MoGLSD, majority of Uganda's working population are employed in the services sector, followed by agriculture.[70]

68 Namuggala, V. F. (2017). Gambling, dancing, sex work: Notions of youth unemployment in Uganda. IDS Bulletin 48(3). Available at <https://bulletin.ids.ac.uk/index.php/idsbo/article/view/2870/ONLINE%20ARTICLE Accessed on 5th March 2020.
69 Michael Ogen, UBOS: A presentation during the annual report consultative meeting at the UHRC boardroom, February 2020.
70 Ministry of Gender, Labour and Social Development. (2018). Employment Diagnostic Analysis Report, 2018.

TABLE 2:

Employment according to sectors

	SECTORS OF EMPLOYMENT IN UGANDA		
	Male	Female	Total
Agriculture	20.4	19.5	19.9
Production	43.1	33.8	40.9
Services	50.2	47.3	49
Total	**28.8**	**24.7**	**26.7**

Source: Employment Diagnostic Analysis Report, 2018.

2.3.3 Growth without jobs

It was found by the Commission that the nature of growth performance of the Ugandan economy is characterized by insufficient job creation ('jobless' growth). Whereas Uganda registered an annual growth rate of 2.1% in per capita value for the period between 2009/10 and 2016/17, accompanied by an increase in output per worker at a rate of 3.3 per cent each year and an increase in the population of working age at a rate of 1.2 per cent every year, the growth did not translate into jobs. In fact, during the same period, there was a decrease in employment rate at -2.4 percent per year.[71] This implies that while the economy is growing, this growth has not translated in job opportunities for the population.

2.3.4 Underemployment

The Commission established that underemployment, a situation where people are employed in jobs that do not make them exercise their full potentials, underpaid and working for less hours, was prevalent in most of the districts where data collection was conducted. Underemployment can be illustrated on the basis of the number of hours worked across different sectors of the economy.

This finding is consistent with the report by the Ministry of Gender, Labour and Social Development which indicates that majority of people were working for less than the recommended 40 hours per week. UBOS estimates that a total of 1,060,000 people were underemployed. In the table below, overall weekly hours worked are below the international standard of 40 hours per week.

TABLE 3:

Number of hours worked per week

	NUMBER OF HOURS WORKED IN THE DIFFERENT SECTORS		
	Male	Female	Total
Agriculture	20.4	19.5	19.9
Production	43.1	33.8	40.9
Services	50.2	47.3	49
Total	28.8	24.7	26.7

Source: Employment Diagnostic Analysis Report, 2018

2.4 CAUSES OF UNEMPLOYMENT IN UGANDA

2.4.1 Mismatch between academic qualifications and available job opportunities

Respondents stated that although some youth have academic qualifications especially at certificate and diploma levels, these qualifications are not relevant to the job market. This was noted in Kakumiro, Moroto, Abim and Nakapiripirit districts. Academic qualifications were reportedly not relevant to the job market. This is because majority of people were employed in agriculture yet they did not study agriculture-related courses.

2.4.2 Discrimination in the job market

Discrimination in the job market was cited as one of the causes of unemployment. Respondents interviewed by the Commission revealed that some of the job opportunities available were not filled on merit, hence leaving out some of the qualified candidates who would have otherwise gotten the jobs if the process was fair. In Kibaale district, for instance, it was reported that cases of discrimination were prevalent in the road construction sector where a Chinese road construction company reportedly recruited people based on their ethnic identity.

71 Ministry of Gender, Labour and Social Development. (2018). Employment Diagnostic Analysis Report, 2018.

Other grounds for discrimination, other than ethnic identities, include sex and religion. Respondents noted that male employees were more than their female counterparts in most organisations. In Kiboga district, for example, the District Human Resource Officer noted that the majority of the staff were male, including at the management level. He noted that none of the female staff is a head of department apart from the CAO, the Principal Auditor and Assistant District Health Officer who are female. He, however, noted that the District Service Commission was bridging this gap by having special consideration for women and encouraging them to apply for jobs in case of any vacancy.

Cases of discrimination were also reported in the security forces. In Kumi district, for example, it was reported that during the Local Defence Unit (LDU) recruitment exercise, some youth were denied the opportunity to join the force because they did not come from Kumi district. In Soroti sub-county, some youth reported that they were denied access to the Youth Livelihood Programme funding for unclear reasons. They believed that the real reason why they didn't access the funds was because they were assumed not to be supporters of the ruling party, National Resistance Movement (NRM).

Other grounds of discrimination included disability and religion. For instance, in Kumi district, it was reported that faith-based organisations such as Compassion International would not employ anyone who is not a member of the Anglican Church. However, the Commission was not in a position to verify this claim.

2.4.3 Preference for white-collar jobs

Preference for white-collar jobs, as opposed to blue-collar jobs, was also cited by respondents as one of the reasons contributing to the high levels of unemployment in the country. Many youth despise jobs which are available hence making them unemployed. The respondents revealed further that there is a general negative attitude by university graduates, parents and communities towards alternative means of employment such as agriculture. According to Major Santos Lapolo, the Resident District Commissioner (RDC) of Gulu district, despite the return of peace and security in the northern region of Uganda, the region continues to face rising numbers of unemployed youth. He stated that the conditions for employment were favourable and conducive especially in the agriculture sector; however, most of the youth would rather be employed in the white-collar job sector.

This was reiterated by Godfrey Nsubuga, the Programme Manager, Hope and Peace for Humanity, who stated that though 80% of the people in Northern Uganda have access to land, due to the mindset whereby agriculture is perceived as work for the poor and uneducated, most of the youth shy away from it and prefer white-collar jobs that are not only few but also barely pay them enough salary. He further stated that in some cases, the youth go as far as selling off the land to buy motorcycles to do boda boda and other related businesses that can keep them in the urban centres.

2.4.4 Rural-urban migration

The challenge of rural-urban migration was pointed out as one of the key contributors to unemployment especially among the youth. It was reported that majority of the youth prefer to live in towns and other urban centres as opposed to the villages where there is much land for agricultural purposes. Unfortunately, the urban areas do not have enough job opportunities to meet the increasing demand from job seekers. This was cited as the main reason for urban unemployment.

2.4.5 High population growth rate

Uganda's population has continued to grow at a rapid rate. As of 2019, the population of Uganda was estimated to be 44, 269, 594 (forty-four million two hundred and sixty-nine thousand five hundred and ninety-four).[72] However, half of this population are of dependent age, meaning that they are not of working age and so rely on the few that are in gainful employment for their basic survival. In addition, the population growth rate is not commensurate with the growth in terms of jobs. Uganda Human Rights Commission established that while the population has been growing over time, the rate of this growth is not matched with the growth in jobs, hence the high rate of unemployment.

72 Michael Ogen, UBOS: A presentation during the UHRC annual report consultative meeting, February 2020 held in the UHRC boardroom.

2.4.6 Corruption

There were allegations of corruption and bribery in order for one to get a job. Some of the respondents reported that most young people are always asked to pay a bribe in order to be given jobs, yet most of them are already unemployed and do not have the capacity to pay the bribes. This implies that those with the right qualifications for jobs lose it out to those with the capacity to pay a bribe. This was mostly cited by respondents in the island district of Buvuma.

2.4.7 Lack of business management skills

Respondents also informed the Commission that majority of youth do not have the necessary skills for running income-generating projects. They cited the Youth Livelihood Programme which is currently being implemented in all districts. It was reported that most of the beneficiaries had no prior experience in running business and were not accorded any form of training. This, they noted, was responsible for the failure of most of the projects that were funded under this programme.

2.5 HUMAN RIGHTS IMPLICATIONS OF UNEMPLOYMENT

It is evident that the above legal and policy standards relating to unemployment have not been fully realised; a situation manifested in the high rate of youth unemployment. This has implications, not only on the right to work and other associated rights, but also the general enjoyment of all human rights as presented below.

2.5.1 Unemployment and the right to work

Everyone has the right to work. The right to work is a foundation for the realisation of other human rights and for a life with dignity. Article 40(2) of the Constitution of the Republic of Uganda recognizes the right of everyone in Uganda to practice his or her profession and to carry on any lawful occupation, trade or business. The International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR) also requires states parties to recognize the right to work, which includes the right of every one to the opportunity to gain his living by work which he freely chooses or accepts, and to take appropriate steps to safe guard this right[73]. The high unemployment rate in Uganda therefore denies majority of people the full enjoyment of their right to work.

2.5.2 Unemployment and the right to dignity

To work and have an income affords one the chance to meet most of their needs. Being unemployed does not only affect one's social standing in society but also affects their dignity. As Pope Francis pointed out, "*Work is fundamental to the dignity of a person.... It gives one the ability to maintain oneself, one's family, to contribute to the growth of one's own nation*".[74] There have been several reports about the violation of the rights of Ugandan domestic workers in Saudi Arabia. This has been reported in both print and electronic media over the last three years.[75]

2.5.3 Implications on the right to health

The right to health is guaranteed under various international and regional instruments. Unemployment affects the quality of life by denying those affected the opportunity to afford the basics needed to have a decent life. These include limited access to quality healthcare and its associated determinants such as nutritious food, decent accommodation, etc. Studies elsewhere have indicated that unemployment has an impact on the enjoyment of the right to health. This is not only in terms of access to affordable healthcare services but also in terms of its effects on mental health. People who are unemployed are more susceptible to mental health problems such as depression. In most cases, people who are unemployed are not under any form of medical insurance and hence cannot afford good-quality healthcare.

73 Article 6(1) of the International Covenant on Economic, Social and Cultural Rights.
74 Cited by Bishop Stephen E. Blare. Available at https://www.americamagazine.org/issue/persistent-unemployment-affront-human-dignity Accessed on 13th March, 2020.
75 https://www.hiretheyouth.org/youth-unemployment/

2.5.4 Implications on the right to a livelihood

The human right to a livelihood is the human right of all women, men, youth and children to a dignified and productive livelihood which enables them to live in peace, security, justice and dignity. All people have the fundamental human right to fulfilling, dignified work and livelihood, including equal access to job opportunities and productive resources, and to basic labour protections. For many people, having a job is a means to a dignified livelihood. According to the Constitution of the Republic of Uganda, 1995, under objective 15(b) of the general objectives and directive principles of state policy, the government commits to ensure the protection of fundamental rights and freedoms of all Ugandans to social and economic justice by ensuring that all development efforts are directed at ensuring the maximum social and cultural well-being of the people. The absence of a job and a clear source of income implies that one does not have a livelihood.

2.5.5 Unemployment and crime

Another consequence of unemployment, especially among the youth, is its effect on crime and political stability. Most respondents interviewed by the Commission revealed that many youths were engaged in various forms of crime and violence including theft, drugs, robbery and assault. Some youth were reported to have resorted to commercial sex work and as a result of that, the spread of HIV/AIDS, drug abuse and civil disorder have increased as direct consequences. These illicit activities bring considerable economic and social costs to the individual, their families, communities and the country at large.

2.5.6 The right to social security

The right to social security is the right to access and maintain benefits, whether in cash or in kind, without discrimination in order to secure protection in times of sickness or other situations that may not allow one to work. It also ensures that one has a means to a livelihood in old age. Article 9 of the ICESCR recognizes everyone's right to social security, including social insurance. The Commission notes that unemployment leads to weak social security for those affected since they do not have any pension and are not under any form of social security arrangements such as Nationl Social Security Fund(NSSF). The unemployed and their families are likely to live on or below the subsistence level.

Other human rights concerns arising from unemployment include implications on the right to education, poverty and the right to development, and issues of equality and non-discrimination. In addition, other associated rights like the right to food, decent and adequate standard of living and the right to participate in the affairs of society may be impeded by lack of income.

2.6 INTERVATIONS TO ADDRESS UNEMPLOYMENT

2.6.1 The Youth Livelihood Programme (YLP)

The Youth Livelihood Programme is one of the government flagship programmes intended to create employment opportunities for the youth. It is meant to provide the youth with marketable vocational and entrepreneurial skills for self-sustenance and job creation. The overall objective of the YLP is to empower the youth to harness their socio-economic potential and to increase self-employment opportunities and levels of income. This objective is expected to be attained through providing the youth with marketable vocational and entrepreneurial skills and toolkits for self-employment and job creation; financial support to enable the establishment of income-generating activities; and provision of entrepreneurship and life skills, knowledge and information for a change in attitudes.[76]

The Commission established that this programme had been enrolled in all the districts of Uganda. YLP targets youth aged between 18 and 30 years. The beneficiaries must be living in slums, single parents, youth with disability, youth who have completed secondary school

76 Mwsigwa, D. and Mubangizi, B. C. (2019). Contributions of the Youth Livelihood Programmeme (YLP) to youth empowerment in Hoima District, Uganda. Available at https://www.researchgate.net/publication/330521314_contributions_of_the_youth_livelihood_programmeme_ylp_to_youth_empowerment_in_hoima_district_uganda/link/5c4857db299bf12be3ddac13/download Accessed on 18th February 2020.

or tertiary institutions and school dropouts.[77] Some of the income-generating businesses that have been set up by the beneficiaries of the YLP include carpentry, shoe making/repair, bakery, boda boda transportation, food processing, bicycle repair, tents and chairs hire and events management, produce buying and selling, salon business, metal fabrication, piggery and bull fattening.

The YLP falls under the Ministry of Gender, Labour and Social Development but at the district level, it comes under the overall supervision of the Chief Administrative Officer though directly managed by the district Community Development Officer, assisted by the sub-county Community Development Officer and two representatives of the youth at the sub-county level. The mechanisms put in place to manage the progamme at the district level include continuous supervision and monitoring of the youth groups, adequate training of the beneficiaries in project management, review meetings on implementation, sharing success stories with other YLP groups, payment reminders, arrests of defaulters, creation of enforcement teams at the district level and joint monitoring.

There were mixed reactions among the respondents interviewed by the Commission in regard to the impact of this novel intervention in addressing the challenge of unemployment among the youth. Some of the youth told the Commission that the fund had improved their lives. In Kumi and Soroti districts, for instance, youth groups testified that their enterprises were running well and successful. The same was reported in Nakapiripirit, Abim and Moroto. However, there were reports of some youth being denied access to the funds for unclear reasons. In Kampala city, for example, some youth groups were reported to be struggling to access funds under the Youth Livelihood Programme. A case in point was Nanganda Lukuli Youth Unisex Salon, a 15-member group. The group, which is located in Nanganda zone, Lukuli parish in Makindye division, had intentions of opening up a salon in the area. The group reportedly presented its proposed project to Kampala Capital City Authority that assessed and passed it. At the end, the group did not receive the funding.

2.6.2 Enhancing skills development

In a bid to enhance the skills relevant in the job market among young people, the Government of Uganda launched the Business, Technical and Vocational Education and Training (BTVET) Strategic Plan 2011 – 2020, also commonly referred to as *Skilling Uganda*. According to the Strategic Plan, Skilling Uganda was to represent a paradigm shift for skills development in the country and enhance productivity and growth in order to help youth acquire skills. Parents and communities were also encouraged to advise the youth to get involved in hands-on skilling programmes of government. Other initiatives aimed at enhancing skills development among Ugandans include interventions by some educational institutions to make courses relevant to the job market. One such example is the African Rural University in Kagadi which offers skills training to the youth with hands-on courses in tailoring, brickmaking, carpentry and also trains them with an aim of empowering them to get employment in the future. The Commission was, however, not in a position to assess the effectiveness of these new initiatives in addressing the problem of unemployment in Uganda. It remains to be seen whether these interventions will have a positive impact as far as addressing unemployment is concerned.

2.6.3 Uganda Women Entrepreneurship Programme

The Uganda Women Entrepreneurship Programme (UWEP) is another initiative by the Government of Uganda to improve women's access to financial services, equip them with the skills for enterprise growth, value addition and marketing of their products and services. The women are availed with interest-free revolving credit to initiate or strengthen their enterprises. UWEP has been running for about four years. As of 2019, 9,381 projects had been funded with a total membership of 117,551 women.[78]

77 Okethwengu, B. (2013). Sh19b available for youth. *New Vision, 26th August, 2013*. Available at https://www.newvision.co.ug/news/1330042/sh19b-youth Accessed on 18th February 2020.
78 Mubiru, A. (2019). Govt relaxes rules on accessing funds for women. *New Vision, 10th April, 2019*. Available at https://www.newvision.co.ug/news/1498180/govt-relaxes-rules-accessing-funds-women Accessed on 14th March, 2020.

However, implementation of the project at district level has been met with some challenges. In some districts, cases of delay in the release of the requested funds, fraud by district officials and inflation of project costs were cited. In Nakasongola district, for example, it was reported that one sub-county chief had added UGX 5 million to the UGX 7.5 million that had been requested by a group so as he could make a deference.[79]

2.6.4 Labour export

Exportation of labour is one of the strategies government is using to address the problem of unemployment in the country. As of June 2019, it was reported that up to 84,000 migrant labourers were operating in the Middle East alone, compared to a mere 9,967 in 2010. However, this figure only considers those labourers who are recruited through the known and licensed labour export companies. There are 162 licensed labour exporting companies. Of the 84,000 known migrant workers, UAE (Dubai) tops the list with 29,386 workers, followed by Iran (19,719) and Saudi Arabia (18,529).[80]

However, the Commission is concerned about reports of human rights abuses that migrant workers have been subjected to. Media reports have indicated that many of the migrant workers, majority of whom are women, are subjected to some of the worst forms of human rights abuses including, but not limited to, slavery and servitude, forced labour, human trafficking, prostitution and sexual violence. A number of stakeholders, including members of parliament have called on the government to ban the exportation of labour until all the necessary safeguards are in place to prevent future violation of human rights.

Government, on the other hand, has expressed fears of losing up to UGX 2.2 trillion if a ban on labour export is to be affected. This is the amount received as annual remittances from Ugandan labourers working in the Middle East alone. Instead, Government, through the Ministry of Gender, Labour and Social Development, has given an assurance that the current loopholes in the exportation of labour will be addressed. Indeed, mechanisms for registering all recruitment agencies/ labour exporters have been put in place.

In 2018, the Ministry of Gender, Labour and Social Development officially digitized the entire process related to external employment – from registration of approved recruitment agencies to listings of available jobs, requirements for applicants and the application process itself through the External Employment Management Information System (EEMIS). Government, through the Ministry of Gender, Labour and Social Development, signed bilateral agreements with the United Arab Emirates, and Jordan in 2016 and with the Kingdom of Saudi Arabia in 2018. The Commission will continue to monitor whether the measures put in place by the ministry to curb incidences of human rights abuses will be effective.

2.6.5 Operation Wealth Creation

Operation Wealth Creation (OWC) was launched by H.E the President in July 2013 as an intervention to efficiently facilitate national socio-economic transformation, with a focus on raising household incomes and wealth creation by transforming subsistence farmers into commercial farmers to end poverty.[81] The objectives of the programme are to mobilize the population to engage in commercial agricultural activities to



Unemployed youth demonstrating

79 Nakajubi, G. (2017). Fraud hits youth livelihood, women's fund projects. *New Vision, 18th July, 2017.* Available at https://www.newvision.co.ug/new_vision/news/1458346/fraud-hits-youth-livelihood-women-fund-projects Accessed on 14th March 2020.

80 The Africa Faith & Justice Network's (AFJN) Women Empowerment Project. (2018). Labour export or human trafficking: Tackling the labor laws in Uganda. *AFJN, 21st December, 2018.* Available at https://afjn.org/labor-export-or-human-trafficking-tackling-the-labor-laws-in-uganda/ Accessed on 28 February 2020.

81 Operation Wealth Creation https://owc.go.ug/aboutus.php last accessed on 11th March 2020 .

boost household incomes; distribute production inputs equitably and timely to boost production and productivity at household level; facilitate rural technological upgrading to allow smallholder farmers to transform themselves into small-scale industrialists; stimulate local and community enterprise development across the country; and to facilitate infrastructure development particularly in rural areas[82].

The programme's operations strategy is organised around four phases; namely: (a) mobilization and deployment to ensure farmers and the masses at large are sensitised to adapt to new farming methods with total mindset change to enable them earn to achieve economic social transformation. (b) Stabilization of phase 1 efforts and ensuring policy change and fill identified gaps. (c) Consolidation to ensure that the masses embrace the most economic gains and guard them jealously to avoid possible negative influence that could derail these great achievements. This would also widen and deepen popularity from within and beyond the country to attract direct investors to increase opportunities tonew graduates, establishing skilling institutions to warrant sustainability for an assured bright future of wealth. (d) An exit strategy aimed at creating a conducive environment to allow a smooth handover. The Commission was not in a position to ascertain the number of jobs created as a direct result of Operation Wealth Creation programme.

2.6.6 Promotion of trade through development of infrastructure

The government has also been investing in infrastructural development as one way of stimulating growth and job creation. In this regard, several road construction projects have been executed. Another area of infrastructure development has been in the construction of 20 modern markets in selected municipalities across the country. These include in Soroti, Mbale, Lira, Gulu, Fort Portal, Moroto and Mbarara.

Daniel Ogwal, the vice chairperson of Lira Central Market, informed the Commission that the newly constructed market has attracted the youth to join retail trade business, as an alternative to the formal white-collar employment which is scarce. Majority of these young people, especially the females, were reportedly engaged in tailoring, while executives engaged in selling fresh food, vegetables, clothes, and salon services, among others. He further noted that most of the vendors in the market are aged between 20 and 45. He also revealed that although the youth reluctantly join the market because they look down on such jobs, those that have joined have seen a change in their lives for the better although they still face a couple of challenges.



Lira Central Market, recently constructed by the Government as a way of creating employment

2.6.7 Interventions by non-state actors

Other actors, other than Government, that have interventions aimed at addressing unemployment include non-governmental organisations, private bushiness/companies and private educational institutions. The Programme Officer of Community Effort for Child Empowerment noted that they have an initiative to address youth unemployment within the community of Masodde village, Wattuba sub-county, Kyankwanzi district. He noted that Community Effort for Child Empowerment introduced tailoring courses whereby youth are taught tailoring skills and given tailoring tools after the end of the course.

82 Operation Wealth Creation https://owc.go.ug/aboutus.php last accessed on 14th March, 2020



Storage facilities (silos) of Mukwano Group of companies in Lira district

In Kagadi district, institutions of higher education such as the Uganda Rural Development Institute have trained youth to acquire skills and created avenues for acquiring jobs. Education institutions have also put in place programmes to enable youth take relevant courses suitable for the job market and this is through apprenticeship and internship placements. At Kabwoya Child Development Centre in Kikuube district, youth are trained in tailoring, computer and carpentry skills.

Dalson Twecan, the Project Coordinator, ActionAid, Gulu, also informed the Commission that the organisation gives livelihood projects to youths; through on-farm and off-farm interventions. These interventions lead to household food security, crop varieties and climate resilience, among others. Beneficiaries receive apprenticeship training in hairdressing, tailoring, computer maintenance, etc. all contributing to employment. The project targets five districts; three in Acholi, one in Lango, and one in Karamoja. It targets 4,000 youths of ages 15 to 35. There are also other projects targeting women.

In the private sector, companies and businesses have over time created job opportunities for a number of people. These include small and medium-sized enterprises as well as those that operate on a large scale. In Lira district, for example, Bebe Wine Factories employs 100 people. According to Boniface Ogema of Bebe Wine Factories, the workers on formal contract were 100; 60 female and 40 males, while those on part time (casual labour) were 150, majority females. Majority of employees are aged between 20 and 45.

Still in Lira, Mukwano Millers Limited employs 250 staff on contracts and an additional 122 as casual labourers. The facility employs the biggest number of people in Lira, and it is the biggest company that buys soya and sunflower from farmers. Other industries in Lira include Mount Meru Millers, Nile Agro Co. Ltd, Ntake Bakery, Tiptop Bakery and Bebe Wine.

Still with all these initiatives, the available job opportunities cannot meet the demands of the job market. Every year, many fresh graduates are released by universities to join those already in the job market and compete for the few available jobs.

2.7 RECOMMENDATIONS

1. The Ministry of Gender, Labour and Social Development should put much emphasis on training the youth enterprise selection, skills and management before they can access the Youth Livelihood Programme funds.
2. The Ministry of Gender, Labour and Social Development should ensure that much of the funds go to already existing youth groups that have ongoing projects since they already have experience in managing businesses.
3. The Ministry of Education and Sports should strengthen vocational education institutions to absorb more young people so as to acquire practical skills.
4. All stakeholders, from parents, teachers and the general community, should sensitise the citizens to have a positive attitude towards work.
5. The government, through the Ministry of Education and Sports, should construct more skilling centres and vocational institutes across the country as a means of enhancing practical skills among the population.
6. The Ministry of Education and Sports should adopt competency-based curriculum at all levels of education to ensure that people acquire key competencies that are required in the job market as opposed to theoretical skills.
7. The Ministry of Gender, Labour and Social Development should sensitize the youth on financial literacy and creating their own jobs.
8. The Government, through the Ministry of Gender, Labour and Social Development, should conduct an employment baseline survey to ascertain the exact number of unemployed youths in the country.
9. The Ministry of Gender, Labour and Social Development should put in place measures to ensure regular monitoring and reporting by countries hosting migrant workers from Uganda to submit quarterly reports on the status of each and every Ugandan worker in their jurisdiction.

In this regard, the Ministry of Finance, Planning and Economic Development should ensure that more funds are allocated to the Ministry of Agriculture, Animal Industry and Fisheries since it is the sector that employs majority population in the country.

2.8 CONCLUSION

It is evident that demographic changes over the recent past have left Uganda with a rapidly expanding working-age population that has struggled to become effectively integrated in the formal labour market. This notwithstanding, the agricultural sector still offers the vast majority of work to new labour market entrants, especially young people, closely followed by petty trade and services; usually via small-scale household enterprises or casual wage work. While the rate of unemployment is generally considered high nationally, Eastern and Northern Uganda which is recovering from close to two decades of conflict, have a comparatively higher rate of unemployment.

Chapter 3

The impact of corruption on the right to development in Uganda in 2019



3.0. INTRODUCTION

In 1986, the UN General Assembly adopted the UN Declaration on the Right to Development. Among others, the declaration recognizes the right to development as an inalienable human right by virtue of which every human person is entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.[83] The right to development is the centre-piece upon which all other human rights and fundamental freedoms can be fully realised on the basis of the interdependent and interrelated nature of human rights. In fulfillment of its obligations under the instrument, the Government of Uganda has formulated and implemented several national development policies/programmes aimed at the progressive and constant improvement of the well-being of its citizens. However, corruption, among other factors, continues to hamper the country's quest to attain the right to development.

83 *The Declaration on the Right* to *Development* was adopted by the General Assembly through resolution 41/128 of 4th December, *1986.*

Corruption refers to *"the abuse of entrusted power for private gain".*[84] This broad definition applies to both the conventional forms of corruption which involve the public sector and the recent trends in corruption where the private sector such as corporations has been involved in corrupt practices.[85] Graft manifests in many forms such as bribery, extortion and kickbacks, misappropriation (forgery, embezzlement and misuse of public funds) and influence peddling (favour brokering and conflict of interest), among others.

Corruption occurs during day-to-day administration and public service (petty corruption) and/or at high levels of political office (grand corruption). Petty corruption refers to everyday abuse of entrusted power by low or middle-level public officials in their interactions with citizens, who often are trying to access basic goods or services in places like hospitals or police facilities, usually taking the form of giving or receiving bribes.[86]

Grand corruption consists of acts committed at a higher level of government that distort policies or the central functioning of the state or entity, enabling leaders to benefit at the expense of the public good. For instance, grand corruption may occur if Members of Parliament amend the law to increase their own salaries and vehicle allowances that negatively affects budget allocations for drugs in public hospitals.

Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision-makers, who abuse their position to sustain their power, status and wealth.

Regardless of the form and level, corruption is a human rights concern because it adversely affects the realisation of the right to development which ultimately affects the enjoyment of all other human rights and freedoms. It affects the level and extend to which citizens participate in or contribute to development as well as the enjoyment of basic services. In light of the above, the Commission monitored the impact of corruption on the realisation of the right to development in Uganda in 2019. It interviewed 115 respondents (63 females and 52 males) from the public and private sectors across the country. The Commission also accessed and made use of information from various reports on corruption in Uganda to author this chapter.

This chapter seeks to examine the impact of corruption on the realisation of the right to development in Uganda in 2019. It contains highlights of the legal, policy and institutional frameworks against corruption, the state of corruption in Uganda in 2019 and government initiatives/interventions against graft in the country. The chapter also highlights key challenges encountered in the anti-corruption fight in Uganda, recommendations and conclusion.

3.1. LEGAL FRAMEWORK AGAINST CORRUPTION

3.1.1. International framework

At the international level, the United Nations Convention against Corruption (UNCAC)[87] is the principal anti-corruption legal instrument which Uganda ratified. Among others, UNCAC compels states to take preventive and punitive measures against corruption in both the public and private sectors including designating a "body or bodies" to coordinate and oversee the implementation of anti-corruption laws.[88] Additionally, Article 15 of the Convention obliges states parties to criminalize bribery[89] and other related offences including obstruction of justice and conversion or transfer of criminal proceeds. Chapter III, among others, provides for protection of whistleblowers and witnesses in corruption cases, as well as remedies for corruption, such as freezing assets and compensation of victims.

84 The word corruption is not universally defined in the international treaties and as such it has been defined differently by different scholars. The most common definition is by Transparency International (TI) which offers an inclusive definition.
85 Where no public office is involved and where there may only be a gain for the company, not for the individual employee.
86 Inspectorate of Government Report. (2008).
87 It was adopted by the UN General Assembly on 31st October, 2003 and was opened for signature in Merida, Mexico, on 9–11 December, 2003. The UNCAC entered into force two years later, on 14th December, 2005. The high number of signatories and ratifications reflects the broad international consensus on the UNCAC. This consensus was not only shared among states, but also among the international private sector and civil society. Uganda ratified the convention on 9th September, 2004.
88 Articles 3, 6 and 12 of the UNCAC
89 The Convention defines bribery as both the giving of an undue advantage to a national, international or foreign public official and the acceptance of an undue advantage by a national public official, as well as embezzlement of public funds.

The most innovative provision of the UNCAC is the one which lays down a framework for countries to adapt legal measures to facilitate tracing, freezing, forfeiting and returning funds obtained through corrupt activities. According to many observers, this is the main "selling point" of the Convention, and it accounts for the reason why so many developing countries have ratified it.

The Organisation for Economic Co-operation and Development (OECD) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions which was ratified by Uganda[90] establishes legally binding standards to criminalize bribery of foreign public officials in international business transactions and provides for a host of related measures to effectively combat corruption among member states. It is the first and the only international anti-corruption instrument focused on the 'supply side' of bribery transaction.

3.1.2. Regional framework

Similar to the provisions of the UNCAC, the African Union Convention on Preventing and Combating Corruption ('AU Convention')[91] that was ratified by Uganda, among others, requires states to undertake legislative and other measures to criminalize corrupt practices in their domestic penal laws and to establish, maintain and strengthen independent national anti-corruption authority or agency. Furthermore, the convention obliges states to take measures to encourage the participation of civil society in the prevention of corruption. Article 16 provides for the confiscation and seizure of the proceeds and instrumentalities of corruption.

3.1.3 National legal and policy framework

Uganda has a strong and robust national legal, policy and institutional framework to fight corruption. Objective XXVI[92] of the Constitution declares that all lawful measures shall be taken to expose, combat and eradicate corruption and abuse or misuse of power by those holding political and other public offices. Articles 223 of the Constitution establishes the office of the Inspectorate of Government (IG) while Article 225 states the IG's specific mandates to eliminate and foster the elimination of corruption and abuse of authority and of public office and to supervise the enforcement of the Leadership Code of Conduct**.** The Inspectorate of Government is empowered to investigate or cause investigations, arrest or cause arrest, prosecute or cause prosecution of corruption cases, abuse of authority or of public office. However, the fight against corruption is not limited to the office of the Inspectorate of Government alone. Article 17 (i) of the Constitution imposes a duty on every citizen of Uganda to combat corruption and misuse or wastage of public property.

The Anti-Corruption Act Cap 2009 and the Penal Code Act Cap 120 criminalize corruption and prescribe punishment for those found guilty of any corruption-related offences. The Anti-Corruption Act also contains provisions that tackle corruption from both the supply (the giver) and demand (the receiver) side. Other related laws include the Inspectorate of Government Act, 2002; the Public Finance Management Act, 2015; and the Leadership Code Act, 2002 (LCA). The Whistle Blowers Protection Act, 2010 provides for mechanisms of encouraging individuals to blow the whistle on corruption cases including reporting to Uganda Human Rights Commission. The Act provides for monetary incentives to whistleblowers and also guarantees their protection. The Public Procurement and Disposal of Public Assets Act 2003 and the Local Government Act 1997 are some of the other laws. At policy level, the National Anti-Corruption Strategy 2014 -2019 and the JLOS Anti-Corruption Strategy are some of the policy documents against corruption in Uganda.

It is imperative to observe that the laws establish institutions with specific mandate to steer the fight against corruption in Uganda. They include the Anti-Corruption Court, the Office of Directorate of Public Prosecutions (ODPP), the Uganda Police Force, the Inspectorate of Government and the State House Anti-Corruption Unit established under Article 99 (4) of the Constitution. Civil Society Organisations such as Anti-Corruption Coalition Uganda and other coalition movements equally play a critical advocacy role in the fight against corruption in Uganda.

90 It was adopted in 1997, and entered into force in 1999. Forty-four members including Uganda have signed it (36 from OECD countries and eight from non-OECD countries. OECD is an international organisation that works to build better policies for better lives. Its goal is to shape policies that foster prosperity, equality, opportunity and well-being for all.

91 It was adopted in Maputo, Mozambique on 11th July, 2003 and entered into force approximately three years later. As of 1st January, 2013, 45 states had signed the AU Convention and 31 had ratified it.

92 Objective XXVI of National Objectives and Directive Principles of State Policy, Constitution of Uganda, 1995.

3.2. THE STATE OF CORRUPTION IN UGANDA IN 2019

Corruption is a global phenomenon found in all countries but evidently prevalent and entrenched in developing countries. It is equated to cancer which strikes almost all parts of the society as it "eats" the cultural, political and economic structure of the society and destroys the functioning of vital organs in a society.

3.2.1. International ranking

Uganda is one of the many African countries perceived to have high corruption propensity in the world. The Transparency International's Corruption Perceptions Index, 2019 ranked Uganda number 137 out of 180 counties, at a score level of 28 out of 100 - implying high corruption susceptibility.[93]

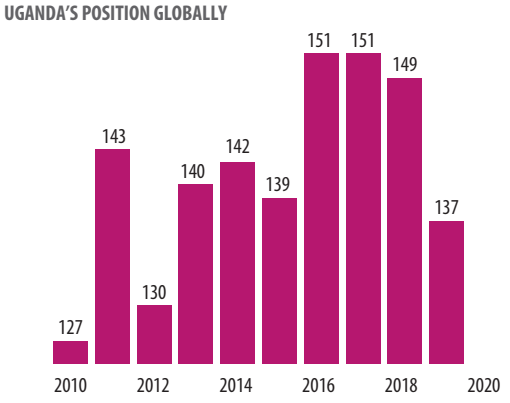
3.2.2. Uganda's corruption standing within East Africa

Within the East African Community, Uganda ties with Kenya as the third most corrupt countries after South Sudan and Burundi in the first and second position respectively. Rwanda and Tanzania are the least corrupt countries in the first and second position respectively, according to the survey.[94]

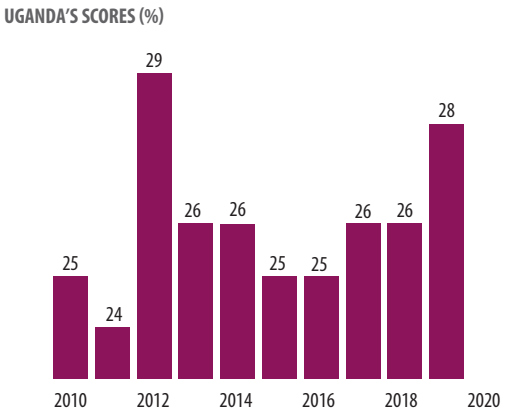
While the Government of Uganda should be commended for the consistent improvement in the country's corruption record for the last two consecutive years from position 151 in 2017 to 149 in 2018 and 137 in 2019 thereby signifying a downward trend, the reduction in ranking is, however, still considered insignificant. This is because the country's corruption score of 28 out of 100 (28%) stagnates below the sub-Saharan average of 32% and the world average of 43% score level. Additionally, other empirical surveys conducted as well as statistical information on corruption cases in the country reveal a rise in the state of corruption in Uganda in 2019.

FIGURE 9:

FY 20 Trends of Uganda's corruption performance for the last 10 consecutive years



Source:Tradingeconomics.com | Transperency International



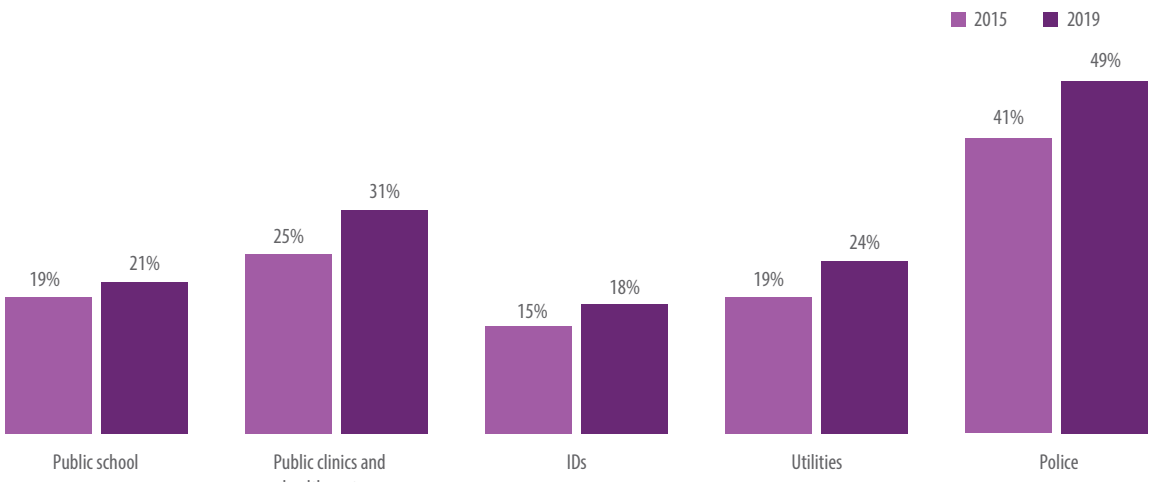
Source:Tradingeconomics.com | Transperency International

For instance, findings from the Global Corruption Barometer Africa, 2019, indicates that 69% of Ugandan citizens believed that corruption levels in Uganda increased in 2019[95] as 46% of public service users reportedly paid bribe in order to access services in the previous 12 months.[96] In comparison with Transparency International's Corruption Perceptions Index finding of 2015 when Uganda was ranked number 130 (better score), bribery level was perceived to have increased from 38% in 2015 to 46% in 2019 across most government institutions as show in the figure below.

93 Transparency International Corruption Perceptions Index 2019.
94 Transparency International Corruption Perceptions Index, 2019 ranks Rwanda as the least corrupt country in East Africa with score level at 54, followed by Tanzania at 37, Uganda and Kenya tie in third position at 28, Burundi and South Sudan at 19 score level.
95 Transparency International. (2019). Global Corruption Barometer Africa 2019: Citizens' Views and Experiences of Corruption, page 58.
96 *Ibid*

FIGURE 10:

Graph showing increase in bribery rate across selected government sectors/institutions



This finding substantiates the Commission's finding on the state of corruption in Uganda in 2019 where 75% of the respondents interviewed believed that corruption levels increased in 2019 while 20% believed that corruption reduced, and 5% were not sure.

Accordingly, the Commission established that corruption levels in Uganda in 2019 were very high, widespread and manifested in most districts. Corruption penetrated the public and private sectors. This was explained by His Lordship, Justice Lawrence Gidudu, a judge at the High Court Anti-Corruption Division, who said, *"Corruption in Uganda is fast spreading like 'wildfire' and has invaded a wide range of sectors and government institutions, including infrastructure, education, health, the judiciary and the police, to mention but a few".*

Approximately 80% of the Commission respondents indicated that corruption remarkably spread beyond the traditional institutions to affect also religious and cultural institutions as well as NGOs and corporations (private sector), thereby suffocating service provision across all sectors.[97] Justice Gidudu also observed that "*The vice has sunk so deep in Ugandans' moral fabric that even young children in primary schools bribe their fellows with sweets and cakes to be voted as prefects*".

3.2.3. Corruption level by institution

In 2019, the Uganda Police Force was reported to have topped the list as the most corrupt institution in the country. According to the Commission finding, 79% of the respondents interviewed across the country affirmed that Uganda Police Force (specifically traffic officers) was the most corrupt government institution followed by civil servants working in both the central and local governments.

This position is also confirmed by that Global Corruption Barometer Africa, 2019 survey which positioned the Uganda Police Force as the topmost corrupt public institution in Uganda in 2019. According to the report, there was general increase in bribery levels in 2019 compared to 2015 as shown in the graph below.

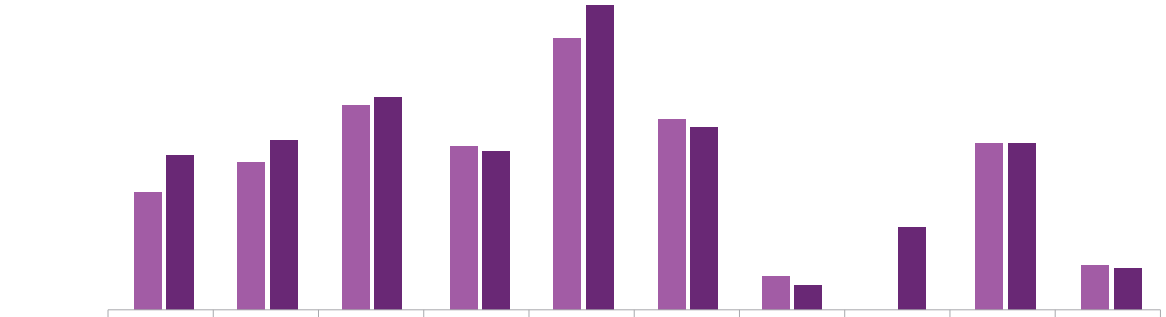
While religious and traditional leaders registered reduction in corruption levels, it still confirms and demonstrates the fact that corruption has spread to all service sectors.

In terms of actual cases, the Inspectorate of Government report of 2018 indicates that 31% of the overall corruption cases received in 2018 was against District Local Governments, followed by cases against other public officials at 14% and schools at 5.8%. A total of 4.8% of the cases was against the Uganda Police Force, as shown in figure 12.

97 Interview with Justice Lawrence Gidudu, the Head of Uganda's Anti-Corruption Court since 2013.

FIGURE 11:

Bribery rate in selected government institutions in Uganda in 2019 compared to 2015



	President/ Prime minister	Members of parliament	Govt officials	Local govt officials	Police	Judges and Magistrate	Religious leaders	NGOs	Business executives	Traditional leaders
2015	29%	36%	48%	39%	63%	45%	9%	-	40%	12%
2019	37%	40%	50%	38%	70%	43	8%	21%	40%	11%

FIGURE 12:

A graph showing corruption levels by institution in 2018

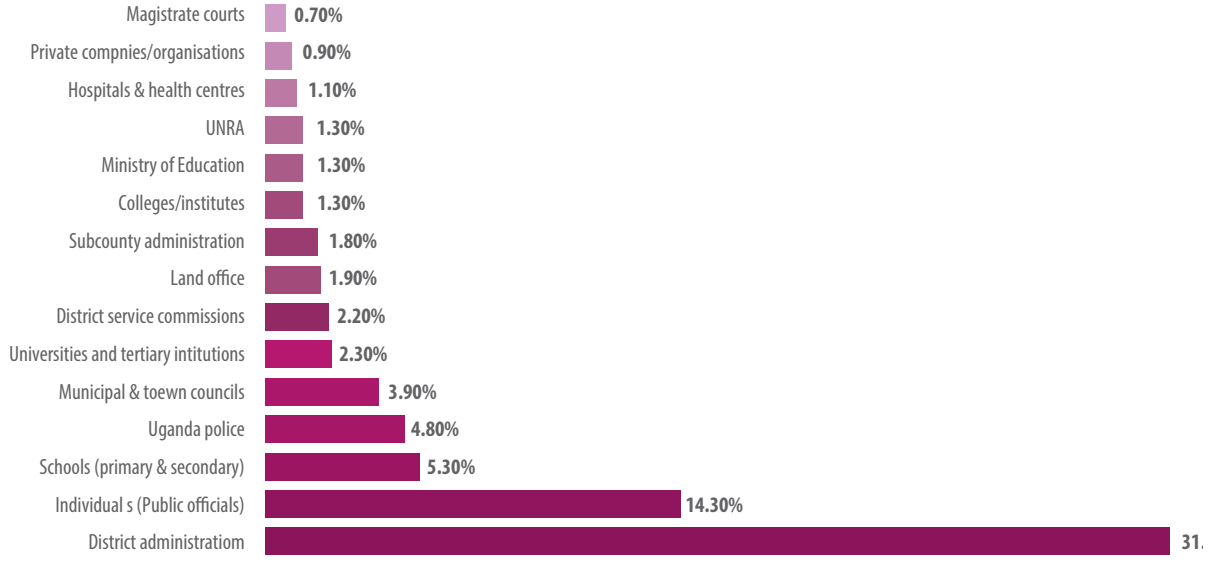
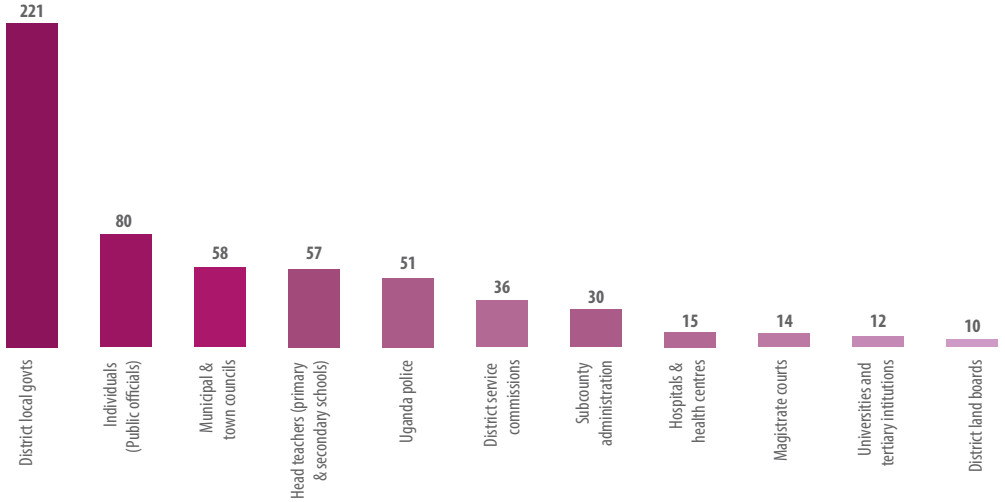


FIGURE 13:

Number of corruption allegations registered by Inspectorate of Government from January to June, 2019



Similarly, the Inpectorate of Government report (January to June 2019) indicates that complaints against District Local Governments were the higest at 221 cases, followed by cases against public officials at 80. The Uganda Police Force is placed at 5th position. It should be noted that the number of complaints of corruption allegations against a particular institution may not necessarily reflect corrption levels since some corruption cases are not reported, epscially the petty corruption which happens on a daily basis.

3.2.4 Gender dimension of corruption

Corruption affects both men and women disproportionately. According to Transparency International[98], corruption is perpetrated by men more than women; men are more susceptible to corrupt tendencies compared to women and this is attributed to the overarching family responsibility level of men. This finding is also backed by statistics of cases registered and investigated by the Inspectorate of Government in January to June 2019 as illustrated below.

3.2.5. The nature of corruption cases in 2019

The Commission established that the most common forms of corruption in Uganda in 2019 were abuse of office, causing financial loss to government, conspiracy to defraud, bribery, diversion of public funds and embezzlement. This is consistent with statistics of cases registered in Uganda by the Inspectorate of Government in January to June 2019 as shown below.

Additionally, 80% of the Commission respondents believed that the most prevalent forms of corruption in 2019 were bribery, embezzlement, nepotism and conflict of interest.

FIGURE 14:

Perpetrators of corruption by sex

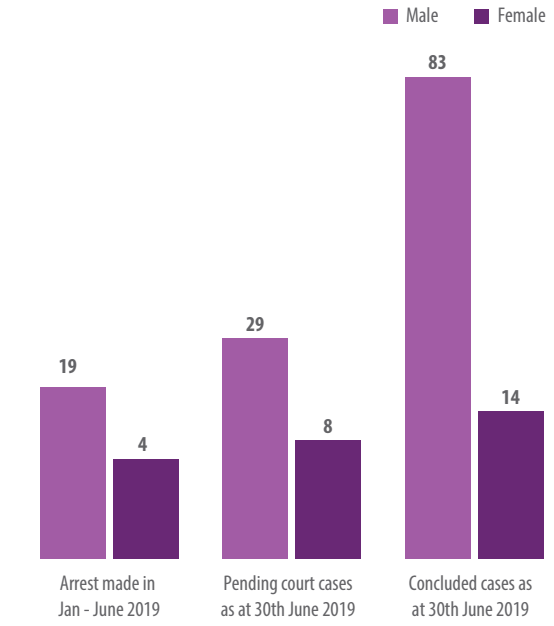
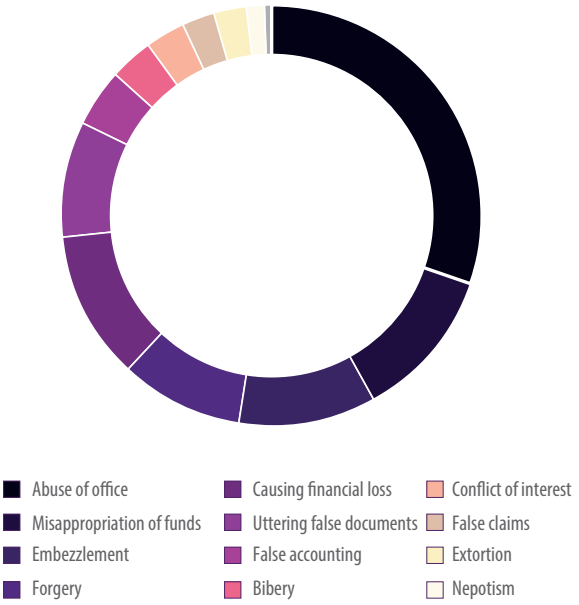


FIGURE 15:

The nature of corruption cases registered by Inspectorate of Government in January to June 2019



98 Transparency International. (2019). Global Corruption Barometer Africa 2019: Citizens' Views and Experiences of Corruption.

3.3 CAUSES OF CORRUPTION IN UGANDA

Corruption in Uganda is caused by economic, social and moral factors as highlighted below.

3.3.1 Morbid greed and materialism

Greed and the desire to amass wealth in a short time is the major cause of the rampant corruption in Uganda. Greed blindfolds public officials and drives them to exploit every possible opportunity to amass wealth by grabbing "everything" and "anything'' to satisfy their greedy desire. According to the Rtd. Archbishop Stanley Ntagali**,** "*Corruption is a symptom but is not the real core of the thing we are currently handling as a country; we need to deal with greed and self-centreedness*".

3.3.2 Moral decadence

The high degree of moral decadence within the society has led to acceptance of corruption as a normal method of enrichment and materialization. This has resulted into glorification of wealthy corrupt public officials who are viewed as 'successful' and most often respected including giving them preferential treatment in churches because of their exorbitant contributions in church. Justice Lawrence Gidudu remarked as follows in June 2019:

"I have noticed that we have a big challenge to make young people hate corruption. Most of our young people glorify corruption. They see the corrupt as brilliant individuals who are taking advantage of the offices they hold. They like to see a person who gets a job and immediately starts acquiring expensive properties. They think this person is working hard yet this person is simply a thief. But because the person is driving a posh car, the rest, to them, does not matter". As such, corruption is seen as a source of wealth by the society.

3.3.3 Peer influence

Peer influence especially for aacquiring material things is one of the factors that have promoted corruption among young public servants. Many young people in Uganda lack the patience to stand the test of time and, as such, easily get swayed by material desire to perpetrate unethical practices such as bribery.

3.3.4 Public perception

As a result of the corruption perception and the way of life in Uganda, there is a growing tendency by people that services cannot be obtained free of charge and, as such, most people willingly and voluntarily offer bribes to public officers. This has created a practice of *"something for something"* and *"nothing for nothing"* within the community.

3.3.5 Low pay for public officials

Low pay, especially within the public sector, is believed to be one of the causes of corruption in Uganda. The Commission established that low pay drives officers to resort to unethical means of survival as their monthly expenditure is usually higher than their monthly earnings.

3.4 SELECTED CORRUPTION ALLEGATIONS IN 2019

Just like any other criminal case, corruption occurs on a day-to-day basis at different levels and in many forms. While a few cases get to be known and reported, a vast majority of corruption cases go unreported or get compromised. In 2019, several corruption allegations were reported to or handled by the different established anti-corruption mechanisms as detailed below.

TABLE 4:

A summary of selected corruption allegations in 2019

S/N	INSTITUTION/ ENTITY	NATURE OF ALLEGATION	AMOUNT INVOLVED (UGX)
1.	Bank of Uganda (BOU)	Alleged irregularity in procurement and supply of UGX 90 billion for personal gain by some top Bank of Uganda officials. Another corruption allegation involving the bank was UGX 478 billion that BoU claims to have used during the receivership of Crane Bank.	90 billion 478 billion
2.	Ministry of Energy and Mineral Development	Alleged swindling of UGX 24 billion by some top officials from Ministry of Energy meant for the construction of Isimba dam with a bridge to connect Kamuli and Kayunga districts. It is alleged that dam was constructed and commissioned without a bridge to connect the two districts as provided by the contract.	24 billion
3.	Uganda Revenue Authority	It was alleged that two URA officials attached to Jinja branch were arrested allegedly for soliciting a bribe of UGX 45 million to enable a certain businessman evade taxes worth UGX 3 billion.	45 million
4.	Uganda Human Rights Commission	A total of five UHRC officials were charged before court for allegedly causing financial loss, abuse of office and conspiracy to defraud the government of money amounting to UGX 100 million.	100 million
5.	Equal Opportunities Commission	It was alleged that between January and December, 2018 five staff of Equal Opportunities Commission diverted and embezzled public funds amounting to UGX 100 million meant for sensitisation on equity and rights issues in lower local governments in Karamoja sub-region and paid themselves as per diem for editing and drafting Equal Opportunities Commission's HIV/AIDS Workplace Policy yet they were not entitled to it.	100 million
6.	National Gaming and Lotteries Board (NGLB)	It was alleged between October 2018 and February 2019, that two high-ranking officials from NGLB authorized payment of UGX 352 million meant for facilitation for sensitisation activities to be held at various hotels for two days yet in the actual sense, the said activities had taken only one day. Further, it is alleged that the suspects and others still at large, between January and May 2019 authorized payment of UGX 360 million meant for mobilization activities for boda boda riders yet it had been done for only one day.	600 million
7.	MTK (U) Ltd	It was alleged that in 2017, Government of Uganda through Ministry of Agriculture contracted MTK (U) Ltd to supply foot and mouth disease vaccines for two years from KEVEVAPI who are the original manufactures of FMD vaccines. In 2018, government asked MTK to supply 500,000 doses of vaccines of FMD vaccines within three months. However, out of 500,000 doses, MTK reportedly supplied 190,000 fake doses by May 2019 despite the company receiving full payment of UGX 6 billion.	6 billion
8.	Ministry of Local Government	It was alleged that the Human Resource Officer at the Ministry of Local Government in FY 2014/2015 received a total of UGX 121,594,000 to carry out various activities in Local Governments. The Human Resource Officer allegedly submitted false accountabilities to the Accounting Officer of UGX 7,840,000 and failed to account for UGX 105,924,000/=.	113.7 million
9.	Dokolo District Local Government	Abuse of office, forgery, false accounting and embezzlement of funds meant for the low-cost construction of 1.2km of Acandyang – Oturorao road in Okwerodot sub-county in Dokolo district.	705 million
10.	Alebtong District Local Government	Four district officials were alleged to have mismanaged UGX 546 million meant for capital development projects in Alebtong during the financial year 2017/2018.	546 million
11.	Amolatar District Local Government	Three officials were arrested from Amolatar over alleged embezzlement of UGX 46.6 million meant for rehabilitation of various roads in the district.	46.6 million
12.	Mbarara District Local Government	Seven district and municipal council officers were arrested on allegations of allocation of district houses and plots among districts officials; plans to grab Ministry of Works parkyard, the sale of Kakyeka Stadium, and embezzlement of UGX 360m meant for Koranorya Road and sale of State Lodge land in Kamukuzi.	360 million
13.	Arua Municipal Council	It is alleged that two officials from Arua Municipal Council arbitrarily diverted UGX 436,477 million meant for road works to pay individual officers allowances.	436.4 million

3.5 GOVERNMENT INTERVENTIONS AGAINST CORRUPTION

The fight against corruption in Uganda was greatly enhanced in 2019 and this partly accounts for the improvement in the country's corruption global performance in the period under review. Through the anti-corruption agencies, a number of strategic preventive as well as responsive interventions were implemented as highlighted below.

3.5.1 Interventions by the Inspectorate of Government

By the time of compiling this report, the June to December 2019 bi-annual report of the Inspectorate of Government had not been published; as such, information contained in this part of the chapter is based on the January to June 2019 bi-annual report.

3.5.2 Complaints registered, investigated and recoveries made

The Inspectorate of Government registered 489 complaints and investigated 26 high-profile cases. The investigations led to the recovery of UGX 769 million out of UGX 1.380 billion which was misappropriated and recommended for recovery.

The IG's Regional Offices also investigated complaints of corruption and maladministration in local governments. A total of 723 complaints were concluded and 1,788 corruption investigations were ongoing by the end of June 2019. These investigations led to prosecution of 16 persons, administrative actions taken against 451 officials, and recommendation for recovery of UGX 1,073,597,230 made.

3.5.3 Prosecution and conviction

A total of 27 cases were concluded in court by June 2019 with 20 convictions; five of the convictions had court orders for refund of misappropriated funds, five cases were acquittals, and two cases were withdrawn. Fifty cases were ongoing at first trial and forty four (44) cases were on appeal, as at 30th June 2019. A total of UGX 85,506,000 was recovered as a result of prosecution.

3.5.4 Engagement of citizens

The Inspectorate of Government also scaled up the engagement of citizens to monitor Government projects in 75 districts. This included eight districts in western Uganda and 67 from the greater North. This has resulted into 23,909 community members trained to monitor government projects in order to improve service delivery, resolve grievances, and report corruption. Consequently, the communities were able to combat corruption by addressing 217 corruption grievances in their communities ranging from illegal sale of project assets, misappropriation, embezzlement, misuse and or diversion of funds. Some 72% of the grievances were resolved in a timely manner.

3.5.5 Monitoring government projects

Over 2,150 projects were inspected to verify their existence, timely implementation and ensure value for money. As a result of the community intervention, UGX 237,489,000 which had either been diverted or misused was recovered from the communities. The recovered funds were put to their intended use, among other interventions.

3.5.6 Interventions by the State House Anti-Corruption Unit

In December, 2018, His Excellency the President of the Republic of Uganda, in the exercise of his powers under Article 99(4) of the Constitution, created the State House Anti-Corruption Unit to boost the anti-corruption fight in Uganda. Since its creation, the unit had by October, 2019 registered some notable outcome as noted below.

According to a media briefing report by government spokesperson, Mr. Ofwono Opondo, the unit received 58,400 complaints, out of which 8,022 cases of corruption allegations were concluded, while 4,017 were still under investigation by October, 2019. As a result of these investigations, 93 suspects were charged before courts of law for alleged corruption-related offences resulting into five convictions by October, 2019. A total of 82 government officials were interdicted due to intervention by the unit. The unit also intervened into corruption allegations involving the National Gaming and Lotteries Board and caused the recovery of approximately UGX 700 million that was irregularly paid out to Imperial Royale Hotel. It also caused the recovery of UGX 132 million from various labour-exporting companies.



His Excellency the President of the Republic of Uganda Yoweri Museveni (with stick) during the anti-corruption walk in Kampala

3.5.7 The national anti-corruption walk.

The State House Anti-Corruption Unit held a historic national anti-corruption walk on 4th December, 2019. The three and a half kilometer anti-corruption walk that was organised under the theme 'A corruption-free Uganda begins with me' was led by H.E the President of the Republic of Uganda. The walk significantly demonstrated the first-ever public high-level commitment by government to the fight against corruption in Uganda.

3.5.8 Oversight role of Parliament of Uganda

During the period under review, the Parliament of Uganda continued to effectively exercise its oversight role in ensuring value for money in execution of government projects. For instance, the role of Parliament in monitoring Lubowa Hospital construction as well as in raising corruption allegations involving construction of Isimba dam was commendable in 2019.

3.5.9 Interventions by the Land Commission of Inquiry

According to the press briefing report on the achievements of the Commission of Inquiry into land Matters led by Justice Catherine Bamugemereire[99], the Commission of Inquiry received 7,767 complaints and conducted almost 600 public hearings alongside locus visits. This saved government about one trillion shillings which could have been lost in compensating claimants on government land. The report noted that half of the complaints were on land grabbing and evictions, corruption and fraudulent land practices.

The intervention by the Commission of Inquiry also resulted into cancellation of over 160 titles which were fraudulently issued in Nakivubo, Kinawataka, Namanve and Nambigirwa wetlands, Namanve and Mugomba central forest reserves and Gunda local forest reserve. It also halted payment of UGX 40 billion in land compensation claims due to numerous irregularities in payments from the Land Fund to a number of persons claiming on behalf of other applicants.

99 Labeja, P. (2019). Land probe saves UGX 1 trillion from fraud as inquiry ends. Uganda Radio Network (URN), 8th November, 2019.

3.5.10 Interventions by Auditor General's office

The office of the Auditor General continued to point out issues that suggested corrupt practices for further investigations, among others. The issues pointed out in the 2019 report include increase in audit queries resulting from unaccounted-for funds amounting to UGX 19 billion by various MDAs. According to the Auditor General, this gave rise to qualified audit report, suggesting that the funds could have been misused.[100]

The absence of government land inventory and for other government properties has resulted into government officers grabbing government land resulting into financial loss to government. For instance, the report cited one particular case where the Uganda Land Commission incurred UGX 19.496 billion in court damages as a result of allocating land that didn't belong to government. The report also cited alleged mismanagement of funds by the Departed Asians Property Custodian Board including the alleged theft of funds through fictitious compensations of up to UGX 1.7 billion which could not be verified by the Auditor General.

3.5.11 Contribution by civil society organisations and others

Besides government initiatives above, there was also commendable contribution by other actors such as the civil society organisations like the Anti-Corruption Coalition Uganda (ACCU), regional anti-corruption coalition movements, religious leaders and some section of the general public in the fight against corruption.

3.6 THE IMPACT OF CORRUPTION ON THE RIGHT TO DEVELOPMENT IN UGANDA

Corruption is one of the most serious unethical practices that undermine trust and confidence in public officials. The corruption scourge does not only undermine good governance but also retards economic development of a given country. According to Ban Ki-moon, the former UN Secretary General, *"Corruption undermines democracy and the rule of law. It leads to violations of human rights. It erodes public trust in government. It can even kill; for example, when corrupt officials allow medicines to be tampered with, or when they accept bribes that enable terrorist acts to take place".*

Therefore, corruption is a human rights concern because it negatively impacts on human rights generally and the right to development in particular. Graft undermines the capacity of the state to respect, protect and fulfill its human rights obligations, more specifically the obligation to take steps to the maximum of available resources to progressively achieve the full realisation of economic, social and cultural development.

While the government is the primary duty bearer to steer development by creating national conditions favorable for the realisation of the right to development including elimination of obstacles to development such as corruption, the citizens too have the duty and responsibility to participate in or contribute to development.

This part of the chapter discusses how corruption hampers citizens' participation in or contribution to Uganda's development as well as the enjoyment of economic, social and cultural benefits of development as critical elements of the right to development. In exemplifying the impact of corruption on the right to development, reference will be made to some corruption cases of 2019 and previous years to demonstrate how the funds in question could be used to bridge development financial gaps in critical social service sectors as discussed below.

100 Auditor General's Report to Parliament 2019, page 4.

3.6.1. Corruption discourages investment or donor support

Corruption increases the cost of investment as part of the capital is informally spent on establishment costs through bribes. Investment processes involve a large number of documents, payments and procedures required for business operations which compel companies and individuals to pay bribes or offer gifts in order to speed up such processes. This in most cases reduces incentive margin for the companies/individuals, thereby discouraging investments. According to a 2013 World Bank report[101], about one in six companies cite the court system as a major constraint to their ability to do business in Uganda. In regard to the public sector, the report indicates that about a quarter of businesses report that they are expected to offer gifts to public officials "to get things done especially when obtaining public utilities". Loss of investment opportunity results into loss of tax revenue to government which inhibits government's ability to deliver services. It also leads to loss of employment opportunities to citizens which would have increased their financial capability to contribute to development as well as to enjoy economic and social services.

Additionally, corruption involving donor-supported projects has resulted into threats to withdraw or actual withdrawal or reduction of some donor support. This has negatively affected projects whose outcomes directly contribute to Uganda's development as well as those whose outcomes sought to mitigate the impact of social, economic and cultural factors to development such as access to land by women and land disputes, among others. For instance in 2019, the Democratic Governance Facility (DGF), one of the donor communities in Uganda, reportedly terminated funding or cut funding to some CSOs and NGOs after forensic audit uncovered widespread 'rot' and corruption in the originations.[102]

Among other organisations, International Alert, an international NGO that operated in communities affected by conflicts and focused on peacebuilding activities, closed shop after a forensic audit revealed that UGX 43.5 million was irregularly spent in a manner not compliant with their guidelines. The withdrawal or reduction of DGF support is likely to affected enjoyment of project services to different beneficiary groups as well as result into loss of employment opportunities.

3.6.2 Corruption reduces revenue base

Corruption undermines taxes collection base especially where taxpayers operate under informal procedures for personal gain of the tax officers. This results into reduced taxes/revenue collected as a result of payoffs to tax officers. For instance, in 2019, one of the two URA officials attached to Jinja branch pleaded guilty before court for soliciting a bribe of UGX 45 million to help a certain businessman evade tax arrears worth UGX 3.9 billion. Although his co-accused was still under trial, such corrupt practice would significantly reduce government revenue base, thus undermining government's ability to provide public services. For example, if channeled to one UPE school, UGX 3.9 billion could significantly improve learning conditions such as building classrooms where pupils now study in dilapidated structures or under trees.

Furthermore, citizens have also frequently reported paying bribes in their interactions with public servants in several institutions. According to Transparency International's Global Corruption Barometer Africa 2019, 46% of the respondents reported having paid a bribe. Common bribery practices such as reducing electricity or water bills by bribing meter readers, bribing trade licensing officers to ignore non-payment of trade licenses, or trading off motor vehicle express penalty charges by bribing traffic police officers reduces tax revenue base. Ultimately, this leads to inadequate budget financing which inhibits government's ability to provide services, thereby affecting the extent of enjoyment of economic, social and cultural benefits of development.

3.6.3 Corruption limits citizen's participation in development

While the government is the primary duty bearer to steer the realisation of the right to development in Uganda, the citizens too have the duty to participate in or contribute towards a country's development in many ways. In its efforts to enhance the capacity of citizens to

101 World Bank. (2013).Doing Business 2013: Uganda.
102 *New Vision, 20th January, 2020.*

participate in or contribute to development, the Government of Uganda implemented progarmmes such as NUSAF, the Youth Livelihood Programme (YLP) and the Uganda Women Entrepreneurship Programme (UWEP), among other. However, corruption has negatively undermined the success of some of the projects.

For instance, under the Youth Livelihood Programme (YLP) which targets the poor and unemployed youth, funds are advanced to the Youth Interest Groups (YIG) in form of a revolving fund in order to increase outreach and enhance sustainability of the programme. However, in some cases, the programme funds have been mismanaged by the group, resulting into collapse of the businesses and poor recovery of the funds by the respective districts. This has limited access to the funds by other deserving beneficiary groups, consequently affecting their ability to participate in the country's development.

Secondly, disbursement of funds to project interest groups was reportedly very slow in some districts and this denied other deserving beneficiaries opportunity to access the funds. According to the Auditor General's report of 2019, some UGX 2.9 billion for YLP funds and UGX 1.15 billion for UWEP remained on various district recovery accounts by the end of the year. The report also cited bribery in accessing the funds coupled with poor recovery as factors behind the slow implementation of the programme.

3.6.3.1 Misappropriation of project funds/ items by beneficiaries

Misappropriation of project funds and items by project beneficiaries has also hampered effective implementation of many development projects. For instance under NUSAF 3, the Inspectorate of Government reportedly received and investigated 253 corruption grievances regarding implementation of various sub-projects across the country in FY 2018/2019 as show in the table below.

TABLE 5:

Nature of corruption grievances involving NUSAF 3 received by IG's office in FY 2018/19

SN	Nature of grievance/complaint	Total received
1	Misappropriation, embezzlement, misuse, diversion of funds	51
2	Extortion, solicitation	14
3	Poor quality goods and services	15
4	Delayed supply of inputs, unfair distribution	9
5	Delayed/non-payment of funds to beneficiaries	46
6	Intimidation, influence peddling, political interference	6
7	Sale, loss, exchange, diversion of project inputs	49
8	Flaws in procurement	14
9	Non-compliance with project guidelines	24
10	Delayed service delivery, inadequate supervision by District implementers	7
11	Enrolling ghost beneficiaries on list	4
12	Others	14
Total		**243**

Source: Inspectorate of Government Report

According to the Inspectorate of Government January to June 2019 report, the grievances gave rise to recovery of UGX 67,061,000 as well as other project items that had been misappropriated by different project interest groups and officials. In some cases, the project items such as heifers were sold off by the beneficiaries or their spouses. For example, the Commission established that in 2017, in Kibingwe cell, Ryakarimira Town Council in Kabale district, a 40-year-old man called Vincent Turyeingana without the consent of his wife sold off a cow that was given to his wife under Operation Wealth Creation programme. The Commission further established from respondents that there were many other complaints regarding selling of project items by the beneficiaries Lira, Moroto, Mpigi, Luwero and Bugiri districts, to mention but a few, in 2019.

It was further established that in some cases, group members distributed project money amongst themselves and disbanded the group. For instance, it was established that Karamoja Tree Foundation Women Group received UGX 10,000,000 from Moroto District Local Government for a tree planting project under Uganda Women Entrepreneurship Programme (UWEP). Out of this UGX 10,000,000, the group utilized UGX 4,810,000 to kick-start the project. UGX 1,670,000 was shared by group members, and UGX 3,520,000 was still on the group bank account. At the time of IG's investigation, the group had refunded only UGX 600,000 and had been disbanded.[103] These forms of community corruption tendencies do not only undermine government poverty eradication efforts but also affect households' development as well as their ability and extent of enjoyment of basic services.

TABLE 6:

Cash and project items recovered from NUSAF 3 projects through IG's interventions in 2019

SUB- REGION	FUNDS TO BE RECOVERED (UGX)	ACTUAL RECOVERY (UGX)	OTHER RECOVERIES
Elgon	3,786,000	3,596,000	7 Heifers
Teso	13,550,000	2,100,000	10 Bulls
West Nile	16,095,000	16,095,000	-
Karamoja	37,000,000	37,000,000	-
Bukedi	1,435,000	1,435,000	4 Bulls, Laptop and a Signpost
Acholi	-	-	1 Ox traction and ox ploughs, 1 Ox and an ox plough
Bunyoro	-	-	263kg of Maize seeds, 17 Bulls and 2 Heifers, 30kg of Soya beans, 6 Bulls and 2 Heifers
Lango	6,835,000	6,835,000	-
Total	78,701,000	67,061,000	

Source: Inspectorate of Government Report

3.6.3.2 Corruption obscures information on development projects

Corruption obscures vital information on key government projects/programmes and this affects citizens' ability to enforce social accountability. Access to information is a right under Article 41 of the 1995 Constitution and reiterated by the Access to Information Act, 2005. Openness in development projects is not only important in empowering citizens to monitor and hold the relevant agencies accountable, but also builds public trust in the systems, especially when public apathy is on the rise and citizen trust levels low as regards government's commitment to fighting corruption.

According to the report of the Commission of Inquiry into Allegations of Mismanagement and Corruption Practices in UNRA, it was established that lack of public access to road construction information resulted into mismanagement of UGX 4 trillion in seven years. Furthermore, in 2015, the Anti-Corruption Coalition of Busoga (ACCOB) reported that lack of information on costing (BoQ) of a three-stance pit latrine at Busei primary school in Nakalama sub-county, Iganga district affected monitoring of the project by ACCOB. This resulted into shoddy work whereby the latrine developed deep cracks and resulted into sinking of the newly constructed latrine.[104]

3.6.3.3 Denial of access to project sites

In some cases, monitoring and supervision was hampered by denial of entry/access to project sites. For instance, on the 6th of August 2019, the Ministry of Health officials and Members of Parliament were denied access into the construction site of the International Specialized Hospital of Uganda, based at Lubowa, Wakiso district. The purpose of the visit was to satisfy the Ugandan parliament's oversight function and ensure value for public funds. Such denial of access did not only undermine the oversight

103 The bi-annual (Jan-June 2019) report of the Inspectorate of Government to Parliament.
104 Anti-Corruption Coalition Uganda. (2015). Service Delivery Gaps in Uganda's Education Sector Report, February 2015.

function of Parliament guaranteed under the Constitution but also affected the principle of citizens' participation through their elected representatives.

3.6.4 Corruption weakens political institutions and mass participation

Corruption weakens political institutions and mass participation of the people in good governance. For example, corruption in the electoral processes including voter bribery, and using cash to influence parliamentary votes on bills and policies destroy public trust in government institutions. Political corruption such as voter bribery undermines service provision such as roads, better education as well as health services, since voter bribery in most cases is tantamount to selling services delivery rights as was remarked by Justice Lawrence Gidudu; *"The citizens should know that by taking UGX 1,000 voter bribery, they are cheaply selling their rights to services. I believe going to these people and explaining to them how corruption causes their common problems like floods, bad roads, among many more, can wake them up".* This results into poor or inadequate services by political leaders whom the public may lack moral authority to demand social accountability.

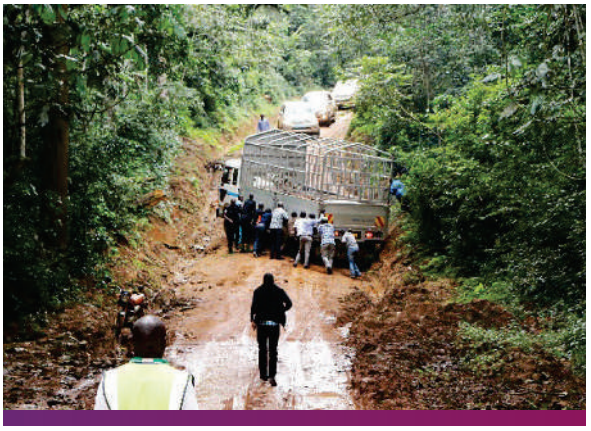
3.6.5 Poor quality/ inadequate services provided

As a result of corruption, public resources get diverted for private gain, resulting into poor or inadequate services provided to the people hence affecting the extent to which citizens enjoy economic, social and cultural benefit of development. Through absenteeism, lateness, stealing of essential public commodities such as drugs in government health facilities, textbooks in public schools, seeds and agricultural inputs, to mention but a few, the enjoyment of the services is mired.

3.6.5.1 Road sector

In regard to infrastructural development, corruption reduces profit margin of contractors since substantial contract funds were often kicked back to public officials, consequently resulting into shoddy work. In some cases, contractors collude with government officials to defraud government during capital development works. For instance, the alleged corruption at Uganda National Roads Authority in just seven years has been cited as a major cause of poor road infrastructure in the county.

According to the report of the Commission of Inquiry into Allegations of Mismanagement and Corruption Practices in Uganda National Roads Authority (UNRA), an astronomical UGX 4 trillion was misappropriated over a period of seven years. The report also revealed that the Authority used up to UGX 9 trillion in the last seven years to construct 1,500km of roads, which could have constructed 5,147km of roads basing on the international standards of cost per kilometer. The alleged corruption in the road sector has left many roads in Uganda in poor state which has hindered effective provision of goods and services, and discouraged investment as well as trade.



A photograph showing state of Rwera-Kaseeta road in Hoima district. ©The Independent

3.6.5.2 Health sector

In the health sector, drug theft in government facilities and sale of counterfeit drugs were some of the 2019 corruption practices worth reporting in this chapter. According to the Ministry of Health, 981 boxes of stolen and counterfeit medicines and health supplies worth UGX 490.5 million were recovered from Bukedia, Soroti, Bulambuli, Serere and in Kampala between March and April 2019. Some medicine had the label *"Government of Uganda, Not for Sale".*[105]

Additionally, absenteeism of health workers, charging user fees and drug leakage continued

105 *New Vision, 3rd May, 2019*

to mark the health sector in Uganda. This prolongs service delivery and as such affects development since people spend more hours in health centres than engaging in income-generating activities. Furthermore, drug theft as well as selling of counterfeit drugs raids people of their meager income that could have been put to productive use. The counterfeit drugs also endanger people's health, thereby limiting their productivity.

3.6.5.3 Education sector

In the education sector, mismanagement of UPE funds, embezzlement of examination/registration fees and teacher absenteeism were among the corrupt practices that have undermined the quality of education in many public schools in Uganda. For instance, findings from Northern Uganda Anti-Corruption Coalition (NUACC) allegedly unveiled the mismanagement of UPE funds worth UGX 1,800,000 at Amunamun and UGX 1,785,000 at Aneralibi primary schools in Agwata sub-county, Dokolo district in 2005. In addition, the head teacher of Coorom Primary School in Ogur sub-county, Lira district was found to have failed to account for UPE funds for term II and Term III 2014. Efforts to obtain accountabilities from the head teachers were futile as the DEO was allegedly the main barrier to the performance of Dokolo's education sector.

3.6.5.4 Recruitment of teachers

Corruption in recruitment and promotions was also reported to have undermined the quality of education in some districts. This resulted into recruitment of incompetent or non-qualified people who may not effectively deliver. In 2019, the Inspectorate of Government investigated allegations regarding forgery of academic papers by head teachers and their deputies in Lwengo district. The Inspectorate established that while majority of the head teachers in the district had genuine academic papers, three teachers; namely, Ms. Rosemary Namuddu – GT/2008/3846, (RIP), Asaph Kakama – GT/2006/745, whose services were terminated by Lwengo District Service Commission (DSC), and Ms. Norah Ssebbaale had forged academic papers.

3.6.5.5 The Justice Law and Order Sector (JLOS)

Within the JLOS, common bribery practices such as demand for money for police bond, fuel for police motorcycle to transport suspects, as well as cash payment for bail even when it is non-cash bail continued to hamper access to justice services by citizens in 2019.

3.6.5.6 Corruption increases government expenditure

Graft increases operational costs of government through inflated budgets and fictitious claims from government. This is usually as a result of organised syndicates composed of public officials strategically placed within different government institutions who conspire to embezzle public funds, while remaining unpunished.[106] For instance, in late 2012, government audits revealed that an estimated 7,600 ghost workers existed across the public administration, thereby costing government billions of shillings. The audit uncovered that the scheme was made possible by a collusive agreement between officials within the Ministry of Public Service, supported by those in the Ministry of Finance, Planning and Economic Development. This gave rise to the case of *Uganda Vs Lwamafa Jimmy, Kiwanuka Kunsa Stephen, and Obey Christopher*,[107] where the accused were convicted of causing financial loss, abuse of office and false accounting amounting to UGX 88,241,784,930/=.

3.6.5.7 Loss of confidence in public institutions

One of the critical impacts of corruption is that it results into loss of public trust and confidence in public institutions. This discourages the public from seeking public services through the formal processes and it resorts to unlawful alternatives including mob action against suspects. According to Police Annual Crime and Traffic/Road Safety Report for the year 2018, mob killing rose from 603 cases in 2017 to 636 in 2018. This was mainly a result of thefts, robbery and dissatisfaction with the judicial system, murders, witchcraft and burglary, among others. As a result of mob action, 656 people (619 were male adults, 25 were female adults, 11 male juveniles and 01 female juvenile), mostly in productive age, were killed.

106 The Inspectorate of Government Report 2008.
107 Criminal session case 9 of 2015.



The photo shows the body of a mob-action victim which was set ablaze in Bala sub-county, Kole district

At regional level, for instance, the Commission established that as a result of perceived corruption in the justice system in Lango sub-region, the public had resorted to mob action as a quicker way of obtaining 'justice' against suspected "thieves". In the month of April 2019 alone, it was established that 21 male youth were extra-judicially killed and their body burnt to ashes in Lira, Kole and Dokolo as a result of mistrust in the justice system due to corruption. In particular, one businessman from Bala town council in Kole district was lynched by a mob. The extra-judicial killing of youthful suspects raids Uganda of productive people who could significantly contribute to the country's development.

3.6.5.8 Environmental degradation

Corruption results into environmental degradation especially when it leads to interference with natural resources such as lakes, forest reserves and swamps which control weather patterns. According to the brief press report by the Commission of Inquiry into Land Matters, since 2016, over 160 titles which had been fraudulently issued in Nakivubo, Kinawataka, Namanve and Nambigirwa wetlands, Namanve and Mugomba central forest reserves and Gunda local forest reserve were cancelled. Such interference with natural vegetation cover is likely to result into interference with weather patterns which in turn hurt agriculture which is the backbone of Uganda's economy thereby retarding the realisation of the right to development.

3.7 CHALLENGES IN ADDRESSING CORRUPTION IN UGANDA

Despite the existence of laws, policies and robust institutions to fight corruption in Uganda, the state of corruption in the country is still deplorable. A number of factors continue to hamper effective anti-corruption fight in Uganda as discussed below.

3.7.1 Inadequate financial, logistical and human resources

The inadequate financial, logistical and human resources within the anti-corruption agencies such as the Inspectorate of Government and the Anti-Corruption Court, among others, affect the

timeliness and extend to which corruption cases are handled and this opens gates for compromise. According to the Bi-Annual Inspectorate of Government Performance Report to Parliament January - June 2019, limited numbers of vehicles to facilitate upcountry travels and inadequate human resource to handle prosecution cases were some of the factors that hindered its work.

3.7.2 Political interference

Political interference in form of public utterances which tend to exonerate some corruption suspects as well as secret political threats that tend to threaten witnesses from testifying against some suspects pose a big challenge in the anti-corruption fight in Uganda.

3.7.3 Inadequate awareness of the citizen's role in fighting corruption

It is a constitutional duty of every citizen to actively participate in the fight against corruption by, among others, desisting from corrupt tendencies, monitoring government projects to ensure value for money as well as promptly reporting suspected cases of corruption to authorities. However, this duty has been affected by inadequate awareness of the community on their roles, duties and responsibilities. Ms. Jane Kajuga, the Directorate of Public Prosecutions (DPP) spokesperson, had this to say;

"I think we miss the point when we say we are going to fight corruption and leave it to the Police, Judiciary and prosecutors. We need to do community education and let the public know they are not supposed to pay for the services. We need to engage the citizens to rise up and lodge these complaints".[108]

3.7.4 Public perception that anti-corruption laws are selectively applied

There is a growing perception among the public that anti-corruption laws are selectively applied where heavyweights are exonerated and junior officers sacrificed. Ninety percent of the Commission's respondents stated that the most known corruption perpetrators have not been brought to book; instead, they gain promotions in government offices.

3.7.5 Limited implementation of the Access to Information Act

The Commission established that while the Access to Information Act, 2005 categorically provides for the right to access public information in possession of government and provides for the means through which information may be accessed, the implementation of the Act was quite difficult given the exceptional clause of 'classified information'. The Commission established that many public offices used the phrase 'classified information' to deny the public information on any suspicious dealing that may lead to discovery of graft practices. This renders enforcement of social accountability nugatory.

3.7.6 Inadequate protection mechanism for whistleblowers

Corruption is a highly connected crime involving very influential people and this creates fear for safety to the would-be whistleblowers in the absence of any assured protection measures. According to the Inspectorate of Government's January to June 2019 performance report, lack of protective mechanisms for witnesses and whistleblowers sometimes results into lack of cooperation from prosecution witnesses as some witnesses either refuse to report to court or they appear in court and turn hostile to the state.

3.7.7 Limited will in the fight against corruption

There is limited commitment and will by some officers working for anti-corruption agencies such as the police, Inspectorate of Government and the Judiciary to passionately fight corruption. This has promoted corrupt tendencies within the anti-corruption mechanisms, thereby creating a culture of impunity. For example, in the case of *Uganda Vs Jane N. Mpeirwea & 2 Others*[109] , an officer of the Inspectorate of Government was convicted for soliciting bribes from a corruption suspect who was charged with abuse of office, bribery and causing financial loss. In some cases, officers connive with suspects to frustrate the cases. In his address during the anti-corruption walk in 2019, His Excellency the President of Uganda criticized police for altering the language used in state-

108 New Vision Reporter. (2019). Taskforce to probe corruption in Judiciary unveiled. *New Vision, 8th August, 2019.*
109 Criminal Appeal No. 001/2018.

ments so that it lightens the charges given to suspects. Additionally, in the case of *Uganda Vs SP Ajuna Mark & 2 Others*[110], a former officer in charge of CID in Kumi district was found guilty of abuse of office when he used exhibit money deposited with him for safe custody for his personal enrichment.

3.7.8 Corruption is accepted and glorified

Despite numerous anti-corruption awareness campaigns in Uganda, the Commission established that there is a growing culture of corruption within the community where community members believe that one has to pay for every public service rendered. This has resulted into voluntary bribe giving where the public officers need not to ask for a bribe. Instead, it is the community members who offer the bribe. Furthermore, wealth accumulated through corruption is still glorified in some sections of the community as some people think that it normal to amass wealth through corruption. This creates a culture of illegal enrichment and materialism where corruption is perceived as a norm.

3.7.9 Weak investigation of corruption cases

Corruption cases are by nature criminal cases with a very high evidential standard which requires very thorough investigations for the cases to succeed. However, due to the complex nature of some corruption cases coupled with the high level of syndicate amongst institutions, some cases fail due to inadequate evidence. This frustrates anti-corruption fights and further encourages impunity.

3.8 RECOMENDATIONS

There are no quick fixes and short answers for the elimination of corrupt and unethical behaviours in a particular society. Through carefully crafted multi-dimensional and diversified approaches directed towards the broader context of enhancing good governance, rule of law and respect for human rights as well as uplifting the moral ethical values, the fight against corruption can be made possible. The Uganda Human Rights Commission makes the following recommendations to enhance the fight against corruption:

1. The Inspectorate of Government, Ministry of ICT and National Guidance and Ministry of Ethics and Integrity should enhance community awareness on their roles, duties and responsibilities in regard to anti-corruption efforts in Uganda.
2. Every citizen of Uganda should fulfill their constitutional duties/obligations in regard to corruption including desisting from corrupt tendencies, monitoring government projects and demanding for accountability as well as promptly reporting all corruption cases for appropriate action.
3. The Ministry of Education and Sports should include, at appropriate levels of education, tailor-made curricula and courses aimed at inculcating ethical codes, values and morals among the young generation.
4. The Ministry of Public Service should in addition to other qualifications look out for and recruit people with integrity in public service and ensure strict enforcement of the code of ethics for public officials.
5. The Parliament of Uganda should fast-track the enactment of the witness protection law to enable adequate protection of witnesses/whistleblowers from threats to themselves or to their immediate members of family.

110 HCT-00-AC-CN0018/2018.

6. The Government of Uganda should enhance public participation in the fight against corruption through removal of obstacles that impede effective implementation of the Access to Information Act to ensure timely access to information.
7. The Ministry of Finance, Planning and Economic Development should strengthen the anti-corruption institutions such as the Inspectorate of Government, Uganda Police Force and the Anti-Corruption Court by increasing budgetary allocations to enhance human resource and logistical strength as well as programmatic interventions.
8. The Ministry of Internal Affairs should enhance the operating environment of Civil Society Originations (CSOs) in Uganda to bolster their role in the anti-corruption efforts in Uganda.

3.9 CONCLUSION

The fight against corruption, like many efforts to promote the enjoyment of human rights, is a long-term process requiring a firm grounding in a country's institutions, laws and culture. An efficient anti-corruption strategy must be informed by key Human Rights Based Approach (HRBA) principles which include participation, accountability, non-discrimination, empowerment and legality. An independent judiciary, freedom of the press, freedom of expression, access to information, transparency in the political system and accountability are essential for both successful anti-corruption strategies and the enjoyment of human rights. In promoting these basic elements of good governance, human rights and anti-corruption efforts can be mutually reinforcing.

Chapter 4

Plantation agriculture and human rights concerns



4.0 INTRODUCTION

Plantation agriculture is one of the modern types of agriculture practiced in Uganda and it involves the growing of crops and the rearing of animals. It can be done on a large or small scale, mainly for subsistence or commercial purposes. Uganda is predominantly an agricultural country and agriculture has been a major contributor to Uganda's Gross Domestic Product, foreign exchange earnings as well as a source of survival and livelihood for many families. Agriculture accounted for about 25% of GDP in fiscal year 2017/2018 and 43% of export earnings[111] and in 2019, the Uganda Bureau of Statistics estimated that 70% of Uganda's working population is employed in agriculture.[112] The most common commercial plantation agriculture includes flower farming, tea growing, sugarcane growing and oil palm growing. Tea contributes 0.36% to Uganda's GDP while flower exports contribute 2.82%.

The National Development Plan II(NDP II), 2016-2020 highlights agriculture as one of the three priority sectors in Uganda's drive to achieve middle-income status. The NDP II also states that agriculture is critical for addressing poverty, food security and income generation especially of the poor and of women who are the main persons involved in agricultural activities.[113] Despite these impressive

111 Ministry of Finance, Planning and Economic Development. (2017). Background to the Budget Fiscal Year 2017/18 Available at https://www.cabri- sbo.org/uploads/bia/uganda_2017_formulation_external_budget_framework_ministry_of_finance_comesa_eac_igad_english_.pdf
112 Uganda Bureau of Statistics 2019 Statistical Abstract. Available at https://www.ubos.org/wp-content/uploads/publications/01_20202019_Statistical_Abstract_-Final.pdf
113 Second National Development Plan (NDPII) 2015/16-2019/20, pages 52-53. Available at http://npa.go.ug/wp-content/uploads/NDPII-Final.pdf

advantages, large-scale plantations have been at the forefront of human rights abuses such as land evictions, occupational health hazards, child labour, sexual exploitation, environmental degradation, discrimination, denial of compensation for accidents at work and unfair wages, among others. It is for these reasons that the Commission carried out a monitoring exercise to selected plantation agriculture sites in the country to assess the human rights situation in those plantations.

This chapter, therefore, addresses the human rights concerns in plantation agriculture as monitored by the Commission in 2019 with a special focus on flower farming, sugarcane growing, tea and oil palm growing. The chapter further looks at the level of enjoyment of human rights of Ugandans and all employees to work in dignified conditions and associated rights, and the challenges faced in realising labour rights in Uganda.

4.1 LEGAL FRAMEWORK

4.1.1 International legal framework

Uganda is a signatory to a number of international and regional human rights instruments which regulate the operation of business activities, including plantation agriculture. These include the Universal Declaration of Human Rights 1948[114] and the International Covenant on Economic, Social and Cultural Rights 1966[115] which mandate state parties to protect the rights of workers and ensure favourable working conditions for all persons without discrimination, the Convention on the Elimination of all forms of Discrimination against Women 1979, the Convention on the Rights of the Child 1989, the Convention on the Rights of Persons with Disabilities 2018 (CRPD) and the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) which were identified as the global standard to guide businesses in their operations under the 'Protect, Respect and Remedy' framework.[116]

4.1.2 Regional legal framework

At the regional level, the African Charter on Human and Peoples' Rights provides for the right to work in a satisfactory environment favourable for development.[117] Article 15 of the African Charter further provides for the rights of workers to work under equitable and satisfactory conditions and the right to receive equal pay for equal work. Other legislations include the Maputo Protocol and the African Charter on the Rights and Welfare of the Child 1990.

4.1.3 National legal and policy framework

At the National level, the 1995 Constitution provides that human rights and freedoms shall be respected, upheld and promoted by all persons including legal personalities such as large scale agricultural plantations.[118] The Constitution also requires Parliament to enact laws that provide for the right of persons to work under satisfactory, safe and healthy conditions[119] and to ensure equal payment for equal work without discrimination.[120] Other national laws and policies that have a bearing on large Scale Plantations and human rights include the Employment Act, 2006, the Workers' Compensation Act, 2000 Cap 225 and the Occupational Health and Safety Act, 2006 and the National Health Sector Strategic Plan 2015/16-2019/20. It is also important to note that in 2016, the Uganda Human Rights Commission published the Human Rights and Business Country Guide which provides country specific guidance to assist business entities, including large scale plantations to respect human rights and contribute to sustainable development.

114 Article 23
115 Articles 2, 3, 6 and 7
116 Special Representative on Business and Human Rights (2011) Guiding Principles on Human Rights Implementing the United Nations 'Protect, Respect and Remedy' Framework unanimously adopted by the United Nations Human Rights Council A/HRC/17/13
117 Article 24
118 Article 20(2)
119 Article 40 (1) (a)
120 Article 40(1) (b)

4.2 SITUATION ANALYSIS OF SELECTED PLANTATION AGRICULTURE SITES

In 2019, the Commission monitored 30 plantations across the country to assess the human rights situation in those plantations. These included flower farms, tea, sugarcane and oil palm plantations as highlighted in table 7 below.

TABLE 7:

Plantations that were monitored by the Commission

NO.	PLANTATION	DISTRICT	TYPE OF PLANTATION
1.	Ankole Tea Estate	Bushenyi	Tea
2.	Global Tea Estate	Bushenyi	Tea
3.	Igara Tea Estate	Bushenyi	Tea
4	Dummen Orange-Fiduga farm	Mpigi	Flower farm
5	Royal Van Zanten	Wakiso	Flower farm
6	Rosebud Ltd	Wakiso	Flower farm
7	Premier Roses Ltd.	Wakiso	Flower farm
8	Rwenzori Tea Commodities & Factory	Kabarole	Tea
9	Jambo Roses	Wakiso	Flower farm
10	Muzizi Tea Factory	Kagadi	Tea
11	Melissa Flower Ltd.	Wakiso	Flower farm
12	Wagagai Ltd.	Wakiso	Flower farm
13	Mairye Estates	Wakiso	Flower farm
14	Xclusive Cuttings Uganda Ltd.	Wakiso	Flower farm
15	Royal Van Zanten	Mukono	Flower farm
16	Oasis Nurseries	Mukono	Flower farm
17.	Mpanga Growers Plantation & Factory	Kyenjojo	Tea
18.	Damdi Co. Plantation	Mukono	Tea
19.	Kiko Plantation & Factory	Kabarole	Tea
20.	Kasaku Tea Estates	Mukono	Tea
21.	Uganda Tea Corporation Ltd	Buikwe	Tea
22.	Lugazi Sugar Plantation	Buikwe	Sugarcane
23.	Ngogwe Sugar Plantation	Buikwe	Sugarcane
24.	Kigumba Tea Plantation & Factory	Kyenjojo	Tea
25.	Luwala Tea Estates	Buikwe	Tea
26.	Kasaku Tea Estate	Buikwe	Tea
27.	Kakonde Tea Estate	Mityana	Tea
28.	Toro & Mityana Tea Company Ltd (TAMTECO)	Mityana and Kabarole	Tea
29.	Namutamba Tea Estate	Mityana	Tea
30.	Mwera Tea Estate	Mityana	Tea
31.	Pearl Flowers Ltd.	Ntungamo	Flower farm
32.	Kinyara Sugar Works Ltd.	Masindi	Sugarcane



Workers wrapping flowers at Rosebud Ltd in Wakiso



Workers picking tea at Kigumba tea plantation in Kyenjojo

i. Flower farming

The diversification of the economy in Uganda which came with the liberal reforms in the 1980s and early 1990s shifted the economy from traditional cash crops like coffee, cotton, tea and tobacco to other crops like flowers and oil palm growing. Commercial flower farming in Uganda started picking up in 1992. These liberal reforms attracted foreign investment and most of the flower farms had their proprietors coming from foreign countries. Uganda has attractive conditions for foreign investment, including cheap labour, cheap arable land and government incentives like tax holidays, among others. Commercial flower growing has today made tremendous contributions to the economy of Uganda with exports valued at US$21 million and in 2018/2019, demand for Uganda's flowers had improved[121] with flower exports contributing 2.82% to the national GDP.

There are currently 20 flower farms in the country which employ about 8,500 people, mostly women[122] and support an estimated 51,000 individuals.[123] The Flower contribution to Uganda's GDP amounted to $17.87 million as of 2018.[124] Uganda's flower farms are mainly located in the Central region in the districts of Wakiso and Mukono. This is because of the proximity to Entebbe International Airport for easy transportation of flowers given their perishability. Lake Victoria is also in the same area and it supplies abundant water needed in production operations.

ii. Tea growing

Tea is Uganda's third largest agricultural commodity and one of the priority cash crop commodities in the Agricultural Sector Strategy Plan (ASSP of 2015/16-2019/20). Ninety percent of Uganda's tea products are exported while 10% is consumed locally. Tea growing and manufacturing, on average, employ more than 62,000 people across Uganda.[125] Close to 80,000 farming households are involved in tea farming and production and tea growing supports over 150,000 skilled and unskilled workers. Approximately 1,000,000 people directly derive their livelihood from tea growing.[126] Tea is mainly grown in Kabarole, Bushenyi, Hoima, Kibaale, Kanungu, Kisoro, Mukono, Mbarara, Kyenjojo, Buikwe, Mubende, Mityana, Masaka, Kabale, Kamwenge and Wakiso districts and on the slopes of Mt. Rwenzori.

As a result of the importance of tea, the Government of Uganda established the Uganda Tea Growers Corporation (UTGC) in 1966 with a mandate to encourage associations of tea growers to form cooperative societies to acquire processing factories. Today, UTGC has extended support to tea growers with particular emphasis to the small-scale tea farmers. The smallholder-tea-farmer-based subsector has proved to be quite viable, resilient and adaptable. UTGC extends support to these tea farmers by providing tea seedlings; construction of tea factories in Kabale, Zombo, Mityana and Kisoro;

121 Uganda Bureau of Statistics. (2019). Maiden Producer Price Indices for Agriculture (May 2019) Available at https://www.ubos.org/wp-content/uploads/2019/07/PPI-A_Press_release_May_2019.pdf

122 LANDac. (2016). Flowers for food? Scoping study on Dutch flower farms, land governance and local food security in Eastern Africa Available at http://www.landgovernance.org/assets/20160210-LANDac_Flower-Report-WEB.pdf

123 As above in 10

124 Trading Economics Uganda. Uganda exports by category. Available at https://tradingeconomics.com/uganda/exports-by-category

125 Uganda's tea exports revenues grew by 11.4% to US$88.8m in 2018, according to a Food Business Africa report dated 25th February, 2019. Available at https://www.foodbusinessafrica.com/?s=

126 Ministry of Agriculture, Animal Industry and Fisheries. (2017). Guidelines for Production, Procurement and Distribution of Tea Seedlings in Uganda. Available at http://www.naads.or.ug/publication/view/tea-guidelines-final-20-03-18/

introduction of tea growing in Nebbi and Zombo districts; and improved tea research and service delivery.

iii. Sugarcane growing

Sugarcane growing and production of sugar in Uganda started in the 1920s under the Vithaldas Haridas & Company (VHC) which was under the management of Muljibhai Madhvani, a 26-year-old Indian-born Ugandan businessman. VHC started production in Kakira, between Jinja and Iganga, for the purpose of starting a sugar factory, which has developed and engineered the growth of other sugar factories across the country.

Sugarcane growing is mainly carried out in the districts of Kamuli, Bugiri, Jinja, Iganga, Luuka, Masindi, Mayuge, Hoima, Tororo, Mukono and Kaliro. There are three varieties of sugarcane grown in Uganda and these include: chewing cane, crystal cane and syrup cane. Today, Uganda is the largest producer of granular brown sugar in the East African Community, accounting for about 500,000 tonnes annually as of May 2017.[127] Uganda exports sugar to Kenya, Rwanda, South Sudan and, most recently, Tanzania.[128]

iv. Oil palm growing

Oil palm growing in Uganda was established by the Government of Uganda in 2002 on the islands of Kalangala and Buvuma. This followed an agreement between the Government of Uganda and Oil Palm Uganda Limited (OPUL), a subsidiary of BIDCO and food producer, with the aim of increasing palm oil production in the country. At the moment, Uganda imports about 65% of its edible oil, soap and oil palm products from countries like Malaysia, Indonesia, Kenya and Tanzania. About 10,924 hectares of oil palm have been planted since 2003 to increase vegetable oil production.[129] In 2003, the Government established the Kalangala Oil Palm Growers Trust (KOPGT) to provide extension and agronomic support to farmers by providing oil palm seedlings and other inputs to farmers. So far, Oil Palm Uganda Limited has established two palm oil mills in Kalangala and a processing plant



An oil palm plantation in Kalangala district

in Jinja. The introduction of the National Oil Palm Project has led to a steady increase in the prices of oil palm fruits from UGX 468 a kilogram in November 2019 to UGX 533 in December 2019.[130]

At the moment, Uganda only produces edible vegetable oil from sim sim, soya beans, sunflower and cotton seeds. Out of the total production, 75% is consumed locally whereas 25% is exported to neighbouring countries like Rwanda, South Sudan, Burundi and Tanzania.[131]

4.3 HUMAN RIGHTS CONCERNS IN PLANTATION AGRICULTURE

In 2019, the Commission carried out monitoring activities in 30 large-scale plantations engaged in horticulture, tea, sugarcane and oil palm. The monitoring exercise included impromptu visits to the plantations, interviews with key stakeholders and reading reports. The Commission findings observed the following human rights concerns:

4.3.1 Deprivation of the right to a clean and healthy environment

The right to a healthy and safe working environment includes the right to protection from injuries, provision of protective gear, a clean and healthy environment that does not expose

127 *Matsiko, P., Gicobi, M., Onyango E., & Kanamugire, J. (2017). Why price of refined sugar has surged across East Africa. The EastAfrican, May 2, 2017.*
128 Mirembe, R. (2019). A month later, Tanzania bans sugar importation again, *The EastAfrican*, 20th February, 2019.
129 Progress of oil palm farming in Kalangala. *New Vision*, 18th February, 2019.
130 Uganda Radio Network. New programme takes over palm oil growing in Uganda. *Daily Monitor*, 11th January, 2020.
131 Nalubega, F. (2012). Uganda cooking oil demand outwits local production. Available at www.africa-uganda-business-travel-guide.com

workers to harmful chemicals, diseases and injuries. All employers are expected to ensure that their workers are employed in a safe and conducive environment to ensure the protection of workers during the course of their work. The Occupational Safety and Health Act, 2006 provides that it is a duty of every worker to take reasonable care for the health and safety of himself or herself and of any other person who may be affected by his or her acts or omissions.[132] The Employment Act, 2006 empowers a labour officer to engage in labour inspections which include securing the enforcement of legal provisions relating to conditions of work and the protection of workers while engaged in their work.[133]

The Commission findings indicated that some companies did not provide protective gear for their workers and there was a failure to compensate and treat workers who were injured during the course of work. This was found at Global Village Tea Estate in Bushenyi district where employees reported lack of compensation for their colleagues who were injured and mistreatment of workers by their employers. Other companies failed to meet the standard of providing protective gear and, as such, exposed their workers to injuries. These included Damdi Company Plantation (Deggede Tea Estate) and Kasaku Tea Estate in Mukono district where workers did not have any facilities to protect them during picking and processing of tea.

4.3.2 Use of harmful chemicals and pesticides

The Commission findings also indicated that some companies were spraying harmful chemicals and pesticides into their plantations. This was found at Kasaku Tea Estate in Mukono district where herbicides were used to spray weeds and and pesticides to protect the tea from pests. The workers also lacked protective gear such as masks and ear plugs to protect them from the chemicals and noise from the plucking machines. There were also no first aid kits for workers to use in case of accidents. Similarly, at Royal Van Zanten flower farm in Wakiso district, over 27 workers alleged to have been exposed to poisonous chemicals used in spraying flowers to kill pests. As a result, the affected workers reported to have suffered adverse effects such as nausea, dizziness and vomiting. The poisonous chemicals were identified to be tomentam sodium and its metabolites (methyl isothiocynate and hydrogen sulphide).

4.3.3 Child labour

Child labour is defined as work that deprives children under the age of 18 of their livelihood, potential and dignity, and is harmful to their physical and mental development, potentially leading to lifelong physical or psychological damage.

Article 34(4) of the Constitution provides for protection of children from social or economic exploitation, which includes child labour. According to UNICEF, a child is considered to be involved in child labour activities if it is aged (a) five to 11 years and it performs at least one hour of economic labour or 28 hours of domestic work per week; (b) 12 to 14 years and it engages in at least 14 hours of economic work or 28 hours of domestic work per week; or (c) 15 to 17 years and it spends 43 hours of economic or domestic work per week.[134]

Incidences of child labour by sugarcane plantations were found in Luuka, Tororo, Mayuge, Buikwe and Mukono districts. Children as young as seven years were found to be cutting sugarcane and selling it in nearby towns. The Commission was informed that children are used by some sugarcane planters because they provide cheap labour and also due to irregular inspections of the plantations by labour officers.



Children cutting sugarcane in Ngogwe sub-county, Mukono

132 Section 35 (1) (a) the Occupational Safety and Health Act, 2006.
133 Section 10(2) (a) Employment Act, 2006.
134 UNICEF. Definition of child labour. Available at https://www.unicef.org/protection/childlabour.html

In Kalagala, Jinja district and Njeru municipality in Buikwe district, children between the ages of seven and 14 were involved in cutting and loading sugarcane. It was also revealed that the children worked from Monday to Friday, while on weekends they collected firewood in Mabira forest for home use. The head teacher of Kalagala Muslim Primary School mentioned that between 500 and 600 out of 731 registered pupils attended school on a daily basis while the rest preferred to do casual jobs around the town area. She mentioned that high levels of absenteeism were common among primary six and primary seven pupils.

4.3.4 Deprivation of the right to property

Article 26(2) of the 1995 Constitution provides that: "*Every person has a right to own property either individually or in association with others. No person shall be compulsorily deprived of property or any interest in or right over property of any description except where the following conditions are satisfied: (a) the taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and (b) the compulsory taking of possession or acquisition of property is made under a law which makes provision for: (i) prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property; and a right of access to a court of law by any person who has an interest or right over the property*".

In Kalangala district, landowners revealed that they were evicted from their land for oil palm growing without being informed and with inadequate compensation. One of the evicted landowners narrated her ordeal: *"I used to grow coffee, cassava, avocado and jackfruit on my three-hectare plot on this island. One morning, I woke up to find yellow machines churning up my land and razing the crops in a bid to make way for oil palm plantations. No one came to talk to me before they destroyed my crops. I heard that some people were given money but I didn't receive anything."*

It was revealed that other landowners on the island had been evicted without court orders and without adequate compensation. More than 100 people claimed to have been evicted from their land illegally and received as little as UGX 250,000 for seven acres of land. As a result of these evictions, a group of farmers from Kalangala district filed a lawsuit against BIDCO Uganda and a one Amos Ssempa who leased the land to Oil Palm Uganda Limited (OPUL). The case is still ongoing in the Industrial Court.[135]

4.3.5 Food insecurity

General Comment No. 12 of the Committee on Economic, Social and Cultural Rights of 1999 provides that the right to adequate food refers to the possibility of persons to feed themselves directly from productive land or other natural resources and Article 11 of the ICESCR provides for the right of everyone to an adequate standard of living for himself and his family and this includes being able to provide adequate food, clothing, housing and other basic necessities. During the Commission's monitoring, it was revealed that some of the plantations such as sugarcane plantations in Luuka, Mayuge and Tororo as well as oil palm plantations in Kalangala and Buvuma islands posed a risk to food security in the areas they operated because landowners, mainly the poor and vulnerable persons, sold large chunks of land to companies to plant sugarcane and oil palm.

Some of the locals, for instance those in Luuka and Kalangala, had been practising mixed farming where they grew cash crops and food crops on their land. However, after selling off their land cheaply, they were left with no land to grow food crops. The land was controlled by companies such as BIDCO, Kinyara Sugar Works and Kakira Sugar Works. As a result, landowners were no longer able to access their land or to grow food. Farmers in Iganga, Kamuli, Mayuge, Luuka and Jinja districts had embraced cash crop growing to meet needed expenses on medication and school fees at the expense of food production.[136]

135 Mwesigwa, A. (2016). Oil palm farmers want UN to cut ties with BIDCO Uganda. *The Observer*, 24th February, 2016.
136 Witnessradio.org Team. (2018). Commercial sugarcane growing is killing indigenous seed varieties in the Busoga region – Report. Witnessradio.org, 5th November, 2018.

4.4 CHALLENGES IN THE REALISATION OF WORKERS' RIGHTS

4.4.1 Lack of a minimum wage

A minimum wage is important in the realisation of economic, social and cultural rights and for ensuring the right to favourable working conditions. However, Uganda still lacks a standardized and adequate minimum wage for employees and other casual workers. Although the Minimum Wage Bill, 2015 was passed by Parliament in 2019, the President did not assent to it, citing, among other reasons, the need to set a minimum wage per sector rather than a standard minimum wage which would be difficult for government to implement.

According to section 10 of the Minimum Wages Advisory Boards and Wages Councils Act 1964, statutory minimum remuneration is fixed by a Wages Regulation Order. Section 2(I) of the Act describes a Wages Regulation Order to include any order made by the President and the Minister. The Minister is responsible for appointing a minimum wage advisory board from time to time for any specified area or for a group of workers in any occupation, where it is desirable to fix a minimum wage and other conditions of employment.

The minimum wage in Uganda was last updated in 1984 and set at UGX 6,000 per month. The Minimum Wage Bill, 2015 sets the national minimum wage at UGX 136,000 per month. In essence, Uganda is currently in need of a minimum wage, in the absence of which, an employer cannot be compelled to pay a particular kind of remuneration to an employee. The bill if assented to, will ensure that even the semi-illiterate labourers with low capacity to bargain will be able to get better wages and improvement in conditions of work.

4.4.2 Shortage of labour officers

According to the Employment Act of 2006, each district is supposed to have labour inspectors. The act also states that the inspectors are responsible for examining workplaces to ensure compliance with health and safety requirements, legal terms and conditions of work and observance of labour laws. Under the Employment Act 2006, labour officers enforce the Act by carrying out inspections, meetings, issuing reports on findings and adjudicating cases of abuses of workers. However, the country lacks an adequate number of labour officers and facilities to match the number of districts and businesses in the country and this in turn has resulted in continued abuse of rights by business enterprises. This is, therefore, a very big concern considering the number of businesses in the country and the number of districts that require labour officers.

4.4.3 Lack of regulation of casual work

There is currently no regulation on the duration of casual work which has left many employees exploited by companies. Casual labourers work for a long time without any prospects of entering into a formal contract and hence have less bargaining power in terms of payment and other benefits such as medical care and social security. As a result of this, the labourers, majority of whom are poor and vulnerable persons, remain at the mercy of the employer to keep them as casual labourers for as long as the employer wishes. Regulation of casual work in Uganda, therefore, requires strengthening to ensure that the limit within which a worker can be a casual labourer is developed and punitive measures for non-compliance are implemented.

4.4.4 Limited awareness of labour laws

Majority of casual labourers are unaware of the labour laws and their rights. Workers need to be educated about the importance of working under contracts. The Commission noted in its findings that labour laws were not widely disseminated and a number of workers were not aware of the importance of labour officers, and as such did not know the right avenues to access redress and remedy for their grievances. It was also noted that a number of labour laws did not proper cater for workers in the informal sector.

4.4.5 Gaps in the law

There are gaps in Uganda's human rights protection framework that relates to business and human rights. Article 20(2) of the Constitution explicitly recognizes that private actors have the responsibility of respecting, upholding and promoting the rights and freedoms of individuals and groups as enshrined in the Constitution. Nevertheless, laws to regulate the human rights impact of corporate activities have weaknesses in their design, implementation and enforcement. Although the Employment Act 2006 and the Workers' Compensation Act 2000 offer remedies for abuses and injuries arising in the course of formal employment, they do not cover casual labourers in the informal sector and yet these make up the vast majority of the country's labour force at 70%.[137] The Minimum Wage Bill, 2015 has not yet been assented to by the President and yet majority of workers in the informal sector are poor and live below the poverty line.

4.5 RECOMMENDATIONS

1. Parliament should ensure that the Minimum Wage Bill is passed and operationalized, to protect the rights of workers from exploitation, oppression and underpayment.
2. Ministry of Gender, Labour and Social Development should adequately staff every district with more labour officers to monitor and inspect business operations throughout the country.
3. Ministry of Finance, Planning and Economic Development should adequately fund district labour officers to enable them carry out their work.

4.6 CONCLUSION

Although agriculture is the leading economic activity in Uganda and employs some of the most vulnerable persons in society, it also remains one of the sectors that have recorded a number of human rights violations against workers. For the sector to continue to thrive and develop, businesses should be guided on their obligations to respect fundamental human rights as well as their responsibility to create a conducive environment for all workers.

137 Danish Trade Union Development Agency. (2019). Labour Market Profile 2019, Uganda. Available at https://www.ulandssekretariatet.dk/wp-content/uploads/2020/03/Uganda_lmp_2019.pdf

Chapter 5

Quality of education in Universal Primary Education [UPE] schools



5.0 INTRODUCTION

Education is both a human right in itself and an indispensable means of realizing other human rights. The Government of Uganda recognizes education as a basic human right and continues to strive to provide free primary education to all children in the country. In 1997, Government introduced the Universal Primary Education (UPE) programme to improve enrolment and attainment in primary schools. It was initially planned to provide free education for four children per family, but the programme was later opened out to all children. The major objectives of UPE were to make basic education accessible to all citizens, making education equitable in order to eliminate disparities and inequalities, ensuring that education is affordable to the majority of Ugandans and enabling every child to enter and remain in school until he/she completes the primary education cycle.

When UPE was executed, schools experienced a massive influx of pupils and the demand for learning materials, teachers and infrastructure became a challenge to the education system. Currently, Uganda's UPE has resulted in high enrolment rates, but education tends to be of low quality and few pupils actually complete primary school. Issues regarding funding and organisation also continue to plague the UPE, coupled with inadequate teacher training, and inadequate facilities which hinder the progress of educational development.

Section 2(1) of the Education [Pre-Pprimary, Primary and Post-Primary] Act, 2008 defines UPE as the state-funded universal primary education programme where tuition fees are paid by Government, and where the principle of equitable access to conducive, quality, relevant and affordable education is emphasised for all children of all sexes. Section 10(3) (a) provides that primary education is compulsory for persons aged six years and above and lasts seven years. The broad objectives of UPE are to:

- Establish, provide and maintain quality education as the basis for promoting human resource development;
- Provide the facilities and resources to enable every child to enter and remain in school until the primary cycle of education is complete;
- Make basic education accessible to the learner and relevant to his or her needs, as well as meeting national goals;
- Make education equitable in order to eliminate disparities and inequalities
- Ensure that education is affordable by the majority of Ugandans; and
- Meet the objective of poverty eradication by equipping every individual with basic skills and knowledge.

To operationalise UPE, various policies have been developed by the Government to implement UPE in Uganda as well as being party to global development agendas to provide quality universal education. These include:

- The 1992 Government white paper on education whose aim was to eradicate illiteracy and equip individuals with basic skills and knowledge for self-development;
- The Poverty Eradication Action Plan (PEAP) aimed at eradicating poverty through the education sector;
- The National Development Plans that provide for ensuring inclusive, equitable quality education for all, increasing retention at primary level, reducing high dropout rate especially for the girl child and increasing investment in the school inspection programmes;
- The Uganda Vision 2040 which illustrates that education is a key driver of the country's development;
- The Education Strategic Investment Plan (ESIP) and the Education and Sports Sector Strategic Plan (ESSP) 2017/18 - 2019/20 that were developed to address issues of literacy, numeracy and basic life skills required by the labour market as well as providing for access to education and training for vulnerable learners, improving the management capacity at all levels, supporting teacher development; promoting community engagement, increasing and improving infrastructure and, importantly, ensuring better resource utilization;
- The Millennium Development Goals (MDG): MDG 2 to achieve universal primary education and MDG 3 to promote gender equality and eliminate gender disparity in education; and
- The Sustainable Development Goals (SDGs): Goal 4 providing inclusive and equitable quality education for all.

The key implementers of UPE are the Ministry of Education and Sports (MoES) (in partnership with donors), local government authorities, the school management committees elected by parents and the parents. Under UPE, the Government of Uganda pays children's tuition fees through the transfer of a capitation grant or School Facilities Grant (SFG] to schools.

SFG provides for basic infrastructure in needy schools and a capitation grant of UGX 10,000 per pupil per term that goes to improving equitable access to basic education and providing schools with funds for running their operations. The capitation grant is used for instructional materials, co-curricular activities, school management and administration. Parents and guardians are responsible for several other schooling expenses, such as the cost of scholastic materials (books and supplies), uniforms, food, labour and transportation.

Payment of tuition fees was initially for four children per family at the rate of UGX 5,000 per pupil per annum for classes P1 to P3 and UGX 8,100 per pupil per annum for classes P4 to P7. Then later, for all school-age children. The

class-level grants were later disbanded and a uniform capitation grant of UGX 7,000 per pupil per annum was adopted. Over time, the grant has been revised to the current unit cost of UGX 10,000 per child per annum[138].The state also has a duty to provide textbooks, basic physical facilities like classrooms, laboratories, libraries, teachers' houses, teachers' salaries and train teachers.

This chapter, therefore, will highlight issues concerning the availability, accessibility and quality of UPE in Uganda, where we shall highlight challenges and hindrances to accessing quality education in our schools. Thereafter, we shall make recommendations on how to address these challenges.

5.1 LEGAL FRAMEWORK AND POLICY FRAMEWORK ON UPE

Numerous international, regional and national laws as well as soft laws guarantee the right to education. These are highlighted below.

5.1.1 International legal framework

Article 26 of the Universal Declaration of Human Rights (UDHR) provides that everyone has the right to education. That this education shall be free, at least at the elementary and fundamental stages and elementary education shall be compulsory. The purpose of this education shall be for the full development of the human personality, strengthening respect for human rights and fundamental freedoms, and promoting understanding, tolerance and peace. Article 13 of the International Covenant on Economic, Social and Cultural Rights 1966(ICESCR] provides that education is both a human right in itself and an indispensable means of realizing other human rights. Article 14 of the ICESCR provides for the states' obligations to progressively realise the right to education.

Articles 28 and 29 of the Convention on the Rights of the Child (CRC), Article 10 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD) and Article 22 of the Convention Relating to the Status of Refugees all provide for the right to education for all without discrimination.

States that ratify treaties are explicitly obligated to respect (not to interfere with the enjoyment of the right), protect (prevent third parties from interfering with the enjoyment of the right), and fulfill (actively take steps to create the conditions necessary for individuals' full enjoyment of the right) the rights contained in those treaties. States are also required to take measures toward ensuring that education is equally accessible, available, acceptable and adaptable, while prioritizing the best interests of the child.[139]

The state has a duty to ensure that the education provided to children develops the child's talents, mental and physical abilities to their fullest potential; respect for the child's parents, his or her own cultural identity, language and values; respect for the national values of the country in which the child is living and the country from which he or she may originate; and respect for the natural environment.[140]

Goal 4 of the Sustainable Development Goals (SDGs) provides for inclusive and equitable quality education and promotion of lifelong learning opportunities. Targets to achieve this goal include universal access to free, quality pre-primary, primary and secondary education, equal access to education, expanding education facilities and training of teachers in order to have quality teachers. The Dakar Framework for Action (World Education Forum UNESCO 2000) provides for inclusive education especially for children with special needs and children belonging to ethnic minorities and remote communities benefiting from universal education.

138 National Planning Authority. (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE, page 6.
139 ICESCR, General Comment No. 13: The Right to Education. UN Doc. E/C.12/1999/10, 8th December, 1999, paras. 6, 7.
140 CRC Article 29

5.1.2 Regional legal framework

The right to free compulsory primary education for all is also provided for under the African (Banjul) Charter on Human and Peoples' Rights (Article 17), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Article 12), the African Charter on the Rights and Welfare of the Child (Article 11) and the African Youth Charter (Article 13). The African Union's Agenda 2063 also provides for the right to education being a key to future development.

5.1.3 National legal and policy framework

The above international and regional instruments have been domesticated as follows:- The 1995 Constitution of the Republic of Uganda, as amended, provides for the right to free compulsory education under National Objectives and Directive Principles of State Policy V, XIV, XVII, XVIII, XXI and XXII, Article 30 and Article 176 (1) that provides for the monitoring and inspection role of schools that was decentralized to local governments.

The Education (Pre-Primary, Primary and Post-Primary) Act, 2008 streamlines the existing law relating to the development and regulation of education and training for the UPE policy. It also explicitly provides for the state having the primary responsibility of the Ugandan education system. Section 4(1) provides that provision of education and training to the child shall be a joint responsibility of the state, the parent or guardian and other stakeholders, hence emphasisng the importance of collective efforts in attaining quality education for the pupils. Section 4(2) provides for basic education as a right for all persons. Section 5(1) provides for the state's obligations and Section 5(2) provides for the responsibilities of parents and guardians towards their children. Section 9 provides that no charge shall be levied for UPE.

The Local Governments Act, 1997, as amended, under Sections 96 and 97 provides for the monitoring and inspection of government projects like education at the district level. The Persons with Disabilities Act, 2019 provides that government has a duty to provide education for persons with disabilities.

The Uganda National Institute of Special Education Act, 1995 provides for the establishment of a body to train teachers for special-needs learners and production of educational materials for them, among others. The Uganda National Examinations Board (UNEB) Act, 1983 provides for the enactment of a body that assesses the performance of pupils and issues a Primary Leaving Examinations certificate.

The National Curriculum Development Centre (NCDC) Act, 2000 provides for a body that evaluates and reforms the curriculum to meet changing societal needs, develops teaching aids and trains teachers to develop their capacity. The Education Service Act, 2002 provides for the recruitment, training and development of national standards and disciplinary control for education officers.

The Uganda National Commission for United Nations Educational, Scientific, Cultural Organisation (UNATCOM-UNESCO) Act, 2014 provides full and equal opportunities for education for all. The Uganda Vision 2040 and the National Development Plans provide for human capital development as a key for development hence calling for increased funding for the education sector. The Education and Sports Sector Strategic Plan (ESSP) FY 2017/18-2019/20 recognizes the need to "develop and implement response programmes for provision of quality education to refugees and the host communities as well"[141],thereby reflecting that the state has a duty to provide UPE for refugees as well. At the national level, Uganda has a host of laws that provide for quality UPE.

5.2 UNIVERAL PRIMARY EDUCATION IN UGANDA

There are 20,314 primary schools in Uganda; 12,042 are government-aided and 8,272 are privately owned. Therefore, reflecting that majority of the primary school pupils in Uganda are in government schools.[142] Enrolment figures doubled from 2.6 million in 1995 before UPE to 5.3 million in 1997 after the introduction of UPE.

141 ESSP FY 2016/17-2019/20 at page 19.
142 http://ugandaschools. guide/find-a-school/category/2 Accessed on 14th February 2020.

TABLE 8:

Enrolment in primary schools between 2015 and 2019 [143]

Financial year	2015/16	2016/17	2017/18	2018/19	2019/20
Pupils	8,264,217	8,689,723	8,893,447	9,055,260	9,236,324

Source: Education and Sports Sector Strategic Plan 2017/18/20ESSP2017-2020

The proportion of children in school under UPE is 70%; urban enrolment is at 78%, rural enrolment at 69%, girl-child enrolment at 67%, boy-child enrolment at 73% and the completion rate stands at 60%.[144] These figures indicate that UPE is being implemented in Uganda.

5.2.1 Quality of Universal Primary Education

The standard of measure for quality education is provided for by General Comment No. 13 under which states are required to take measures toward ensuring that education is equally accessible, available, acceptable and adaptable, while prioritizing the best interests of the child. Education must be made physically and economically **accessible** to all without discrimination. Part of this includes making schools affordable and located within a safe physical distance that learners can reach. For education to be **available**, educational institutions must provide sufficient protection from outside elements, have adequate teaching materials, trained teachers, safe drinking water and sanitation facilities. **Acceptable** education entails curricula, teaching methods, relevant, culturally appropriate and of good quality. **Adaptable** education requires schools to be flexible so that they can respond to varying student needs and accommodate different learning styles[145].

5.2.2 Accessibility

Accessibility to education, in Uganda, is evaluated through increased enrollment, distance to school, learning outcomes that are done through continuous assessments like PLE administered by Uganda National Examinations Board (UNEB) and the National Assessment of Progress in Education (NAPE) that assesses a minimum proficiency in reading (in local languages and in English) and mathematics though it is administered every three years and after payment of additional fees.[146]

Enrollment

The Ministry of Education and Sports statistics indicate that enrolment in all primary schools has increased from 3.06 million in 1996 to 8.84 million in 2017, indicating sign of increased access to UPE in Uganda. The enrollment of male and female pupils in primary school is almost equal now, as the table below shows.

TABLE 9:

Percentage enrolment of male and female pupils in schools (1996-2017)[147]

YEAR	MALE %	FEMALE %
1996	54	46
2001	51	49
2006	50.1	49.9
2011	49.9	50.1
2017	49.7	50.3

The Gross Enrolment Ratio (ratio of total enrolment, regardless of age, to the population of the age group that officially corresponds to the level of education in question) exceeds 100% at primary level. It was at 103% in 2017, having reached its highest level of 138% in 2003. This can be attributed to population growth as Uganda has one of the highest growth rates in the world, overage people who register for school and repetition in class. The Uganda National Household Survey 2016/2017[148] found that 89.9% of children aged six to 12 in Uganda were attending school.

143 MoES. (2017). Education and Sports Sector Strategic Plan 2017/18- 2019/20, page 28.
144 MoES. (2018). *UPE, Universal Primary Eeducation: Transforming Uganda.* Kampala: Independent Publications Ltd. Page 193.
145 UN Commission on Human Rights. (1999). Preliminary Report of the Special Rapporteur on the Right to Education. 13th January 1999, paras. 51–74. UN Doc. E/CN.4/1999/49
146 Initiative for Social and Economic Rights (ISER). 2019. Status of Implementation of SDG 4 on Education: Is Uganda on Track?. ISER June 2019, page 29.
147 MoES. (2019). *UPE, Universal Primary Education: Transforming Uganda*, page 14.
148 Page 36

Literacy levels

Literacy levels have increased since the inception of UPE, hence increasing accessibility to UPE. This was illustrated in the Education and Sports Sector Annual Performance Report 2018-2019 which stated that the literacy rate stood at 49.9% (47.4% for boys, 52.5% for girls) in P3 and 53% (52.7% boys, 53.5% girls) in P6. The numeracy rate stood at 55.2% (56.1% girls, 54.3% boys) in P3 and 50.9% (56.2% for girls, 45.9% for boys) in P6. Across the regions, Kampala had the highest literacy rate of 94 percent while Karamoja had the lowest (25 percent).[149] This was attributed to better school facilities, better and more teachers and more involved parents in Kampala compared to the schools in Karamoja where some learners only attend school in order to get a meal.

Distance to school

Under the aspect of distance traveled to school, the Uganda National Household Survey 2016/2017 found that for only 2.9% of children who did not go to primary school, the main reason was that the school was too far away.[150] Furthermore, it also found that overall; only 2.8% of Ugandan "communities" are more than five kilometers from a public primary school. The Uganda Human Rights Commission research findings also indicated that some learners had to travel more than 3km to access the nearest school.

Learning outcomes

The performance rate at PLE has continued to increase as illustrated in figure 17. It has also been observed that schools in urban areas (private and also UPE) perform much better in national examinations compared to UPE schools in rural areas due to better teaching infrastructure.

Physical accessibility

The MoES has plans to construct a primary school at each parish across the country in a bid to make UPE accessible for all children in Uganda.

FIGURE 16:

Map showing the literacy levels of Uganda[151]

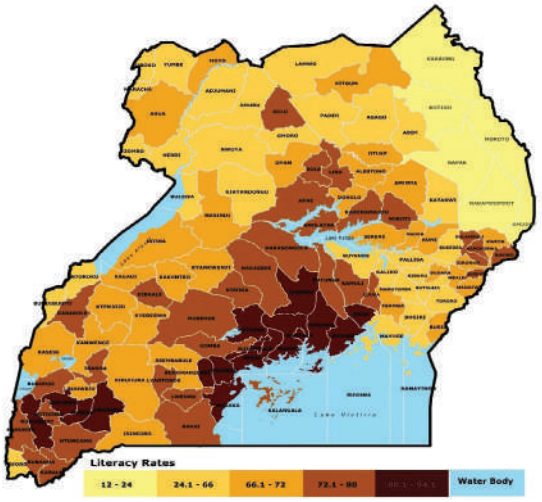
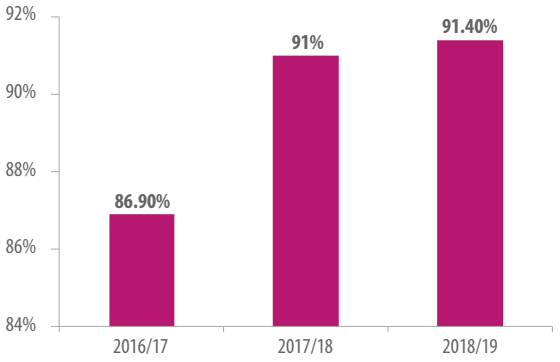


FIGURE 17:

PLE pass rate from 2016 to 2019



Economic accessibility

The current SFG provided by Government is too little to achieve the minimum required education facilitation targets. Further, its current allocation method is highly discretional and inefficient. The capitation grant allocation is more transparent; however, it is also too little to deliver meaningful education results.[152] Therefore, this leads to payment of additional fees by parents for items like lunch, teacher incentives (PTA fees), extra lessons and fees for cleaning items. This makes education inaccessible for pupils from poor backgrounds.

149 UBOS. (2017). Education: A Means for Population Transformation: Thematic Series Based on the National Population and Housing Census 2014. Page 44
150 UBOS. (2014). National Population and Housing Census 2014: Main Report.
151 National Planning Authority (NPA). (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE. Page 34.

Economic accessibility

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5.2.3 Availability

This is evaluated by the presence of classrooms that can be accessed by all learners including those with special needs, sanitation facilities for both sexes, safe drinking water, food, trained teachers receiving domestically competitive salaries, teaching materials like textbooks and chalk, extracircular activities, library and ICT hence ensuring that the basic learning needs of pupils are satisfied.[154] Basic learning tools include literacy, oral expression, numeracy, problem-solving and value, attitudes required by every human being to be able to survive, fully develop their capacities, work in dignity and participate fully in development.

Infrastructure

Government funds the UPE programme through two major grants:

1. The capitation grant which goes to improving equitable access to basic education and to providing schools with funds for running their operations as well as providing the minimum necessary facilities and resources to enable Ugandan children of school-going age to enter and remain in school and successfully complete the primary cycle of education; and

2. The School Facilities Grant (SFG) which assists the most needy school communities to provide basic infrastructure. The SFG supports construction of new classrooms; provision of furniture like pupils' desks, teachers' tables, chairs and cupboards; the construction of latrines and the construction of teachers' accommodation. Ideally, the target is for every primary school to achieve the following:
   - A classroom teacher-to-pupil ratio of 1:55;
   - Desk-to-pupil ratio of 1:3;
   - Latrine-to-pupil ratio of 1:40; and
   - Permanent accommodation for at least four teachers.

Communities have contributed by providing school land and items not financed under SFG such as planting trees and school fences or constructing a playground, among others. Currently, there are 160,341 primary school classrooms in Uganda that are used by 8.8 million pupils, indicating that the Government needs to construct more classrooms to match the growing pupil population. Learners continue to share textbooks and only 44% of the primary schools meet the stance-to-pupil ratio.

Teachers qualifications

There are 205,212 primary school teachers in Uganda with various qualifications ranging from a certificate to a degree in education as indicated in table 10.

The statistics above indicate that the number of Grade II teachers is the lowest since these are being phased out due to their low qualifications; majority of the teachers are Grade III teachers that hold a certificate in primary education, followed by graduate teachers that are usually head teachers. Therefore, more teachers need to be trained to improve the quality of UPE.

The current teacher-to-pupil ratio is 1:55 although the target is 1:45[155] hence indicating that the Government needs to recruit more teachers to meet this target. This is further illustrated by the current 205,212 primary teachers to educate the 8.8 million pupils. The Uganda Human Rights Commission research findings indicated that there were some schools where the teacher-to-pupil ratio, toilet-to-pupil ratio and classroom-to-pupil ratio were high hence affecting availability of universal primary education as indicated in the table below.

153 National Planning Authority (NPA). (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE. Page 34.
154 General Comment 13, para 9.
155 *UPE, Universal Primary Education: Transforming Uganda*, page 21.

TABLE 10:

The qualifications of primary school teachers[156]

TEACHER BY QUALIFICATION	FEMALE	MALE	TOTAL	PERCENTAGE
Diploma in Primary Education	13,220	18,168	31,388	15%
Grade II	286	234	520	0.3%
Grade III	54,732	70,709	125,441	61%
Grade V	4,209	6,857	11,066	5.3%
Graduate	2,917	5,186	8,103	39%
Licensed	373	546	919	0.4%
Other training	4,350	5,322	9,672	5%
Not Indicated	8,211	9,892	18,103	8.7%
	89,256	**117,982**	**205,212**	**100%**

Source: Annual school Census Ministry of Education and Sports 2017

TABLE 11:

Availability of infrastructure in selected primary schools across the country

DISTRICT	SCHOOL	TEACHER PUPIL RATIO	CLASSROOM PUPIL RATIO	TEXTBOOK PUPIL RATIO	STANCE PUPIL PATIO	WATER SOURCE
Hoima	Kabaale Public School	1:54	1:67	1:5	1:65	Rain Water
Kyankwanzi	Katugo Public School	1:65	1:100	1:6	2 stances	Buy piped water
Kaberamaido	Kaberamaido Township P/S	1:98	1:75	1:5	15 stances	Borehole
Bulambuli	Muyembe Boys P/S	1:75	1:108	1:4	5 stances	Borehole
Namisindwa	Namisindwa P/S	1:62	1:100	1:5	4 stances	Borehole
Nakapiripirit	Nakapiripirit P/S	1:65	1:90	1:5	6 stances	Borehole
Agago	Geregere P/S	1:106	1:160	1:6	10 stances	Borehole
Pader	Lacekocot P/S	1:95	1:168	1:6	16 stances	Borehole
Agago	Kwonkic P/S	1:102	1:167	1:6	12 stances	Borehole
Pader	Paipir P/S	1:93	1:106	1:6	10 stances	Borehole and piped water
Kagadi	Kagadi Model	1:85	1:100	1:5	6 stances	Shallow well
Koboko	Goya P/S	1:94	1:156	1:5	8 stances	Borehole
Koboko	Oraba P/S	1:84	1:132	1:6	3 stances	Borehole
Zombo	Zeu P/S	1:64	1:112	1:5	6 stances	Borehole
	Zombo Upper P/S		1:116	1:5	10 stances	Borehole
Mubende	Kasambya Demo P/S	1:70	1:85	1:5	6 stances	Borehole
Mayuge	Mayuge T/C P/S	1:62	1:178	1:8	7 stances	Borehole
Tororo	Mudakopu P/S	1:83	1:120	1:5	6 stances	Borehole

Source: Uganda Human Rights Commission

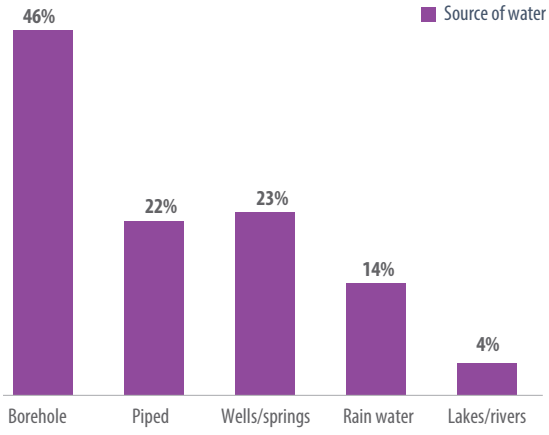
156 MoES. (2017). Annual School Census 2017.

Access to water

In the FY 2016/17, the stance-to-pupil ratio in primary education improved by four points from 1:52 in FY 2015/16 to 1:48 in FY 2016/17. In addition, out of the 19,717 primary schools, 22.4% were able to get access to piped water, 46.4% to boreholes, 22.6% to water from wells / springs, 14.4% to water through rainwater-harvesting tanks, and 3.6% were able to access water from lakes/rivers.[157] The Commission findings also indicated that many of the primary schools visited were utilizing water from boreholes which is safe of the pupils. However, sometimes during the dry season, the boreholes dry up hence creating water scarcity and pupils resorting to unprotected sources of water.

FIGURE 18:

Sources of water in primary schools



Source: ISER Report 2019

It has been observed that over the past two decades the quality of water, sanitation and hygiene (WASH) in schools has improved since 2015. The government was urged to continuously work towards ensuring that each primary school has access to safe clean water[158].

School meals

School feeding increases access, reduces abseentism and dropout rates; however, it hasn't been effectively supported by parents, yet Government financing of school feeding is unaffordable and unsustainable. Parents, particularly those of poor households, do not fully contribute to the school feeding of their children as stipulated in the Education Act (2008), pushing all the roles and responsibilities to Government[159] hence affecting accessibility to UPE particularly for pupils in rural areas. The Commission's 22nd Annual Report findings show that all the 122 schools visited during the data collection process stated that the textbooks, chalk, tables, chairs, classrooms, stances, computers and SNE learning materials supplied to them were inadequate.

5.2.4 Acceptability

The form and substance of education including curricula and teaching methods, have to be acceptable; that is to say, relevant, culturally appropriate and of good quality to the learners.[160] In Uganda, the National Curriculum Development Centre (NCDC) is responsible for the development of curricula and related materials for various levels of education. The Early Grade Reading (EGR) programme was developed in Uganda where students from Primary 1 to 3 learn in their local language and then transition to learning in English for Primary 4 to Primary 7. This has increased literacy levels and promoted the right to culture, ultimately making education acceptable in the communities.

5.2.5 Adaptability

Education has to be flexible so it can adapt to the needs of a changing society and respond to the needs of learners within their diverse social and cultural settings. It must evolve as society's needs keep evolving. In Uganda, in respect to the adaptability of UPE, the primary education curriculum has been revised to address reduction of the workload and relevance of the subjects and content, making learning more skills-based than knowledge-based. The introduction of the Thematic Curriculum for P1 to P3, and the use of local languages as a medium of instruction at that level have also been done. Therefore, the quality of UPE in Uganda is evaluated by accessibility, availability, acceptability and adaptability.

157 Initiative for Social and Economic Rights (ISER). (2019). Status of Implementation of SDG 4 on Education: Is Uganda on Track? ISER June 2019, page 52.
158 Uwezo Uganda. (2019). Are our Children Learning? Uwezo Uganda Eighth Learning Assessment Report 2019. Pages 7 and 8.
159 NPA. (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE, page XIII.
160 General Comment No 13.

5.3 MEASURES TOWARDS IMPROVING UPE

The Government of Uganda has made considerable progress in progressively realizing the right to education particularly at primary level (UPE) through the line ministry[161] development partners and the private sector. Below are the key gains of UPE in Uganda.

5.3.1 Pupil enrolment growth

The education sector has made significant gains with regard to pupil and student enrolment growth. In terms of increasing equitable access, the continued implementation of UPE increased enrolment at primary level from 3.06 million in 1996 to 9,236,324 in 2019, an indicator of increased access to education in Uganda. Uganda has progressively increased the number of schools, teachers and classrooms over the past two decades as shown below.

TABLE 12:

Number of primary schools, teachers and pupils in Uganda from 1996 to 2017[162]

YEAR	NUMBER OF PRIMARY SCHOOLS	NUMBER OF TEACHERS	NUMBER OF PUPILS
1996	8,531	73,543	3.0 million
2001	12,280	127,038	6.8 million
2006	14,385	150,135	7.35 million
2011	16,684	169,803	8.09 million
2017	20,305	207,238	8.84 million

Source: 2o years of UPE at pg 83

5.3.2 Construction of more classrooms

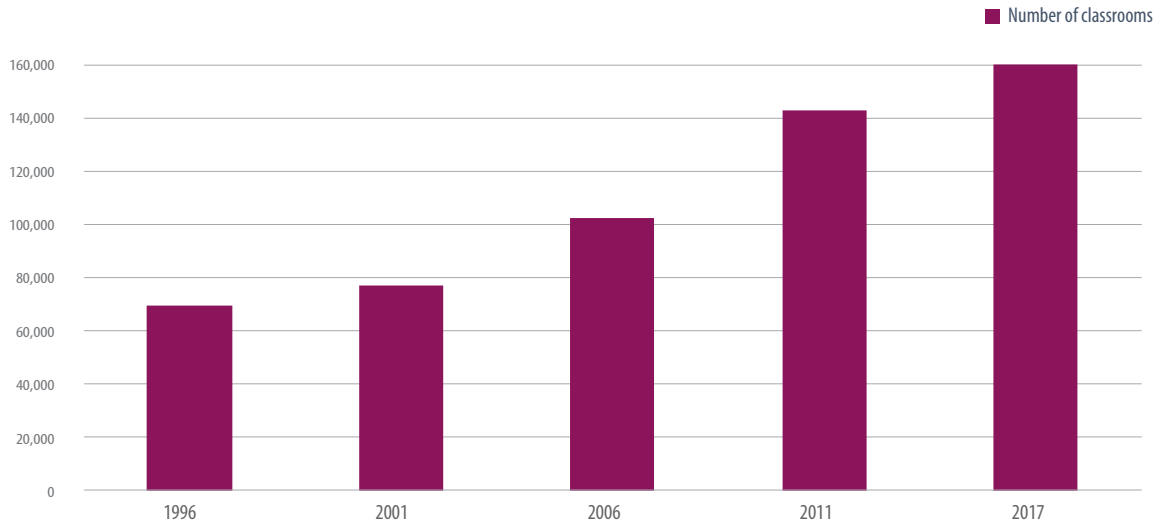
Over the last two decades, the Government has continuously built more classrooms in UPE schools, hence raising the number of classrooms from 69,344 in 1996 to 160,341 in 2017. Furthermore, 80% of the 20,305 schools in the country have permanent structures. An urban school should have at least 12 permanent classrooms and a rural school have eight. The schools also have space for extracurricular activities like football, netball and volleyball. The 2014 NPA pre-primary and primary assessment indicated that the Government should construct more 55,145 schools in order to improve the quality of education and demonstrate Uganda's commitment to improving UPE. MoES indicates that plans are underway to construct 138 primary schools in the FY 2019/2020 under the Uganda Teacher and School Effectiveness Project.[163] These schools shall consist of seven classrooms, one administration block, two blocks of five-stance latrines for boys and girls and one block of two-stance latrines for teachers and water tanks.

The establishment of new schools like Angetta P/S in Alebtong district, construction of new classroom blocks, workshops and refresher trainings for renovation and expansion of existing facilities resulted into improvements in the classroom-to-pupil ratio from 1:79 in 2007 to 1:70 in 2017. Nonetheless, there is still a lot more to be done to improve the quality of UPE.[164] The MoES also installed lightning arrestors in 140 primary schools in the lightning corridor region (i.e. Mubende, 26 arrestors; Bukomansimbi, 26; Sembabule, 26; Bushenyi, 10; Lyantonde, 26; and Lwengo, 26).[165] That the ministry also completed construction of facilities in 129 schools (Emergency Construction of Primary Schools Project, 45; and Uganda Teacher and School Effectiveness Project, 84).[166]

161 The Ministry of Education and Sports (MoES) is the one mandated to provide technical support, guide, coordinate, regulate and promote quality education, training and sports to all persons in Uganda for national integration, development and individual advancement.
162 *UPE, Universal Primary Education: Transforming Uganda.*
163 MoES. (2019). *UPE, Universal Primary Education: Transforming Uganda*, page 106.
164 As above
165 The Education and Sports Sector Annual Performance Report 2018/2019, page XXI.
166 As above, on page XVIII.

FIGURE 19:

Progressive construction of classrooms in Uganda over the past two decades



5.3.3 Increase in number of teachers hired

More teachers have been hired, increasing their number from 73,543 in 1996 to 207,238 in 2017. Furthermore, the district teachers' ceilings were opened by the MoES to allow for recruitment of 10,000 more teachers and reduce the teacher-to-pupil ratio from 1:85 to 1:53 currently.

5.3.4 Teachers' salaries raised

Teachers have continuously demanded for 100% salary raise due to the ever-rising standard of living. In response to this, the Government increased the teachers' salaries by 50% in FY 2009/2010. The first installment of 20% was made in 2010/2011, then 15% in 2013/2014 and 15% in 2017/2018, showing Government's commitment to the improvement of teachers' salaries in order to achieve a quality UPE. The lowest-paid teacher now receives UGX 460,000, compared to UGX 227,000 in 2009.

Hard-to-reach areas currently are: Adjumani, Bugiri, Sigulu Island, Amuru, Bundibugyo, Kaabong, Gulu, Kalangala, Kanungu, Kisoro, Kitgum, Bukwo, Mayuge, Mukono (Buvuma and Koome Islands), Abim, Nakapiripirit, Nwoya, Pader and Kotido[167,168].

Teachers are also entitled to study leave, teacher training and upgrade, medical care for permanent staff and their children for those above U4 salary scale, compensation if injured in the line of duty, gratuity, pension, transport in case one is relocating or retiring and also enjoy security of tenure. Teachers in hard-to-reach areas are also entitled to 30% top-up, lunch and housing, among others. Fifty-one percent of teachers in the country are housed currently and plans are underway to construct 240 houses for teachers. Some 324 teachers' houses have been built starting with the hard-to-reach areas.[169]

FIGURE 20:

Government expenditure on teacher salaries in UGX[170]



Source: 20 years of UPE at pg 106

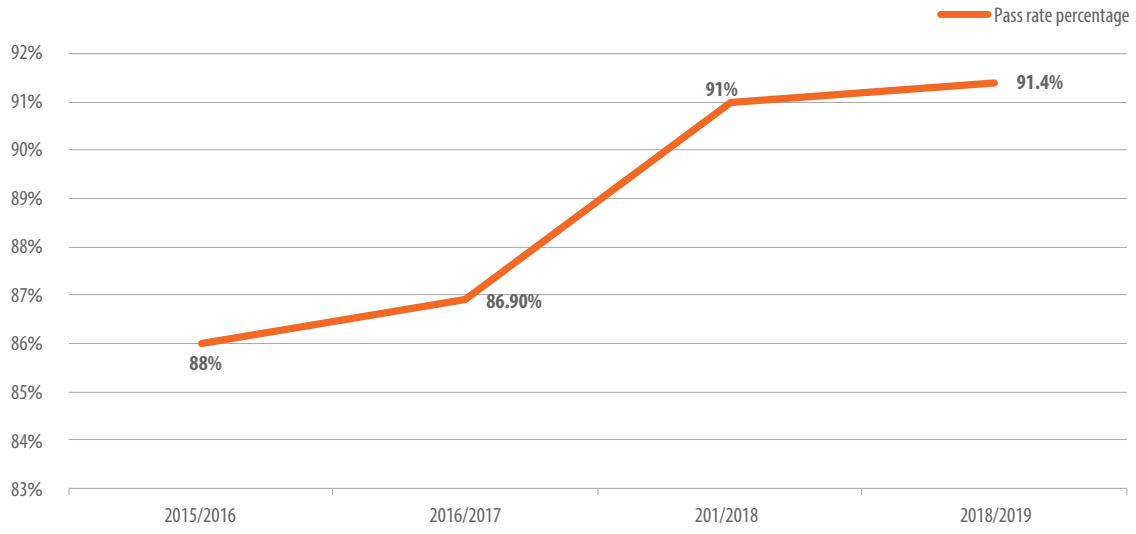
167 *UPE, Universal Primary Education: Transforming Uganda*
168 *UPE, Universal Primary Education: Transforming Uganda*
169 *UPE, Universal Primary Education: Transforming Uganda*, page 115.
170 As above

5.3.5 Increased PLE pass rate

PLE results have continued to indicate improved performance of candidates for the last three years running. However, UPE schools in urban areas as well as private schools continue to perform better than those in the rural areas due to improved infrastructure and parents' contribution and involvement in the urban areas. The figure below indicates that the PLE pass rate continues to rise each year. There was a slight increase in the PLE pass rate of 0.4% points from 91% in FY 2017/18 to 91.4% in FY 2O18/19

FIGURE 21:

PLE pass rate over the years



5.3.6 Gender parity achieved

The number of girls and boys accessing school today is almost equal, at 49.7% constituted by girls and 50.3% for boys; this indicates close to equal access to education for both boys and girls. Since 1997, the gap between the number of girls and boys enrolled in primary schools has been closed. For example, the percentage of girls to total enrolment was 50.3 percent in 2016 compared to 46 percent in 1997.

Gender-appropriate facilities are key for gender parity as well as the success of girls in school as they can drop out due to lack of sanitary facilities for changing during menstruation times. The Gender in Education Sector Policy pledges to promote facilities and infrastructure that are responsive to women and girls' special needs and interests.[171]

5.3.7 Increased funding for monitoring and inspecting schools and commitment to teacher trainings

Sections 11 and 16 of the Education Act, 2008 provide for registration and licensing of teachers. The ESSP 2017/18-2019/2020 provides for the MoES' commitment to developing and implementing a National Teacher Policy that would professionalize and motivate the teaching workforce.[172] The policy provides guidance on what has to be done to improve the teaching profession in Uganda. It provides for a National Teachers Regulatory Council that would evaluate teachers' performance, establishment of a National Institute of Teacher Education, accreditation in the teaching profession, and mandatory Continuous Professional Development (CPD). Support to district education officers was also increased in 2019 to enhance monitoring at district/municipal levels as provided for under Section 25 the 2008 Education Act.

171 Government of Uganda (GoU). (2016). Gender in Education Sector Policy, page 22.
172 ESSP 2017/18-2019/20, page 22..

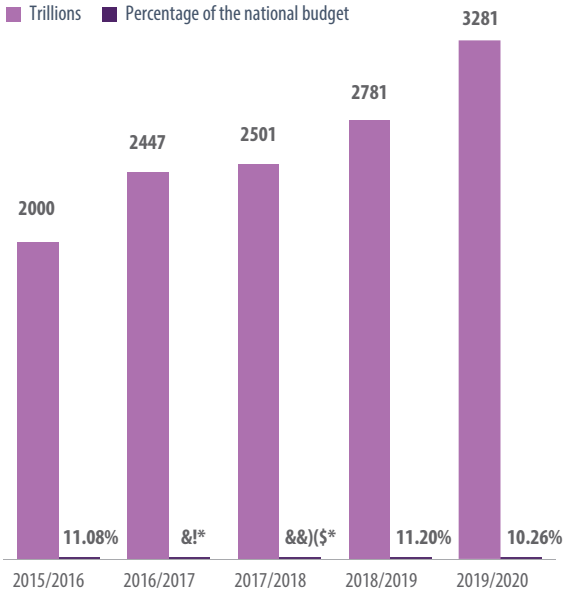
MoES also developed operational guidelines for senior men and women teachers; developed a training manual on Menstrual Health Management for teachers and other stakeholders on menstrual hygiene management (MHM); trained pupils on how to make reusable pads; trained 665 learners (417 males; 248 females) from 330 primary schools and 330 secondary schools on a safe learning environment; and trained a total of total of 1,015 (476males; 541females) senior women and senior male teachers and 8,425 learners (4,666 girls; 3,759 boys) in 450 schools in menstrual health and hygiene in schools; and in collaboration with Ministry of Health conducted a national human papillomavirus vaccination to ensure that all 10-year-old girls in primary schools are protected from cancer of the cervix.[173]

5.3.8 Increased budget allocations to the MoES

The budget allocations the Ministry of Education and Sports have continued to increase over the past five years, and the sector hardly faces budget cuts due to the importance attached to it, an indicator of Government's commitment to the progressive realisation of the right to education. The funds allocated to the ministry have been increasing yearly though they are yet to reach the stated target of 15% of the national budget. Furthermore, funds amounting to UGX 75,240,789,507 were disbursed as capitation grants to 12,432 UPE schools to cater for 7,290,119 pupils in FY 2018/19. The unit cost per pupil increased from UGX 9,447 in FY 2017/18 to UGX 10,000 in FY 2018/19, indicating an 5.8% increase.[174]

FIGURE 22:

Budget allocations to MoES between 2015 and 2019



5.3.9 Food programme in Karamoja

Feeding of children in the Karamoja sub-region under the World Food Programme has increased enrollment. Some 89.3% of the schools there are provided meals through this programme. This programme has proved that feeding of children while at school is key for archieving quality UPE.

5.3.10 Refugee education

Refuges benefit from UPE as they are entitled to education as per the Refugee Act 26 and Refugee Regulations 2010. The data from the 11 refugee-hosting districts, namely Adjumani, Arua, Isingiro, Kamwenge, Kiryandongo, Kyegegwa, Moyo, Yumbe, Kikuube, Koboko and Lamwo, indicated that there are well over 800,000 children of school-going age. The GER among refugee children stands at 58%. The teacher-to-pupil ratio for these schools stands at 1:85 and the classroom-to-pupil ratio stands at 1:154.[175]

173 MoES. (2018). Education and Sports Sector Annual Performance Report 2018/19, page 163.
174 As above, page 76.
175 MoES. (2019). *UPE, Universal Primary Education: Transforming Uganda*, page 170.

5.4 HUMAN RIGHTS CONCERNS IN UPE SCHOOLS

Despite improvements in the quality of UPE, it is still largely inequitable hence raising human rights concerns.

5.4.1 Low retention

Increased dropout rates

Pupils continue to drop out of school, which has affected their right to basic education. School dropout rates are attributed to high poverty levels preventing families from being able to pay for scholastic materials, feeding and uniforms; child labour by children caring for younger siblings, sick and elderly relatives, and doing house chores; and the fact that there are still some parishes that do not have schools. There are currently 1,100 parishes without a primary school.[176]

Dropout rates have been increasing since the introduction of UPE.[177] Approximately one in five primary schoolpupils drop out of school. The MoES noted that transfer to other schools, loss of parents and parental decision are the major causes of dropout at the lower and upper primary levels. It further noted that loss of parents; pregnancies and marriages as well deter pupils from completing Primary seven.

In addition, UNHS 2016/17 noted that the main reasons why learners left school relate to income which constitute over 65 percent, i.e. costs associated with education for boys (35%) and girls (34%) followed by lack of funding (boys, 33% and girls, 31%). About five percent of girls aged six to twenty-four years had left school because of pregnancy.

TABLE 13:

UPE beneficiary perceptions on reasons for pupil dropout for lower and upper primary, and not completing

REASONS	LOWER PRIMARY (%)	UPPER PRIMARY (%)	NOT COMPLETING P7 %
Harassment at home	5	4	4
Harassment at school	2	1	1
Traditions/cultures	3	3	3
Religion	2	2	2
Pregnancies	0	6	7**
Marriages	1	6	7**
Search for jobs	2	5	6**
Loss of parent(s)	10***	7*	7**
Transfer to another school	12	8*	7**
Lack of interest	6	6	6**
Indiscipline and expulsion	2	3	2
Parental decision	11***	8*	7**
Insecurity	2	1	1
Illness	8***	5	6
Other fees/charges	6	4	4
Caring for family members	4	5	5
No school meals	8***	5	5
No scholastic materials	7***	5	5
Distance from school	7	4	4
Poor performance in class	4	5	5
Poor sanitary facilities	2	3	3
Disability	3	2	2
TOTAL	**100**	**100**	**100**

Source: NPA survey 2017.
*Note: *** highest for lower primary, **highest for not completing P.7, *highest for upper primary*

176 MoES: Ministerial Policy Statement FY2019/2020
177 MoES Statistical Abstracts of several years.

5.4.2 Poor performance

The Uganda National Examinations Board (UNEB) indicated an improvement in performance in 2019, highlighting that more pupils were going to be able to make it to the next level. However, majority of the UPE schools continue to underperform compared to their counterpart private schools hence affecting their efficiency, effectiveness and competitiveness in the future work space.[178] This also brings about inequality in UPE particularly for rural schools.

5.4.3 Inadequate infrastructure

Majority of the UPE schools have classroom blocks that are made of bricks, though others are housed in dilapidated or makeshift structures and a few operate under trees. This is attributed to the high cost of constructing classroom blocks and yet the sector is underfunded. With poor funding, it becomes difficult to construct the desired classroom bocks since the unit cost of a new complete primary school is UGX 738,440,177.[179] Water supply is still a challenge for some primary schools, and this affects the pupils' right to health. Limited numbers of toilets in some primary schools as well as dilapidated ones still remain a challenge as well. This affects the right to education, especially for the girl child.

5.4.4 Abseentism in UPE schools

The national rate of absenteeism of primary school children observed in 2018 stood at about 24%, compared to 34% in 2014.[180] The rate was slightly higher in P1 and lower in P7, but otherwise consistent through the primary grades. The rate was also consistent by gender (25% for boys and 24% for girls) and fairly consistent for all ages from six to 14. The rate of abseentism among teachers is currently between 20% and 30%.[181] This affects the literacy level of pupils and leads to repetition which stands at the rate of 10.19%. Teachers also engage in other economic ventures like boda boda riding and faming to supplement their income which also contributes to their abseentism.

5.4.5 Insufficient quantity and quality of teaching staff

MoES often cites insufficient quantity of well-trained, highly motivated and properly resourced teachers since the MoES' Teacher/ Tutor, Instructor Education and Training (TIET) Department is underfunded to continuously improve the quality of teachers. Official statistics indicate that 61% of the primary school teachers are Grade III teachers having a certificate in education and there is also a wrong attitude amongst community members that the teaching profession is for failures in life, hence affecting the children's right to quality education.

With regard to quality of teachers, some teachers attend to pupils while drunk, some defile pupils and others subject pupils to corporal punishments. Such behavior from teachers that are supposed to be role models for pupils affects the pupils physically and emotionally, and leads to a vicious cycle of violence. Some teachers also do not report to duty when transferred to hard-to-reach areas while others teach in various schools (called "moonlighting") which all in turn affects the quality of UPE.

5.4.6 Poor working conditions for teachers

The state has a duty to continuously improve the working conditions of teachers. However, in practice, the general working conditions of teachers are still poor, which is an obstacle to the full realisation of learners' right to quality UPE in Uganda. Teachers also have a right to organise and bargain collectively but their right is at times violated by threats to them of losing their jobs. Only 51% of the teachers are provided accommodation in Uganda, which shows that the other half have to pay for their accommodation from their limited income.

178 NPA. (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE, page 64.
179 Construction Management Unit of MoES
180 Uwezo Uganda. (2019). Are Our Children Learning? Uwezo Uganda Eighth Learning Assessment Report 2019.
181 *UPE, Universal Primary Education: Transforming Uganda*, page 85.

5.4.7 Inadequate sexual and reproductive health education

The MoES created cross-cutting gender and HIV units in schools; however, they are not empowered to execute their mandate. UPE schools have limited senior women and senior men teachers to sensitise pupils on changes in their bodies that they experience as adolescents, how to deal with those changes, menstrual hygiene management, HIV/AIDS awareness, positive living and reducing stigma and discrimination against pupils living with HIV/AIDS. Findings reveal that 34,546 (16,752 male and 17,794 female) pupils have HIV/AIDS, which is 0.35% of the total enrolment in primary.

5.4.8 Insufficient space in schools for physical education and sports

Pupils ought to have extracurricular activities like music, debate, art and craft and sports (football, netball, athletics, swimming, volleyball and woodball, among others) as part of their learning in order to be all-round pupils. The Education system should meet all the needs of pupils, which is to say the needs of the mind, body and soul. However, some schools in urban areas have limited space for co-curricular activities in UPE schools compared to the rural schools.

At times, the schools also concentrated on classroom work at the expense of physical education. This affects their right to physical education. Enaging in sports can lead to improved health outcomes, reduction in non-coomunicable diseases (NCD) and tackle raising obsecity in children. Futhermore the sports industry is a rapidly growing one and can provide income earning and employment oppotrtuties for young adults who need to be ingrained in sports at an early stage in school.

5.4.9 Automatic promotion

Pupils are promoted automatically without considering the quality of their performance in UPE schools in a bid to increase school enrollment and provide basic education. This affects the quality of education as the goal becomes to move a pupil from one class to another without due regard to his or her learning levels. It also creates inequality in learning outcomes. This problem is compounded as it affects mostly poor children whose parents cannot afford extra fees for coaching fees on top of standard classes. In this regard, UPE has ignored the factors concerning quality education, an issue that makes the survival rate in school for poor children very low as they avoid wasting their time and money in school without acquiring appropriate knowledge and skills.[182]

5.4.10 Violence against children

The state has a duty to provide a safe non-violent learning environment for pupils. In fulfillment of its obligations, MoES produced a National Strategic Plan on Violence Against Children in Schools (2015-2020). Corporal punishment was banned in schools in 2006, and in 2007 the Penal Code (Amendment) Act 8 (2007) passed to provide for the abolition of corporal punishment. Despite these efforts, reports from the MoES indicate that corporal punishment is still common in some schools. Based on a 2012 study, 74.3% children are caned under the pretext of pushing them to attain higher academic grades. The study found a slightly greater prevalence of caning in public school and slightly lower in private schools.[183] Some 46% of children reported being bullied in school, 46.7% reported emotional abuse by teachers, while 77.7% said they had experienced sexual abuse. Some 8% of girls were subjected to defilement, 24% spoken to in a sexual way, 18% received marriage proposals and 25% were fondled/touched in a sexual manner, while 37% of pupils reported being sexually harassed by teachers.[184] These statisctics indicate that violence against pupils still exists and affects the availability of quality UPE in Uganda.

182 NPA. (2018). Comprehensive Evaluation of the Universal Primary Education (UPE) Policy. Thematic Report 5: Financing and Costing of UPE, page XI.
183 MoES. (2014). Reporting, Tracking, Referral and Response (RTRR) Guidelines on Violence Against Children in Schools, pages 2-3.
184 MoES. (2014). Reporting, Tracking, Referral and Response (RTRR) Guidelines on Violence Against Children in Schools, pages 2-3.

5.5 CHALLENGES

In the implementation of UPE in Uganda, the line ministry faces various challenges as illustrate below.

5.5.1 Inadequate budgetary allocation to the education sector

The education sector remains underfunded which in turn limits its objective of providing quality free education for all in UPE schools. The MoES has funding gaps that hinder the implementation of the strategic plan which in turn affects the quality of the UPE education in the country.

Though the funding allocated to UPE increase yearly, the largest percentage of it is spent on wages hence affecting physical infrastructure that contributes to quality education. For example, during the 2019/20 budget, MoES was allocated UGX 3.28 trillion, of which UGX 1.84 trillion (56%) was for wages, UGX 0.8 trillion (25%) for non-wage investment, UGX 0.2 trillion (8.6%) for development and UGX 0.3 trillion (9.6%) for external financing. Inspection of schools and hiring of teachers were not funded. Furthermore, ten thousand shillings is allocated for each pupil yearly, meaning that only UGX 3,300 is spent on each pupil per term, which affects the quality of UPE as the funds are inadequate. The pupils in private schools, whose parents pay for the education, in the end receive quality education hence causing disparities between pupils of UPE and private schools that later compete for similar opportunities.

TABLE 14:

Estimated primary education funding gaps (in billion Uganda shillings)[185]

SUBSECTOR	FY 2017/18	FY 2018/19	FY 2019/20	TOTAL (3 YEARS)
Estimated costs	5,098.56	4,161.74	2,502.82	11,763.12
MTEF allocation	1,176.94	1,196.09	1,216.24	3,589.27
Funding gap	3,921.62	2,965.65	1,286.58	8,173.85

Source: Education and Sports Sector Strategic plan 2017/18-2019/20ESSP 2017-2020

5.5.2 Corruption

This is manifested through the existence of ghost teachers, ghost pupils and ghost schools, poor construction of buildings, delayed payment of teachers, delayed release of capitation grants, nepotism, shoddy recruitment and compromised inspections of schools within the ministry, all of which undermine the delivery of quality education.

5.5.3 Limited parental capacity to meet cost of education

Many parents misinterpret Government policies e.g. that government should provide every requirement for the learner (including lunch), and there exists negative perception about education (especially for girls) in the community, low prioritization of education by some parents and communities and low-income levels of some parents and communities, all of which affect the quality of UPE in Uganda.

Some parents particularly from poor households assume that UPE policy is a delegation of all responsibilities to Government. Field findings reveal that majority of the parents perceive UPE as: (i) a government relief programme for the poor (28 percent); (ii) education for everybody (28 percent); (iii) completely free education (23.5 percent); (iv) a programme for only the poor where no one should contribute (14.3 percent); and (v) President Museveni's political programme (8.1 percent). This implied parents' delegation of their roles to Government.[186]

185 Education and Sports Sector Strategic Plan 2017/18- 2019/20, page 30.
186 Comprehensive Evaluation of the Universal Primary Education (UPE) policy. Thematic Report 5: Financing and Costing of UPE, pages XI and 47.

5.5.4 Negative parental attitude towards their responsibilities to their children

Some parents neglect their responsibilities to their children by not providing scholastic materials like books, pencils, uniforms and meals as well as not attending Parents and Teachers Association (PTA) meetings and protecting the pupils from physical and emotional abuse hence affecting the quality of education which requires collective efforts to be maintained.

During the Commission 22nd Annual Report data collection exercise, the head teacher of Kimbugu P.S in Kabarole noted, *"There are times when the school is left with no option but to support children who are in dire need".* He further stated, *"I once had a pupil whose parents were battling a proof of paternity case before court where the father had totally denied paternity of the child and this later caused the mother to abandon the child at school for close to three terms*". This action greatly affected the performance of the pupil and, therefore, the school administration had to provide food to the pupil as they worked together with the relevant authorities to have the matter resolved.

Furthermore, the DEO of Kyegegwa also stated, "*It is so unfortunate that parents have become so reluctant in taking care of their children and most times the parents do not even cater for the bare minimum for their children with the thought that UPE belongs to the president*".

5.5.5 Increased population growth

Rapid population growth estimated at 3.5 per cent per annum continues to put pressure on the limited resources to deliver quality UPE in Uganda. The capitation grant provided to schools is too low and has not kept pace with pupil enrollment numbers. Therefore, schools are not able to put up the necessary infrastructure to match the growing number of pupils. The delay in release of capitation funds makes schools operate in debts and this affects school operations and projects as well.[187]

5.5.6 Feeding of pupils

This remains a challenge in many parts of the country as the Government does not provide funds for meals in majority of the schools and yet many parents are not willing to do that. This adversely affects the quality of education in UPE schools.

Sections 4, 5 and 19 of the 1998 Uganda Education Policy provide that parents' contribution is crucial in the provision of feeding as a basic child requirement. It also stipulates that the Minister shall from time to time issue statutory requirements on school meals, the head teacher shall collect fees for midday meals in case of city and municipality council schools, school may levy a charge for midday meals as determined by the management committee in consultation with the district council, the taking of midday meals at school and the payment for such meals shall be voluntary and no pupil who has opted not to pay for or to take midday meals at school shall be excluded from school for non-payment for such meals, and the funds of a management committee shall consist of moneys paid for midday meals.

From the 2017 NPA survey, 72.4 percent of the parents answered that their children feed while at school, and 27.6 percent answered that their children don't feed while at school. Low feeding levels were mainly recorded in West Nile at 38.5 percent and Acholi region at 48.7 percent. Parents in private (rural and urban) schools feed their children more, at 87.6 percent compared to those of government schools at 66.9 percent. The average school feeding costs per pupil per term is UGX 10,000.[188] Feeding charges are lowest in the regions of Karamoja, Central II, West and Busoga; while the charges are high (above UGX 40,000) for mainly Acholi region. The reasons for low feeding charges for Karamoja are because of the positive effects of feeding programmes of non-governmental organisations interventions like World Food Programmeme (WFP) while the charges in Acholi were high because of the effects of drought in the region.

187 Comprehensive Evaluation of the UPE policy. Thematic Report 5 Financing and Costing of UPE 2018 NPA Pg XI and page 47
188 Comprehensive Evaluation of the UPE policy. Thematic Report 5 Financing and Costing of UPE 2018 NPA Pg XI and page 47

5.6 RECOMMENDATIONS

1. The Ministry of Education and Sports should strengthen the current inspection system by increasing the frequency of inspection of schools and institutions (at least two times per school/institution per term) with a special focus on the quality of leadership, management, teaching, the learning process and learner achievement.
2. The proposed UPE capitation formula reveals that, at the current inflation rates, the per unit capitation should be revised upwards from the current UGX 10,000 to UGX 63,546 for urban primary schools and UGX 59,503 for rural/SNE primary schools.
3. The Ministry of Education and Sports should strengthen infrastructure by constructing more classrooms, teachers' houses, stances, water sources, libraries and schools with school facilities per parish, increase on textbooks, desks, chairs, chalk and computers, among others, and revise some of the guidelines on community participation, e.g. the provision of lunch to pupils at schools and parental responsibilities towards their children.
4. The ministry should sensitise teachers on positive non-violent approaches to school discipline.
5. The ministry should address the disparities between UPE education and education obtained under private primary schools.
6. The Ministry of Finance, Planning and Economic Development should increase funding for UPE in order to improve the quality of the programme.
7. Government should make use of the pupils' National Identification Numbers (NINs) to track pupils throughout the education cycle.
8. Ministry of Education and Sports and the National Council of Sports should put in place policies /guidelines that require all primary, secondary and tertiary institituions to have sports programs all year round.

5.7 CONCLUSION

Quality basic education is very crutial for one to live a full life; it also helps in transforming society, creating unity, improving moral standards and accelerating economic growth. While the Government may face competing demands, it has a duty to progressively improve and provide quality education for all pupils.

Chapter 6

Child neglect and its implication on the rights of children in Uganda



6.0 INTRODUCTION

According to the Children Act cap 59, a child is a person below the age of 18 years. The Children (Amendment) Act, 2016 defines child neglect as the failure to provide for the basic physical, emotional and developmental needs of a child, in areas such as health, education, emotional development, nutrition, shelter and safe living conditions, which cause or have a high probability of causing impairment to a child's health or physical mental, spiritual, moral or social development.[189] Child neglect encompasses abandonment; lack of appropriate supervision; failure to attend to necessary emotional or psychological needs; and failure to provide necessary education, medical care, nourishment, shelter, and/or clothing. Younger children are neglected most, and more girls suffer from neglect than boys.[190]

Child neglect can be physical, educational, emotional or medical. Physical neglect includes refusal or failure to provide medical care, child abandonment or desertion, the expulsion of a child from home, inadequate nutrition, clothing, shelter, or hygiene while educational neglect encompasses failure to enroll a child of school-going age in school, the refusal to obtain or allow recommended remedial education services; or the refusal to follow through with treatment for a diagnosed learning disorder

189 https://ulii.org/system/files/legislation/act/2019/59/The-Children-Act-Cap-59-as-amended-2016.pdf Accessed 17th February 2020.
190 https://www.psychologytoday.com/us/conditions/child-neglect Accessed on 10th February 2020.

or other special education need without reasonable cause. On the other hand, emotional neglect includes actions such as inadequate nurturing and affection; spousal abuse in a child's presence; allowing a child to use drugs or alcohol; the refusal, or delay in providing needed psychological care; and encouraging or allowing maladaptive behavior such as chronic delinquency or assault. Medical neglect is the failure to provide for the appropriate healthcare of a child.[191]

Parental responsibility, on the other hand, refers to all rights, duties, powers, responsibilities and authority which by law a parent or guardian of a child has in relation to the child. Every parent or guardian has parental responsibility for their child.[192] The term 'parental responsibility' attempts to focus on the parent's duties towards their child rather than the parent's rights over their child.[193] Furthermore, parental responsibility is accompanied with a duty to maintain a child in one's custody. The duty of maintenance gives a child the following rights: the right to education and guidance, immunisation, adequate diet, clothing, shelter and medical attention. It also provides for the child's right to protection from discrimination, violence, abuse and neglect.[194]

The Uganda Human Rights Commission monitored the state of child neglect and parental responsibilities and its implications on the rights of children in selected districts in the country in 2019 in a bid to establish the magnitude of child neglect, its underlying causes, its implications on rights of children and available redress mechanisms for victims. The Commission further sought to establish the perpetrators of child neglect to make informed recommendations to Government.

The sampled districts were Amuria, Kapelebyong, Kaberamaido and Serere in Teso sub-region; Kapchorwa and Kween in Sebei sub-region; Mayuge, Bugiri, Iganga, Luuka, Kamuli and Jinja in Busoga sub-region; Tororo, Kibuku and Busia in Bukedi sub-region; Zombo and Arua in West Nile; Kyankwanzi, Buliisa, Masindi, Kiryandongo, Kagadi, Kikuube, Kibale, Hoima and Kakumiro in Bunyoro sub-region; Kaabong, Kotido and Nakapiripirit in Karamoja sub-region; Namisindwa and Bulambuli in Bugisu sub-region; Amolatar in Lango sub-region; and Gomba, Mpigi, Mityana, Kiboga, Buvuma and Kampala . The respondents interviewed included children, parents, local council leaders, Probation and Welfare Officers, Officers-in-Charge of Child, Family and Protection Unit of the police, Judicial Officers, opinion leaders, staff of Civil Society Organisations working in the area of child protection, cultural leaders and parents.

6.1 THE LEGAL AND POLICY FRAMEWORK

6.1.1 International legal framework

At the international level, the Universal Declaration of Human Rights (UDHR), 1948 recognizes that everyone, including children, has a right to a standard of living adequate for their health and well-being, including food, clothing, housing and medical care and the necessary social services.[195] Article 25(2) further provides for special care and assistance for motherhood and childhood and for all children, whether born in or out of wedlock, to enjoy the same social protection. The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966[196] re-echo the right to an adequate standard of living, the highest attainable standard of physical and mental health and the protection of the right to education for everyone including children.

The International Convention on the Elimination of All Discrimination Against Women 1979 (CEDAW) in Articles 11(2)(c) and 16(1)(d) also emphasize equal rights regarding caregiving in families and for children. The Convention on the Rights of the Child (CRC), 1989, which is the most comprehensive human rights instrument in this regard, emphasizes that children are holders of rights and their rights cover all aspects of their lives. In particular, Article 18 provides for parental responsibilities as being primary and

191 https://www.psychologytoday.com/us/conditions/child-neglect Accessed on 10th February 2020.
192 https://ulii.org/system/files/legislation/act/2019/59/The-Children-Act-Cap-59-as-amended-2016.pdf Accessed on 17th February 2020.
193 https://childlawadvice.org.uk/information-pages/parental-responsibility/ Accessed on 15th February 2020.
194 https://ulii.org/system/files/legislation/act/2019/59/The-Children-Act-Cap-59-as-amended-2016.pdf Accessed 17th February 2020.
195 UDHR, 1948, Article 25 available at https://www.un.org/en/universal-declaration-human-rights/ Accessed on 21st January 2020).
196 Articles 11(1); 11 (2)(a); 12(1); and 13.

should be shared responsibilities in bringing up the child and to ensure full development of the child with the best interest of the child at heart.[197]

6.1.2 Regional legal framework

At the regional level, the African Charter on Human and Peoples' Rights, 1981 (Article 18) provides for the rights of family, a primary custodian of care services.[198] The African Charter on the Rights and Welfare of the Child 1990 (ACRWC), in Article 14, provides for every child to enjoy the best attainable state of physical, mental and spiritual health with the provision of nutritious food and safe drinking water, as well as adequate healthcare. Article 20 provides for the best interest of the child in any action taken in their regard.[199] The Maputo Protocol, 2003, in Article 7(c), reaffirms the provisions of the ACHPR and the ACRWC on equal responsibilities of both.

6.1.3 National legal and policy framework

At the national level, Articles 34 (1, 2, 3, 4 and 7) and 31(4) of the Constitution of the Republic of Uganda, provide for the rights of children and the duty of parents to care for and bring up their children respectively. The rights of children provided for under Articles 34 (1,2,3 and 4) include the right to know and be cared for by their parents or those entitled by law to bring them up, basic education, medical treatment, education, protection from social or economic exploitation and hazardous work and special protection to orphans and other vulnerable children. Further, National Objective XXIX (d) provides for responsible parenthood.[200] The Children Act cap 59 provides for the care, protection and maintenance of children as well as local authority support for children. Furthermore, the Children (Amendment) Act, 2016 enhances protection of children against neglect, provides for parental responsibilities and duty to maintain children and gives children the right to immunization, education, clothing, etc. The Act also prohibits corporal punishment and provides for the National Children Authority.[201]

The Iinstitutional framework for redress for child neglect provided for under the national legal framework includes Uganda Human Rights Commission, National Children Authority, National Child Help Line Initiative, Probation and Social Welfare Office, Family and Child Protection Unit of the Uganda Police Force, Local Councils, and Family and Children Court. The redress mechanisms provided by these institutions include reporting cases of child neglect, litigation, mediation, counseling, follow-up and social visits.

6.2 SITUATION ANALYSIS OF CHILD NEGLECT AND PARENTAL RESPONSIBILITY IN UGANDA

Child neglect exists in Uganda just as it does in all regions of the world. Child maltreatment is a widespread phenomenon affecting the lives of millions of children all over the world, which is in sharp contrast with the United Nation's Convention on the Rights of the Child.[202] Although child neglect is a problem of considerable extent, it appears to be a neglected type of maltreatment in scientific research. This is illustrated by the deplorable scarcity of studies on child neglect, especially in low-resource countries. The global prevalence of self-reported child physical neglect was estimated to be 16.3% and the global prevalence of self-reported child emotional neglect was estimated to be 18.4 % with no significant differences between boys and girls.[203] In Uganda, according to a UNICEF report of 2015, 44% of girls and 59% of boys aged between 13 and 17 years suffered physical violence.[204]

197 Article 18(1) of the CRC. Available at https://www.ohchr.org/en/professionalinterest/pages/crc.aspx Accessed on 22nd January 2020.
198 The African Charter on Human and Peoples' Rights was passed on 27th June 1981 and ratified by Uganda on 10th May 1986.
199 ACRWC is available at https://www.unicef.org/esaro/African_Charter_articles_in_full.pdf Accessed on 22nd January 2020.
200 Constitution of the Republic of Uganda, 1995.
201 The Children (Amendment) Act, 2016.
202 https://www.researchgate.net/publication/269988368_Child_Maltreatment_in_the_Worldwide_A_Review_Article- Accessed on 17th February 2020.
203 https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3568479/ Accessed on 17th February 2020.
204 Ministry of Gender, Labour and Social Development. Violence against Children in Uganda: Findings from a National Survey, 2015. Kampala, Uganda: UNICEF, 2015, Available at https://www.unicef.org/uganda/media/2156/file/Violence%20Against%20Children%20Survey%202018.pdf Accessed on 3rd April, 2020.

6.3 THE MAGNITUDE OF CHILD NEGLECT

In Uganda, child neglect is one of the most prevalent human rights abuses and mainly occurs in homes. Child neglect was found to affect both girls and boys although some forms of neglect affected girls more than boys, for instance, in areas with high prevalence rates of child, early and forced marriages like Kapelebyong, Amuria, Kiboga, Buvuma, Kaabong, Kamuli, Namisindwa, Mbale and Nakapiripirit, girls suffered more neglect in respect to their right to education than boys. In some instances, girls were withdrawn from school by their parents or guardians and married off, while in others, girls dropped out of school because of the negligence they suffered at home and sought refuge in marriage.

The Uganda Human Rights Commission Annual Report of 2005 indicated that child neglect topped the list of human rights violations that were registered in that year. It was revealed that 286 out of the 1,208 cases registered by the Commission were related to child neglect.[205] Furthermore, child neglect was among the top three human rights violations registered at the Uganda Human Rights Commission for four consecutive years (2015, 2016, 2017 and 2018) after torture, cruel, inhuman and degrading treatment or punishment and deprivation of personal liberty. This, therefore, indicates that child neglect has consistently been among the top three violations reported at the Commission for the last 14 years. Relatedly, Sauti Plus, which is a child helpline under the MoGLSD that receives cases of child abuse through toll-free telephone, recorded child neglect as the most prevalent violation against children. Out of the 2,844 cases of child abuse registered by Sauti Plus in 2017, 1,449 (50.9%) cases were of child neglect.[206]

Furthermore, the Commission registered 178 violations related to child neglect out of the total 841 (21.2%) violations that were registered in 2019. Child neglect was among the three top violations registered and the majority of the violations were reported at Gulu, Soroti, Masaka, Moroto and Fort Portal regional offices. The cases of child neglect registered mostly manifested in physical, educational and emotional neglect. Relatedly, it was found that child neglect was among the leading crimes reported to the police in the past five years.[207]

The Commission findings revealed that child neglect remained widespread and the common forms included failure to provide children with scholastic materials and other basics required for their education, inadequate feeding, inadequate general care, medical care, clothing and shelter. It was also found that children were withdrawn from school to assist with garden work during the farming peak seasons of planting and harvesting. In addition, while it is the duty of parents and guardians to care for their children and to protect them from discrimination, violence, abuse and neglect, some parents in Nakapiripirit, Kapchorwa and Kween districts never protected their girl-children from Female Genital Mutilation (FGM).

It was found that children experienced violence at the hands of the very individuals responsible for their protection and well-being. Therefore, perpetrators of child neglect were parents, especially fathers, young mothers, single unemployed mothers, guardians, caregivers and any other persons entrusted with the child who ironically by law had a duty to maintain the children. The prevalence of child neglect in Uganda underscores the importance of Sustainable Development Goals (SDGs) 1, 2, 3, 4, 5 and 16 which seek to end poverty; end hunger; promote good health and wellbeing; quality education; achieve gender equality and empowerment for all women and girls; and to end violence against children by 2030.

205 Nabunya, C. (2006). Child neglect ranked top human rights abuse in Uganda. URN, 22nd August, 2006. https://ugandaradionetwork.com/story/child-neglect-ranked-top-human-rights-abuse-in-uganda Accessed on 15th February 2020.
206 Ninsiima, C. Child neglect rated highest in Uganda. Hejnu.org. http://hejnu.ug/child-neglect-rated-highest-in-uganda/ Accessed on 17th February 2020.
207 Uganda Police Annual Crime Reports; 2015, 2017 and 2018.

Figure 23 clearly shows the trend of child neglect cases registered at the Commission for the past five years. The cases of child neglect have been among the most registered at the Commission. The violations registered had stabled at slightly above 10% but in 2019 they drastically rose to 21.2%. The violations registered under child neglect included deprivation of the right to education, shelter, feeding, clothing, identity and medical care.[208]

The figure 24 indicates that in 2017, Police registered the highest cases of child neglect (10,021), followed by 9,800 cases registered in 2015. The number of child neglect cases registered reduced to 6,757 in 2018, posting a 33% reduction in cases registered. The reduction was attributed to the direct handling of child neglect cases by the office of the Honourable Minister of State for Youth and Children Affairs, who was reported to receive on average 70 cases per day.[209]

Child neglect has been among the top 11 leading cases reported to police in the last five years.[210] Statistics in the figure above indicate that the number of children who suffer neglect had been increasing until in 2018 when it reduced by 26.3%

FIGURE 23:

Child neglect cases as percentage of cases registered by UHRC for the last five years

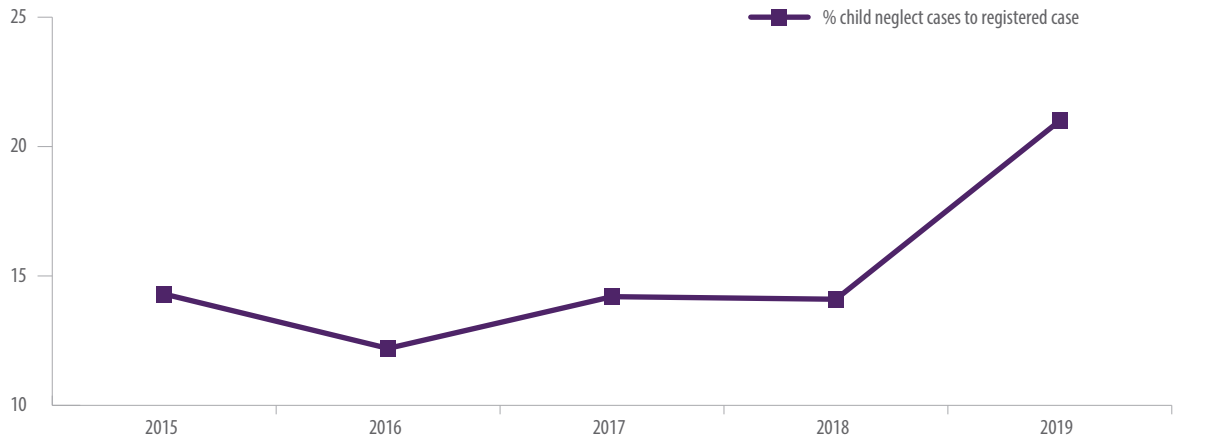
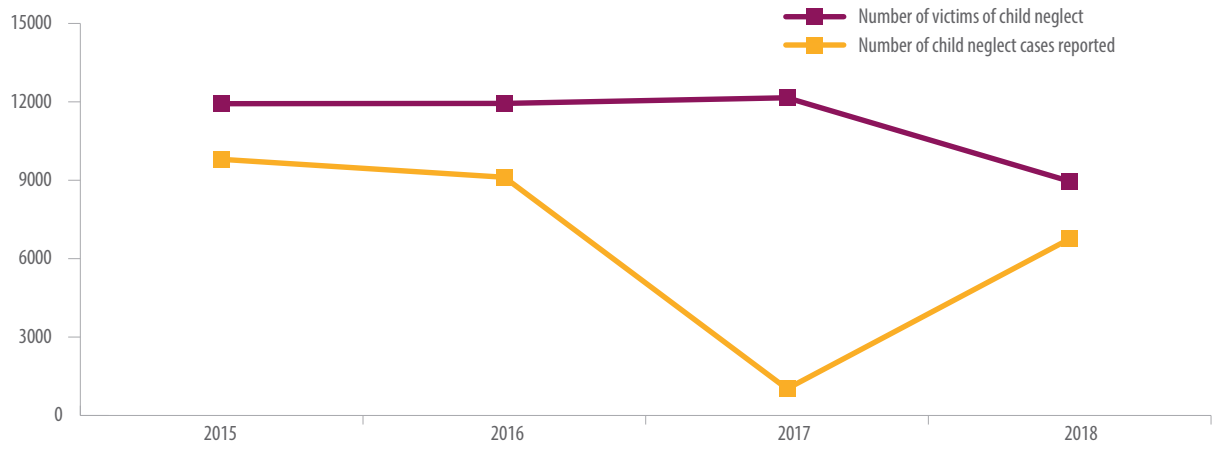


FIGURE 24:

Cases of child neglect reported at police and number of victims of child neglect[211]



208 The UHRC Annual Reports 2015, 2016, 2017 and 2018.
209 Otage, S. (2019). Government records 3,000 child neglect cases. *Daily Monitor*, 5th April 2019.
210 Uganda Police Annual Crime Reports; 2015, 2016, 2017 and 2018.
211 Uganda Police Annual Crime Reports; 2015, 2016, 2017 and 2018.

TABLE 15:

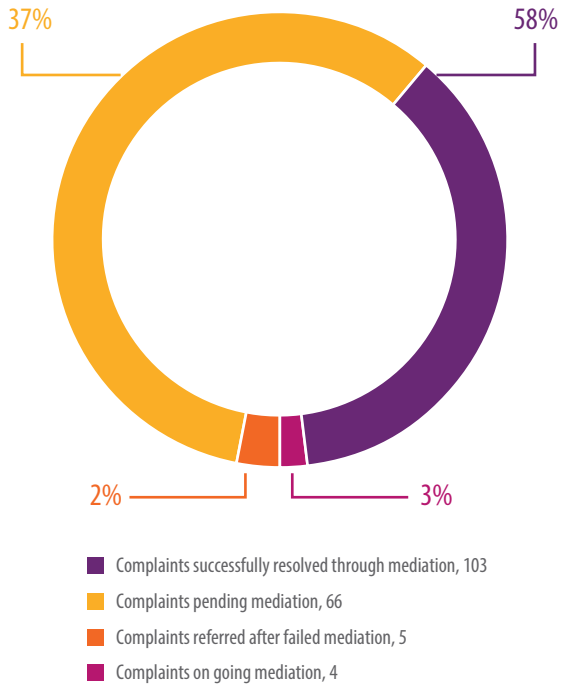
Management of cases of child neglect by the police in 2018

TOTAL CASES REPORTED	6,757
Cases in court	393
Cases in which convictions were secured	120
Acquittals	11
Cases dismissed	48
Cases pending in court	214

From the figure above, out of the total 6,757 cases of child neglect reported at police in 2018, only 393, representing 5.8%, were forwarded to court. Furthermore, out of the 393 cases that were forwarded to court, convictions were secured in 120 cases (30.5%) while acquittals were made for 11 cases (2.8%), 48 cases (12.2%) were dismissed and 214 cases (54.5%) remained pending in court.

FIGURE 25:

Disposal of complaints of child neglect by the Commission in 2019



From the figure 25, a total of 178 complaints of child neglect were registered by the Commission in 2019. Out of the 178 complaints registered, 103 representing 58% were successfully resolved through mediation; mediations were still ongoing in 04 complaints representing 2%, referrals were made in 05 complaints representing 3% and 66 complaints representing 37% complaints were pending mediation.

6.4 CAUSES OF CHILD NEGLECT

6.4.1 Poverty

Poverty is one of the root causes of violence and the exploitation, abuse and neglect of children. The effects of deprivation in childhood can be irreversible and the impact of child poverty can transcend generations. According to the UNICEF report of 2019, 55% of children aged zero to four years in Uganda live in poverty and 24% live in extreme poverty.[212] In addition, Uganda National Household Survey (UNHS) 2016/17, conducted by the Uganda Bureau of Statistics, indicated that the national poverty level was 21.4%. Accordingly, this translated into a total of eight millions poor Ugandans who cannot afford three meals a day. The Eastern region experienced the highest poverty incidence at 35.7% followed by the Northern region at 32.5%. Further, poverty incidence was higher in rural areas at 31% compared to urban areas at 15%.[213]

Relatedly, the Commission findings revealed that poverty was a major cause of child neglect in all the sampled districts. Child neglect was more in areas where there were high levels of household poverty like in Busoga, Bugisu, Karamoja, some parts of Buganda, Teso and in slums in urban areas. It was established that there is a close relationship between poverty and unemployment or loss of jobs and child neglect. It was found that as a result of poverty, parents could not engage in income-generating activities that were adequate enough to support their families. It was also found that sometimes as a result of poverty, men were forced to leave their homes in search of work in the city or abroad and never

212 https://www.unicef.org/uganda/reports/situation-analysis-children-uganda-2019 Accessed on 18th February 2020.
213 Oketch, M. L. (2018). Poverty level increases to 21.4 per cent, says UBOS. Daily Monitor, 18 th January, 2018. Available at https://www.monitor.co.ug/News/National/Poverty-level-increases-per-cent-UBOS/688334-4268774-format-xhtml-ubneas/index.html Accessed on 31st March 2020.

returned. In the circumstances, all the parental responsibilities were left to the mothers some of whom after struggling and failing left the child with a neighbor and never looked back. Such children ended up in institutions after being abandoned by their parents.[214]

Similarly, parents who were unemployed did not have sufficient resources to cater for their families. For instance, while it was easier for single mothers who were employed to undertake their parental responsibilities without support from the father of their children, it was very difficult for their counterparts who were unemployed to do so. For instance, majority of the women that lodged complaints of child neglect with the the Commission did not have a stable income.

Furthermore, it was found that parents, especially fathers, who lived in poverty, lacked resources to carry out their parental responsibilities of providing for basic necessities like adequate nutrition, education and medical care. Having many children and big families to provide for made the situation worse because available meagre resources could not adequately meet the needs of all the members of the family. It was found that even with the availability of Universal Primary Education (UPE) and Universal Secondary Education (USE), some parents were so impoverished that they could not afford providing their children with uniforms, scholastic materials, food and other basic necessities to enable them attend school. Consequently, children, especially girls, ended up dropping out of school and got married or engaged in child labour.

According to the Officer in Charge(OC), Child and Family Protection Unit of Bulambuli, IP Namakoye, imprisonment of such parents on charges of child neglect did not yield much. Furthermore, noncompliance with the memorandums of understanding which such impoverished parents signed following amicable resolution of child neglect cases upon intervention of institutions like the Commission and the Probation and Social Welfare Office was high. Moreover, enforcement was not possible because the parents neither had a stable source of income nor resources that could be attached.

6.4.2 Cultural beliefs and practices

Sociocultural norms that condone violence against children, neglect or child marriage all increase children's risk of their rights to protection being violated.[215] The Uganda Demographic and Health Survey (UDHS) 2016 indicated that whereas 87% of respondents were aware that Uganda had a law that prohibited child abuse, 50% of them still believed that a child needed physical punishment in order to be raised or educated properly.[216] Relatedly, it was found that many parents still believed in the efficacy of corporal punishment as a tool for correcting misbehavior and improving academic performance.

Furthermore, while the Children (Amendment) Act, 2016 gives each parent a responsibility to protect their children and other children in their custody from any form of harm, it was found that some parents never protected their children from harmful practices like female genital mutilation (FGM), child, early and forced marriages (CEFM) and corporal punishment. It was also revealed that some Sabiny in Sebei and the Tepeth and Pokot in Karamoja still cherished the practice of FGM as a rite of passage for girls from childhood to womanhood. Hence they allowed girl children to undergone the practice despite its being harmful to them. This was because perspectives on what constitutes positive or acceptable treatment and parenting varied in different societies depending on their belief system.

In addition, Ugandan society is characterized by strong patriarchal beliefs that value male supremacy and women's subordination. Hence the power relations between men and women, whereby men are able to control women and where society views the men as superior to the women, resulted into marginalization and

214 Adiiki-Aciro, G. L. (2019). Babies abandoned in Uganda find advocacy and love at sister-run home. Global Sisters Report, 17th January, 2019. Available at https://www.globalsistersreport.org/news/ministry/babies-abandoned-uganda-find-advocacy-and-love-sister-run-home-55788 Accessed on 4th April 2020.

215 Marcus, R. (2014). Poverty and violations of children's right to protection in low-income and middle-income countries: A review of the evidence. Odi report, December 2014. Available at https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9309.pdf Accessed on 15th February 2020.

216 UBOS. (2018). Uganda Demographic and Health Survey 2016. Available at https://www.ubos.org/wp-content/uploads/publications/07_2018UDHS_2016_FInal.pdf Accessed on 14th March 2020.

consequently human rights abuse. For instance, some men were found to sexually exploit young girls and women over whom they had power. Moreover, such men had children out of sexual exploitation and refused to undertake their parental responsibility for the children, thereby subjecting the children to neglect. A case in point was a renowned local artiste who fathered a child with his house help and denied parental responsibility until the Minister of State for Youth and Children Affairs Honourable Florence Nakiwala intervened.[217]

It was further revealed that the situation had been made worse by the erosion of community values whereby protection of vulnerable persons that used to be a joint responsibility has been left to the 'smaller family'. That while it is every citizen's duty under article 17(1)(c) of the Constitution to protect children and any vulnerable persons against any form abuse, harassment or ill treatment, people no longer concern themselves with what transpires in other people's homes as that would be construed to be interference with their privacy. For instance, according to Mr. Andrew Kitongo, a minister in Inzu ya Masaaba, among the Bagisu of Eastern Uganda, a man who married a woman who already had a child out of wedlock with no apparent 'father' naturally took on that child and provided for them as their own. This, therefore, meant that among the Bagisu, children were never fatherless and always had parents to raise them up and provide for them.

6.4.3 Alcoholism and drug abuse

It is strongly believed that parents who abuse alcohol or other drugs are more likely to abuse or neglect their children.[218] It was established from the UHRC findings that there was a correlation between abuse of alcohol and child neglect. It was found that many parents, more so the fathers, who subjected their children to child neglect did so as a result of alcoholism. They spent most of their resources on buying booze and most of their time drinking but never concerned themselves with parental responsibilities. According to the District Probation and Welfare Officer of Kapelebyong, Mr. Mohammed Ibra, many men in the district abused alcohol and as a result they did not only become abusive but also neglected their parental responsibilities of providing for their families with basic necessities such as food, medical care, clothing and even shelter.

Ibra added that some families lived in deplorable conditions and that children were the worst-hit victims of neglect as a result of alcoholism.[219] Further, a one Jalia Nambuya, a mother of eight children and resident of Buwatsosi village, Khabutoola sub-county in Manafwa district, had this to say about alcoholism as a cause of child neglect; "*I and my husband have eight children together, seven of whom are under 18 years. My husband drinks a lot. He leaves home as early as 8:00am to go drinking without leaving any money for buying basics and returns late in the night when the children have already gone to sleep, only to insult and beat me.*"

6.4.4 Broken families and unstable relationships

While the Children Act cap 59 requires that both parents should share the responsibility of raising a child, it has become increasingly difficult to make fathers own up especially those who do not live together with the children. The State of the World's Fathers Report 2015 produced by MenCare, a global fatherhood campaign, indicated that 45% of Ugandan men had children with multiple women and that this, among other things, increased the burden on the woman as the child's father had divided attention and was often absent.[220]

Relatedly, single parenting, a situation where children are raised by one parent after separation as a result of broken relationship, was found to be on the rise. Many single mothers struggled with providing and raising children without any contribution from their fathers after separation. The situation is well illustrated by an African proverb that states, "O*nce a man's love for a woman ceases, his care for the children he sired with the woman ceases too*". For instance, according to media reports, a renowned pastor in Kampala refused to provide maintenance for

217 As in 210 above. http://hejnu.ug/child-neglect-rated-highest-in-uganda/ Accessed on 12th February 2020.
218 Psychology Today. Child neglect. https://www.psychologytoday.com/us/conditions/child-neglect Accessed on 10th February 2020.
219 The Commission interview with the District Probation and Welfare Officer of Kapelebyong in February 2020.
220 Masinde, A. (2015). 45% of Ugandan men have children with multiple partners. New Vision, 29th June, 2015. Available at https://www.newvision.co.ug/new_vision/news/1329270/-ugandan-children-multiple-partners Accessed on 15th March 2020.

the children fathered with his wife after taking on a mistress for a companion. The pastor only provided for the children after his wife filed a case of child neglect against him in court for refusing to pay school fees and provide maintenance for the children.[221]

The Commission findings established that children born to single mothers suffered from child neglect more than those born to mothers living with fathers of their children because while the former struggled with absentee fathers to fulfill their parental responsibility of providing for the children, the mothers who lived together with the fathers of their children shared their parental responsibility. It is a generally held opinion that most fathers hardly think of undertaking their parental responsibilities for the children who they do not live with and if at all they do, it is usually limited to naming a child, payment of school fees and a meagre contribution towards feeding. This has left many mothers desperate and it has become a common trend, for instance, to find mothers who have sought remedy for provision of their children from as many as four institutions in order to have a father provide for the child. According to Lalobo, a 30-year-old single mother, she hopped from one institution to another for close to a year to get financial help from the father of her child in vain; and she had this to say, *"I was reduced to a beggar and I got tired because my efforts were not yielding anything. It was as if the child was not his."* [222]

In addition, the Commission findings revealed that the breakdown of the extended family such that a family lives on their own in a nuclear family setting with no elders to intervene and protect children from abuse by their parents and or guardians was one of the drivers of child neglect. In a traditional extended families setting, it is everyone's role to be a brother's keeper and it is the responsibility of adults to protect children. It was, therefore, revealed that once the family broke down, along with it were broken safety nets which left children exposed to child neglect.

6.4.5 Loss of a parent

According to the UDHS 2016, 32% of households in Uganda included foster or orphaned children and 14% percent of households had orphans. There were more households with orphans who had lost a single parent at 12% than those that had lost both parents at 2%.[223] Loss of a parent was found to be one of the conditions that increased children's vulnerability to neglect by guardians and relatives.

The Commission found that when children suddenly lost their parents, depending on the economic status and health of the surviving parents, some ended up in the care of relatives and well-wishers. It was further established that while some of the relatives and guardians took good care of the orphaned children in their custody, others denied them basics like scholastic materials, food and medical care. In most circumstances, the surviving parent stayed with the children but entered into another marriage. While most of the orphaned children who remained with their mothers were provided for, majority of those that remained with their fathers suffered gross neglect under the hands of their stepmothers.

6.4.6 Inadequate enforcement of laws

Majority of the respondents said that people were aware of the rights of children and available redress mechanisms but they all agreed that there were some gaps in enforcement of the laws relating to child protection. That there was inadequate multi-agency coordination in efforts towards child protection as well as in monitoring and follow-up. This was attributed to inadequate facilitation in terms of finances and human resources and other logistical support to agencies responsible for child protection. The findings revealed that institutions that handled child neglect such as the Probation and Social Welfare Office, the Child and Family Protection Unit of the UPF, the Family and Children Court and the Commission, had financial, human resource and other logistical support constraints that hindered their effectiveness in service delivery.

221 Flash UG News. (2019). Teddy Naluswa drags husband Pastor Aloysius Bugingo to court over child neglect. FlashUgandaMedia, 11th September, 2019. Available at https://flashugnews.com/teddy-naluswa-drags-husband-pastor-aloysius-bugingo-dragged-to-court-over-child-neglect/ Accessed on 1st April 2020.

222 The Commission interaction with a respondent in Soroti in January 2020.

223 UBOS. (2016). Uganda Demographic and Health Survey 2016. Available at https://www.ubos.org/wp-content/uploads/publications/07_2018UDHS_2016_FInal.pdf Accessed on 14th February 2020.

The Child and Family Protection Unit at Uganda Police Stations and the Probation and Welfare Office, for instance, lacked transport to follow up on cases and conduct home visits respectively. Furthermore, according to the Minister of State for Youth and Children's Affairs, Hon. Florence Nakiwala Kiyingi, the Family and Children Court established in Apac district required funding for it to become fully fledged to be able to dispose of several cases of child neglect.[224] In addition, whereas most interventions targeting child protection are made through the MoGLSD, particularly the Youth and Child Affairs department, budget allocations to the MoGLSD have traditionally been low, accounting for less than 1% of the national budget in the past 10 years.[225] This was found to be in contravention of National Objective IV (i) of the Constitution that requires the state to provide adequate resources to her institutions charged with responsibility to protect and promote human rights for their effective functioning.[226]

6.4.7 Child, early and forced marriages

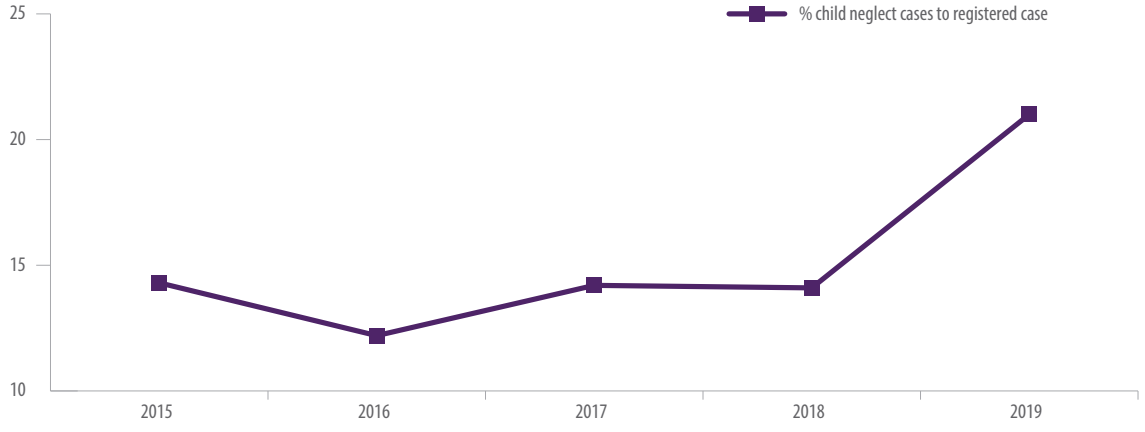
Furthermore, child, early and forced marriages (CEFM) was said to contribute to child neglect in that the parents were still young and inexperienced and could not fully understand how to care for a baby or what could reasonably be expected of children at different stages of development.[227]

The prevalence of child marriage in Uganda stands at 40%. It is highest in Northern Uganda estimated at 59%, followed by Western region (58%), Eastern region (52%), East-central (52%), West Nile (50%), Central (41%), Southwest (37%), and lowest in Kampala (21%).[228]

The Commission findings established that children born to younger mothers who got into marriage while still children were more vulnerable to child neglect than those born to older mothers. The younger mothers never understood their parenting roles well. It was also found that sometimes these mothers got married to men who were equally young and in most cases never measured up to the responsibility of parenting. The problem was said to be compounded by the fact that these young families rarely had a stable source of income or livelihood to take good care of their children.

FIGURE 26:

Prevalence of CEFM in Uganda



224 Otage, S. (2019). Government records 3,000 child neglect cases. *Daily Monitor*, 5th April, 2019.
225 National Child Protection Group. (2018). Deliberate Investments to Protect Ugandan Children: Policy brief No. 2. Available at https://resourcecentre.savethechildren.net/node/16643/pdf/Brief2_Deliberate%20investments%20to%20protect%20Ugandan%20children_Final.pdf Accessed on 6th April, 2020.
226 The Constitution of the Republic of Uganda, 1995 as amended.
227 https://www.psychologytoday.com/us/conditions/child-neglect Accessed on 10th February 2020.
228 https://www.uwonet.or.ug/the-state-of-womens-rights-as-a-national-concern-2018/ Accessed on 13 th March 2020.

Moreover, it was found that some mothers were abandoned by the fathers of their children after some years in marriage, leaving them with the burden of providing for the children. For instance, a one Mariam Nabatanzi of Kasawo in Kayunga district who was married off at the age of 12 was abandoned by her husband, leaving her to singlehandedly raise their 38 children that she gave birth to through multiple births. Nabatanzi spent all her time looking after the children and working to earn some money. She did every kind of work including hairdressing, event decorating, collecting and selling scrap metal, brewing local gin and selling herbal medicine in order to earn money to provide food, medical care, clothing and school fees for the children.[229]

Relatedly, it was found that some of the young mothers after experiencing irreconcilable challenges in their marriages abandoned the children and went into other marriages, thereby exacerbating the problem of child neglect by exposing the children to even worse forms of child neglect like failure to be protected from harm. In Zombo, Nebbi and Packwach districts, just like in many other rural areas, such children were left in the custody and care of their grandmothers who could hardly afford taking care of their physical, emotional and educational needs.

6.4.8 Psychological and emotional state of the parent

According to research, many parents who neglect children do not do so intentionally. Many neglectful parents, for example, were themselves neglected or abused as children. Circumstances that placed families under extraordinary stress, such as poverty, divorce, sickness, or disability, sometimes led to the neglect or mistreatment of children.[230]

Relatedly, the Commission found that mothers in abusive relationships tended to pay less attention to the welfare of their children because of the emotional trauma they experienced. It was also found that there was a positive correlation between a man's love for a woman and provision for the children they have had together. Therefore, in an abusive relationship, most parents neglected their responsibilities of proving for the family, the children inclusive. According to Ms. Victoria Kabogoza, a social worker in Wakiso, women flee their husbands to escape harrowing domestic violence, leaving behind their children. As a result, some men refuse to keep the children and as such the children end up being abandoned hence child neglect.[231] However, love lost between couples should never be a reason to neglect children, considering that every decision taken in respect of the child should be in their interest.



A police officer shows wounds inflicted on a child by her mother

229 Biryabarema, E. (2019). Ugandan mum of multiple quadrupulets struggles to provide for 38 kids. Reuters. 25th April, 2019. Available at https://www.reuters.com/article/us-uganda-fertility/ugandan-mum-of-multiple-quadruplets-struggles-to-provide-for-38-kids-idUSKCN1S11JV Accessed on 4th April 2020.

230 Psychology Today. Child neglect. Available at https://www.psychologytoday.com/us/conditions/child-neglect Accessed on 10th February 2020.

231 Adiiki-Aciro, G. L. (2019). Babies abandoned in Uganda find advocacy and love in sister-run home. Global Sisters Report, 17th January, 2019. Available at https://www.globalsistersreport.org/news/ministry/babies-abandoned-uganda-find-advocacy-and-love-sister-run-home-55788 Accessed on 4th April 2020.



Women waiting to see the Minister of State for Youth and Children Affairs Hon Florence Nakiwala Kiwingi at her office.

6.4.9 Irresponsibility of parents

While parental responsibility gives a parent the duty to maintain a child in one's custody, and the duty to maintenance gives a child the right to education and guidance, immunization, adequate diet, clothing, shelter and medical attention, and provides for the child's right to protection from discrimination, violence, abuse and neglect,[232] some parents were found to have abdicated their responsibilities.

The irresponsibility of parents was found to have nothing to do with their lack of resources because some parents, rich and poor alike, were found to be irresponsible. For instance, a renowned local artiste refused to provide for a child he fathered after having forced sexual relations with his former house help. It was not until the Minister of State for Youth and Children Affairs Florence Nakiwala intervened.[233] Similarly, a member of parliament from Western Uganda only provided a monthly stipend for a child he fathered out of wedlock after the intervention of the same minister. Other high-profile Ugandans who never undertook their parental responsibilities to their children included religious leaders, professionals, businessmen and civil servants. In addition, some expatriates were found to be negligent towards their children as well. A case in point was that of an expatriate of Chinese origin who fathered a child and abdicated his responsibility. It was only after he had been taken to court and a DNA test conducted that he accepted to provide for the child.[234]

Furthermore, the Commission findings revealed that some parents, for example in Kakumiro district, had left their responsibilities to school authorities; that parents neither guided their children nor had time to instill morals in the children. All the respondents agreed that fathers were more irresponsible than mothers and that, as such, the daily needs of the children and entire family had become a responsibility of mothers. The number of men who neglected their parental responsibilities to their children was disproportionate to that of women. For instance, according to media reports, the office of the Minister of State for Youth and Children Affairs under the Ministry of Gender, Labour and Social Development on average received 70 cases daily and her office was full of single mothers who went there to report cases of child neglect. The few men that were found there were said to be respondents in the cases reported there.[235]

232 GoU. The Children Act – As Amended by the Children (Amendment) Act 2016. Available at https://ulii.org/system/files/legislation/act/2019/59/The-Children-Act-Cap-59-as-amended-2016.pdf Accessed on 17th February 2020.
233 Ninsiima, C. Child neglect rated highest in Uganda. Hejnu.org Available at http://hejnu.ug/child-neglect-rated-highest-in-uganda/ Accessed on 15th March 2020.
234 Otage, S. Government records 3,000 child neglect cases. *Daily Monitor*, 5th April 2019.
235 *Ibid*.

Similarly, all the 178 complaints of child neglect registered by the Commission were brought against fathers. It was also found that in Zombo and Nebbi districts, some fathers only supplemented the efforts of the mothers while the majority of them had abandoned their parental responsibility and forcefully transferred them to the mothers. As stated in section 6.4.4 above, women who did not live with the fathers of their children suffered the burden of singlehandedly raising their children. Some of these men argued that they would only support the child if the mother surrendered it to them, claiming that women use children to obtain money from them.

It was found that even after the mother of the child sought redress from institutions like the Probation and Social Welfare Office, FIDA, the Child and Family Protection Unit of the Police and the Commission, the father would agree to sign a memorandum of understanding to provide for the child but compliance would be shortlived and eventually abandoned.

6.4.10 Uncertainity of paternity of the child

According to the Honorable Minister of state for Youth and Children Affairs, Florence Nakiwala Kiyingi, there were cases where mothers had assigned children to different fathers. That as such, the men were not sure whether they were the biological fathers of the children in question or if they were raising children fathered by other men. In such circumstances, it was revealed that deoxyribonucleic acid (DNA) test was used to confirm paternity. The minister said the number of cases reported daily was big and that her office had managed to dispose of 130 cases using DNA tests.[236]

The Commission findings established that while the DNA test was helpful in determining paternity of the children where there was a dispute or doubt, it was very expensive for an ordinary person in that the charges ranged from UGX 440,000 to UGX 480,000 from different laboratories in the country. Furthermore, it was found that fathers who were in doubt of paternity of the children did not contribute towards their provision until the results of the paternity test were out and the matter resolved either through a court order or mediation. This, therefore, meant that the children suffered neglect until the matters were resolved, thereby compromising their wellbeing.

6.4.11 Stigmatization and discrimination associated with disabilities

It is a well-established fact that some cultures in Uganda treat disability as a curse. Similarly, the Commission found that parents who had children with disabilities suffered discrimination and stigmatization from their communities and that, as a result, some of these parents neglected their children. For instance, some parents were found to lock their children in the houses with very little to eat, others did not enroll them in school and never had them immunized against killer diseases.

6.5 HUMAN RIGHTS IMPLICATIONS OF CHILD NEGLECT

Human rights are interdependent and interrelated and this implies that each human right contributes to the realisation of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others.[237] Hence full enjoyment of one human right enhances realisation of other human rights and likewise deprivation of one human right negatively impacts on one's realisation of other human rights.

6.5.1 Deprivation of the right to health

The right to health is the enjoyment of the highest attainable standard of physical and mental wellbeing which includes access to underlying determinants of health such as safe drinking water, adequate sanitation, safe food, adequate nutrition, housing, healthy working and environmental conditions and health-re-

236 As above for *Daily Monitor*, 5th April 2019.
237 https://www.unfpa.org/resources/human-rights-principles Accessed on 2nd April 2020.

lated education and information.[238] Victims of childhood neglect were said to stand a higher risk of developing personality disorders during early adulthood than those who had not been neglected. The personality disorders include symptoms of depression, paranoia, passive-aggression, dependency and antisocial disorders.[239]

Relatedly, the Commission findings revealed that all the newborn babies born in health facilities were immunized as required and got adequate medical care from health facilities. However, parents in Kibuku and Mayuge districts belonging to a religious sect known as '666' never took their children for immunization. In addition, it was observed that some parents delayed to access medical care and treatment for their children, resulting into complications. This was attributed to low literacy, ignorance and the wrong perception that certain illnesses were a result of witchcraft.

Furthermore, some children, for instance in Karamoja, lived in very unhealthy environments with open defecation making them vulnerable to preventable deceases like diarrhea, cholera, dysentery and typhoid. Some children, especially those living with grandmothers, polygamous families and in areas with food scarcity like Karamoja, ate only once a day and did not eat a balanced diet. The children therefore suffered malnutrition and were stunted thereby compromising their health and life.

6.5.2 Deprivation of the right to education

According to Mr. Edward Mugeni, an official with World Vision, Uganda, children who survive abuse often suffer long-term physical and psychological damage that impairs their ability to learn and socialize, and this makes it difficult for them to perform well in school and develop close and positive friendships.[240] The UDHS 2016 statistics revealed that 87% of boys and 84% of girls aged six to 12 were attending primary school and that the primary school net attendance ratio ranged from 79% to 91% with the exception of Karamoja sub-region that was at 37%.[241]

Similarly, all respondents revealed that the right to education was being enjoyed by majority of children both in rural and urban areas owing to the availability of Universal Primary Education (UPE). However, despite the existence of UPE, there was increasing irresponsibility of some parents who did not provide adequate support to their children in form of scholastic materials, uniforms and meals while at school that negatively impacted the children's ability to learn. According to the Honorable Minister of State for Primary Education, Ms Rosemary Sseninde, some parents sent their children on empty stomachs especially in universal free education schools, claiming that it was the government's responsibility to feed them, which she strongly condemned.[242]

Hunger, therefore, affected children's ability to learn by slowing their progress and ultimately hindered them from developing to their full potential. Relatedly, according to the Secretary for Children Affairs at Entebbe cell, Kapelebyong ward, Kapelebyong town council, in Kapelebyong district, Mr. Ayiku Samuel, most parents did not support their children to remain in school and that the predisposing factor was polygamy where parents had many children whom they were not able to support.[243] Furthermore, majority of fathers had abandoned their parental responsibilities, leaving the mothers of the children to bear the burden.

Furthermore, in the cattle corridor districts of Kiboga and Gomba, most children had been withdrawn from school by their parents to look after cattle. Similarly, parents were said to withdraw their children from school during the peak farming seasons of planting and harvesting. In the fishing communities of Butiaba, Wanseko, Katala and Bugoigo in Buliisa district, children dropped out of school at an early age and this was attributed to the fishing activities which chil-

238 https://www.ohchr.org/Documents/Publications/Factsheet31.pdf Accessed on 15th March 2020.
239 https://consumer.healthday.com/encyclopedia/children-s-health-10/child-development-news-124/child-n- Accessed on 17th February 2020.
240 Child abuse on the rise in eastern – Report. Daily Monitor, 26th June, 2018. Available at https://www.monitor.co.ug/News/National/Child-abuse-the-rise-eastern-report/688334-4630790-ael442z/index.html Accessed on 17th February 2020.
241 As above on UDHS 2016. Available at https://www.ubos.org/wp-content/uploads/publications/07_2018UDHS_2016_FInal.pdf Accessed on 14th March 2020.
242 Atukunda, N. (2019). Parents have abandoned their children, says Sseninde. Daily Monitor, 21st February, 2019. Available at https://www.monitor.co.ug/News/National/Parents-have-abandoned-children-says-Sseninde/688334-4993410-8earmz/index.html Accessed on 4th April 2020.
243 The Commission staff interview with Samuel Ayiku in January 2020.

dren and their parents engaged in. In all these instances, it was found that children ended up missing school, thereby being deprived of their right to education.

It was also found that in areas with high prevalence rates of child, early and forced marriages, girls suffered more neglect in respect to their right to education. In areas like Kiboga, Buvuma, Kapelebyong, Amuria and Nakapiripirit, girl children were denied the right to education and forced into marriage by their own parents, guardians or close relatives. Such parents were driven by negative attitude towards education of the girl-child, poverty and the desire to obtain wealth by marrying off their daughters instead of educating them. According to the Probation and Welfare Officer, Gomba district, the girl-child was considered as a money-making venture by some parents[244].

In addition, the Commission findings revealed that majority of the girls that got pregnant while in school were not supported to stay in school.

6.5.3 Loss of life

The right to life is protected under Article 22 of the Constitution of the Republic of Uganda. Children die due to negligence such as leaving them alone in houses at night to go for drinking or dancing, leaving dangerous objects and items around the house with no parental supervision and denying them timely access to medical care.

The Uganda Police Force reported 30 incidents of fire outbreaks in which a total of 12 children lost their lives in January and February 2019 alone. The incidents occurred in Kiryandongo, Nakasongola, Luuka and Serere districts. The fire that killed children gutted residential homes, majority of which were grass-thatched. The fires were attributed to use of inflammable materials such as candles and irresponsible parents who locked children inside the houses at night and went to trading centres.[245] Furthermore, in December 2019, two children died in a fire outbreak in Luwero that was reported to have been caused by negligence.[246] Another child died in a house fire outbreak in Nakimboledde village, Njeru municipal council in Buikwe district. The child, together with her two siblings, had been left in the house by their mother unattended to by an adult.[247]

In addition, a three-year-old girl child died after she consumed a lot of alcohol, leading to a state of unconsciousness in Masindi district. The death was as result of negligence by the father who left the child alone in the house. Also, a 14-year-old girl collapsed and died during her PLE examinations in Bududa district from malaria that was not immediately treated as the parents sought divine intervention for her recovery.[248] Thus children are very vulnerable for many reasons, including their dependency on adults, small size and inability to defend themselves.

6.5.4 Child exploitation

Children continue to be exploited for free or cheap labour. Many are made house helps, labourers and street workers with little or no wages. The Kampala Child Protection Ordinance 2019 seeks to make it an offence to offer money, food or clothing to children living on the streets of Kampala. This is in a bid to stop exploitation and sexual abuse of the children. An estimated 10,000 to 15,000 children, mainly from the semi-arid northeastern Karamoja sub-region, live on the streets in Kampala alone.[249]

The ordinance, however, is yet to be passed by the First Parliamentary Counsel under the Ministry of Justice and Constitutional Affairs; as such, children remained on the streets not only in Kampala but also in other big towns like Mbale, Jinja, Tororo and Soroti. It was found that some of the children that lacked basic necessities like food, health, shelter protection from harmful practices like FGM and child,

244 UHRC staff interview with the District Probation and Welfare Officer, Gomba in February 2020.
245 Amumpaire, P. (2019). Police report: 12 children have died in fire incidents since January. Soft Power, 26th February, 2019. https://www.softpower.ug/police-report-12-children-have-died-in-fire-incidents-since-january/ Accessed on 17th February 2020.
246 URN. (2019). Two children die in Luwero house fire. The Independent, 21st December, 2019. Available at https://www.independent.co.ug/two-children-die-in-luweero-house-fire-/ Accessed 15th March 2020
247 Editor. (2020). Protect children against abuse. Daily Monitor, 3rd January, 2020. Available at https://www.monitor.co.ug/OpEd/Editorial/Protect-children-against-abuse-harassment-/689360-5406330-pxqe2yz/index.html- Accessed on 2nd April 2020.
248 https://www.pmldaily.com/news/world/2019/12/2019s-notable-deaths-nagirinya-prof-nsibambi-mama-police-rubanda-fire-victims-rwenzururu-queen-mother-to-ziggy-wine-and-others.html Accessed 2nd April 2020.
249 https://www.theguardian.com/global-development/2019/jun/04/uganda-bans-giving-to-child-beggars-bid-stop-exploitation Accessed on14th March 2020.

early and forced marriages ended up either on the streets or sought menial jobs for survival. This was found to expose the children to sexual exploitation, among other risks, that negatively impacted on their wellbeing and development.

6.5.5 Early and forced child-marriages

The Commission findings revealed that girls were either withdrawn from school and married off by their parents or dropped out of school and got married as a means of survival having suffered neglect at home. This exposed the girls to further risks like gender-based violence, having children at too young an age and its negative repercussions for their health and that of the child. The prevalence of child marriages in Uganda stands at 40% and is highest in Northern, followed by Western, Eastern, East-central, West Nile, and Central in that order.[250]

6.5.6 Loss of sense of belonging

Apart from being the first legal acknowledgment of a child's existence, birth registration is fundamental to the realisation of a number of rights and practical needs, including, but not limited to, access to healthcare and immunisation, education and other social services. According to UDHS 2016 statistics, only 32% of children under the age of five had their births registered with the civil authority. There was a regional variation in the proportion of births that were registered, ranging from 11% in Bugisu region to 57% in Kigezi region. The proportion of births that were registered was larger in areas with low poverty levels than in areas with higher poverty levels.[251]

Relatedly, the Commission findings revealed that more children in urban areas were registered than those in rural settings. It was also established that the introduction of the requirement for a National Identity Card had influenced many parents in urban areas to register their children. Whereas some of the parents that had not registered their children at birth said they were not aware of the availability of the National Identification and Registration Authority (NIRA) and the need to register, others said the NIRA offices were very far. In addition, some parents cited lack of forms for registration at the sub-county and perpetual absence of registration officials. The requirement for one to know their paternal lineage particulars in order to be registered by NIRA made it impossible for children who were raised in their maternal families to be register hence depriving them of their right to register.

In addition, findings revealed that majority of the children were given names and the process of naming children varied depending on tribe, culture and religion, among others. The naming was mainly done by fathers, mothers and grandparents. Identity was linked to ownership and sense of belonging to a family and qualification for property ownership from one's lineage and, as such, it was found to be very important especially to mothers.
However, in a few circumstances where men had neglected naming the children they fathered especially out of wedlock, it resulted into loss of sense of belonging for the children, contrary to Article 34 (1) of the Constitution of the Republic of Uganda 1995, in respect of children knowing their parents. Having been deprived of their sense of belonging, the children ended up getting names from their mothers' clans and raised in their maternal families (*ebukojja* in Luganda) yet Uganda is a patrilineal society. The children, therefore, lost out on knowing and being raised by their fathers and the benefits associated with it such as getting an inheritance. In such cases, the only remedy that mothers sought was to have the child get a name from their father's clan to enable the child have a sense of belonging.

6.5.7 Strained relationship with the perpetrator

Many neglected children never learn important basics of healthy, trusting and loving relationships, increasing the likelihood that they could struggle with relationships of all kinds later in life.[252] It was found that adults that had suffered severe neglect as children had strained relationship with the perpetrators especially biological parents to the extent that it was difficult for them to ever relate normally. For instance, Brian, a 25-year-old young man from Wakiso district who was raised by a single mother, had this to say about his relationship with the father, "*I love*

250 https://www.uwonet.or.ug/the-state-of-womens-rights-as-a-national-concern-2018/ Accessed on 13th March 2020.
251 https://www.ubos.org/wp-content/uploads/publications/07_2018UDHS_2016_FInal.pdf Accessed on 14th March 2020.
252 https://consumer.healthday.com/encyclopedia/children-s-health-10/child-development-news-124/child-n- Accessed on 17th February 2020.

my father but I have nothing in common with him: I only call him when I have something to communicate to him. Otherwise, I do not call him because I have nothing to speak with dad. I am not close to him because I never grew up with the guy".

6.6 GOVERNMENT INTERVENTIONS

Under international human rights law, the state has a tripartite obligation to respect, protect and fulfill human rights. In this regard, Uganda made commitments through various legal frameworks to take measures geared towards the respect, protection and promotion of the rights of children with due consideration to the interest of the child. It assumed these obligations from the legal framework already stated above, as well as the SDGs 1, 2, 3, 4, 5 and 16. The policies in place to respond to child neglect and parental responsibilities include the National Social Protection Policy, the National Orphans and Other Vulnerable Children Policy, the National Adolescent Health Strategy, the National Integrated Early Childhood Development Policy, the National Child Help Line Initiative for reporting cases of child abuse, and the National Children Authority to foster the promotion and protection of rights of children. Available state institutions for redress include the Uganda Human Rights Commission, the Child and Family Protection Unit of the Uganda Police Force, the Probation and Social Welfare Office, the Family and Children Court, the Local Council I, II and III, and the Community Development Office.

In addition, non-state actors such as Legal Aid Project, FIDA Uganda, Soroti Catholic Diocese, World Vision Uganda, Hope for Children, Community Effort for Child Empowerment in Kyankwazi and ActionAid, among others, complement the efforts of government through provision of legal representation in court, psychosocial support, sponsorship opportunities for education of children, skills training, and livelihood support programmes, among others, to the victims and their families as well as awareness creation among the communities. Furthermore, some of the actors conducted mediations that saw previously neglected children be provided for by their parents. World Vision Uganda particularly equips and strengthens the abilities of families and caregivers to be the first line of protection and care for children by growing social support networks, linking them to economic and social assistance, and equipping them with positive parenting skills.

FIDA has come up with a Self Actualisation Model for Empowerment, where instead of providing monthly maintenance to women, men are required to provide them with startup capital for income-generating activities that is more sustainable. In circumstances where the men cannot afford the capital, they are required to provide the women with land which they can till to get foodstuffs. In addition, informal redress mechanisms such as family and community structures as well some religion-affiliated structures provided counselling to families.

However, despite the measures taken by the Government in enhancing child protection in Uganda, child neglect remains a serious problem. The presence of multiple problems within a family and community environment that is the natural unit of protection, which include poverty, violence, substance abuse, unemployment, irresponsibility of parents and harmful practices, make enforcement difficult. Further, challenges still abound in enforcement of laws with some of the government departments like the District Probation and Social and Welfare Office, the Child and Family Protection Unit of the Uganda Police Force and the Family and Children Court, which have the mandate to protect victims of child neglect, having inadequate funds and human resources that negatively impacts on execution of their mandate. Other challenges include poor multiagency coordination given that different agencies handle different aspects of neglect, existing gaps in referral pathways in the community, difficulty in tracing of parties for mediation, and allegations of corruption.

6.7 RECOMMENDATIONS

1. The MoFPED should provide adequate funding and human resource to the Commission, the Child and Family Protection Unit of the Police, the Probation and Social Welfare Office and the Family and Children Court in order to effectively organise, coordinate and implement programmes intended to protect and promote rights and duties of children in line with National Objective V (i) of the Constitution.
2. The MoGLSD should strengthen and adequately resource the Probation and Social Welfare Office at the district level so that they can monitor protection of the rights of children.
3. The MoGLSD and the MoICT&NG should intensify community sensitisation on responsible parenting and create awareness on available redress mechanisms and referral pathways.
4. The MoLG and the MoGLSD should train LCIs on rights and duties of children and on their role in protecting and promoting children's rights.
5. Justice for Children and the UPF should strengthen the enforcement of laws on the protection of children.

6.8 CONCLUSION

Child neglect is one of the commonest forms of human rights violations against children in Uganda whose causes are rooted in poverty, breakdown of family structure, societal cultural norms, beliefs and practices as well as parental irresponsibility and inadequate enforcement of the laws on child protection. The human rights implications of child neglect on children are far-reaching. Therefore, dealing with child neglect requires concerted efforts and commitment of all stakeholders including parents, communities, state and non-state actors. Hence, there is need for a holistic approach to address child neglect and mitigate its impact on the rights of children to enable them live with dignity and to develop to their full potential.

Chapter 7

The plight of children in street situations



7.0 INTRODUCTION

The UN Committee on the Rights of the Child in its General Comment No. 21 of 2017 on Children in Street Situations[253] defines children in street situations to include children who depend on the streets to live or work, whether alone, with peers or with family. Children in street situation also include a wider population of children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets.

Children in street situations are some of the most visible of the country's poor population. An increasing number of children are being forced to live in street situations and the number is increasing at an alarming rate.[254] However, the actual number of children who depend on the streets for survival and development is not known since no national census has ever been undertaken to determine the actual numbers for planning, budgeting and programmeming purposes. Children in street situations are often ignored and discriminated against by those who are supposed to protect them including by the general public who view them as a public nuisance.[255]

These categories of children are unaware of their human rights such as the right to belong to a family and be cared for by the family, the right to education, freedom from child labour and economic exploitation, the right to healthcare, the right to access justice, the right to protection and freedom from discrimination, among others. Interventions by the government to curb the problem have been

253 CRC General Comment No. 21 (2017) on Children in Street Situations, para. 4.
254 A 2013 survey by the African Network for the Prevention and Protection against Child Abuse and Neglect estimated that there are 10,000 street children in Uganda, a 70% increase since 1993, with approximately 16 new children coming to Kampala's streets every day.
255 Ngwomoya, A. (2019). The plight of Kampala street children, *Daily Monitor*, 22nd August, 2019. See also, Ahimbisibwe, P. (2019). Fate of street children in not out job - Janet, *Daily Monitor*, 15th May, 2019.

ineffective and inadequate. Key government institutions such as the Ministry of Gender, Labour and Social Development which is charged with the protection mandate are not adequately resourced to protect these children.

This chapter examines the legal and policy framework with regard to children in street situations and gives an analysis of children in street situations in Uganda, pointing out the factors that influence children to live and work on the streets. It also looks at the interventions made by government to curb the flow of children on the streets. It further analyses the human rights implications of children in street situations and concludes by giving recommendations on how best the rights of children in street situations can be respected, protected and fulfilled. The sampled districts for this study included Kasese and Kabarole (Western region); Masaka and Kampala (Central region); Jinja, Iganga, Busia, Tororo, Soroti, Kumi and Mbale (Eastern region); Zombo and Arua (West Nile region); and Gulu and Lira (Northern region).

7.1 LEGAL AND POLICY FRAMEWORK

Uganda committed itself to protecting and promoting the rights of the child by ratifying various international and regional treaties and conventions.

7.1.1 International legal framework

At the international level, the Universal Declaration of Human Rights, 1948 recognizes that all human beings are born free and equal in dignity and rights.[256] Similarly, the Convention on the Rights of the Child (CRC)[257] states that all rights apply to all children without exception[258]. The CRC further spells out specific rights for children in street situations to include, among others, the protection from abuse and neglect,[259] protection of a child without family,[260] protection from all forms of exploitation,[261] the right to rehabilitation[262] and the right to a family environment or alternative care.[263]

7.1.2 Regional legal framework

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR)[264] and the African Charter on the Rights and Welfare of the Child (ACRWC)[265] all emphasize the rights of a child and call upon the state parties to ensure that children's rights are respected, protected and fulfilled.

7.1.3 National legal and policy framework

At the national level, Uganda has a progressive legal and policy framework for protection of children including vulnerable children. Article 34(7) of the Constitution of Uganda provides that "the law shall accord special protection to orphans and other vulnerable children". Furthermore, the Constitution of Uganda[266] obliges the state to put in place measures to ensure that every Ugandan enjoys their fundamental rights and freedoms without discrimination of any kind. It further enjoins the state to enact laws to cater for the best interests of the child. The Children (Amendment) Act, 2016, which is the main legislation on the protection of rights of children, puts in place full safeguards for the protection of the rights of all children in Uganda.

The Act guarantees children's right to health and medical care and sets forth the welfare and guiding principles.[267] Furthermore, Section 5 of the Prevention of Trafficking in Persons Act, 2009

256 UDHR, art. 1&2.
257 CRC, adopted 20th November, 1989, and entered into force 2nd September, 1990.
258 See CRC art. 2.
259 See CRC, art. 19.
260 CRC art. 20.
261 CRC art. 36.
262 CRC art. 39.
263 CRC art. 20, which states "For those children in street situations without primary or proxy caregivers, the State is the de facto caregiver and is obliged to ensure alternative care to a child temporarily or permanently deprived of his or her family environment".
264 The ACHPR (adopted 27th June, 1981, entered into force 21st October, 1986); Uganda has been a state party since 1986.
265 ACRWC art. 2 and 3.
266 Under the National Objectives and Directive Principles of State Policy, XIV(b) the state shall endeavor to fulfil the fundamental rights of all Ugandans to enjoy rights and opportunities and access to education, health services, clean and safe water, decent shelter and adequate clothing. Also, see art. 21 of the Uganda Constitution, 1995.
267 Section 3 of the Children (Amendment) Act, 2016.

also protects children in street situations. Other policies include the National Orphans and Other Vulnerable Children (NOP) Policy, the Education (Pre-Primary, Primary and Post-Primary) Act, the National Gender Policy and the National Health Policy.

7.2 SITUATION ANALYSIS OF CHILDREN IN STREET SITUATIONS IN UGANDA

Whereas Uganda made commitments through the legal framework to address the rights of the child, there are still gaps with respect to practical initiatives that explicitly protect all children. The research was conducted in 15 districts of Gulu, Arua, Zombo, Nebbi, Masaka, Lira, Kasese, Kabarole, Soroti, Kumi, Mbale, Tororo, Jinja, Iganga and Busia, reaching out to 750 children in street situations.

The key respondents for the research included the children in street situations themselves, both male and female; the District Police Commanders; the OCs. Child and Family Protection Unit (CFPU) of the Uganda Police Force; the OCs, CID; the District Probation Officers, the District Community Development Officers; RDCs; MoGLSD officials at the national level; former street children commonly known as 'street uncles'; the Officer In-Charge, Naguru Reception Centre; the Officer In-Charge, Naguru Remand Home; the Principal, Kampiringisa National Rehabilitation Centre; and selected non-state actors such the Executive Director, Dwelling Places; Save Street Children Uganda (SASCU); Retrak; and UNICEF.

7.2.1 Estimated population of children in street situations

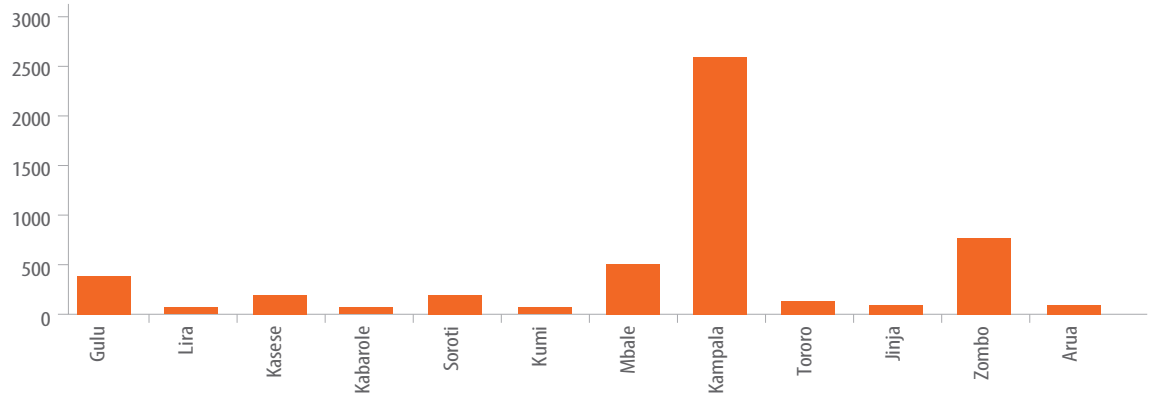
The Commission findings revealed that there were 5,206 children living and working on the streets in the districts of Gulu (400), Lira (89), Kasese (200), Kabarole (40), Soroti (200), Kumi (35), Mbale (500), Tororo (153), Jinja (100), Zombo (769), Kampala (2,600) and Arua (120) aged between six and 17 years. While Kampala registered the highest number of children in street situations with over 2,600 children,[268], it was followed by Zombo (769) in West Nile, Mbale (500) in Eastern region and Gulu (400) in Northern region. It was also established that most of the children from Karamoja region moving to the streets in Soroti, Mbale and Kampala were from Napak district through the Napak-Kampala corridor.

In terms of nationality, the majority of the children in street situations were Ugandans although there were 25 children comprising of 23 children from DRC and two from Kenya.

From Figure 27 below, it is evident that Kampala hosts majority of children in street situations from across other districts.

FIGURE 27:

Estimated number of children in street situations in districts where the Commission conducted research



268 SASCU SITAN REPORT 'Situation analysis of children in street situations in Uganda' 2019, page 19.



Left is a the Commission staff inside a tunnel on Nakivubo channel in Kampala where children sleep, and right is a picture of street children sleeping in the bush while covering themselves with a polythene bag which is used as a bed sheet in Lira

7.2.2 Gender of the children on the streets

It was established that there were more male children on the streets as compared to the female children with 4,548 males and 658 females. This is attributed to the fact that most male children are usually abandoned by their parents especially in cases of family breakdown or divorce which makes it hard for a mother to go along with the male child in her second marriage. On the other hand, female children in street situations engage in commercial sex and they leave the streets to get married especially as they grow older thus making them a less visible population on the streets. Among the female children living and working on the streets, the majority were from Karamoja sub-region with 96% working on the streets and 73% living on the streets.[269]

However, there were generally fewer cases of female children on the streets as their age increases and it was established that they stayed for shorter periods of time on the streets as compared to the male children. Male children make up the majority of the street population, staying on the streets for more years than the females.

7.2.3 Living condition of children in street situations

Adequate shelter is critical to children's healthy development and growth and to their survival. Children in street situations usually live in slum areas, streets, verandas, water tunnels, trenches and churches, among others, which are not adequate for children's safety. The Commission established that in Kampala, children in street situations were commonly found and living in places such as Katwe-Kinyoro, Kikaramoja, Katwe Railway Station, Kisenyi, Kivulu, Dancerz club in Salaama, Clock Tower area, Nikivubo channel and Kisekka market, among others.

The Commission findings indicated that 77% of the children spent their nights on the streets, in bars, video halls, verandahs of buildings, trenches, tunnels, stores, churches and other open spaces. Some older children were reported to use some of their earnings to pay for accommodation in shared rooms which take up to 20 children in a room (this was a common practice in Kisenyi and among the Karimojong on the streets). A notable 14% said they live with their parents or guardians who sit in the background to monitor what they are doing on the streets and how they are treated.

7.2.4 Street-connected children

Another category of children in street situations are those who work on the streets during the day and retreat to their residential areas late in the evening commonly known as street connected children. These are the children who are usually seen around hawking bananas on the streets and other goods like tomatoes, carrots and oranges, among others. It was revealed that these children are usually used by different people who give them these goods to hawk and are paid a wage at the end of the day according to the work done. They are paid between UGX 5,000 and UGX 20,000 depending on the nature of work done. Similarly, some of these children also collect empty bottles around town which they later go and sell in Kisenyi at a fee of UGX

269 Mbugua, R., Musita, P., Wakia, J., & Whitford, D. (2018). Enumeration of Children on the Streets in Uganda across Four Locations: Iganga, Jinja, Mbale and Kampala. Available at http://hopeforjustice.org/wp-content/uploads/2020/05/Enumeration-of-Children-on-the-Streets-in-Uganda-across-Four-Locations-Retrak-part-of-the-Hope-for-Justice-family-.pdf

500 per kilogram, after which they retract to their homes.

7.3 PARENTING AND CHILDREN IN STREET SITUATIONS

The majority (46.7%) of children in street situations reported that their parents were alive, while 20.4% reported that only their mother was alive and 14.7% said only their father was alive. Only 14.7% reported that both parents were deceased and 3.6% said they did not know if their parents were dead or alive. The implication of this is that both orphaned children and those with both parents alive are at risk of migrating to the streets which is very revealing as it is worrisome.

The majority of children in street situations reported that their parents had relinquished their responsibility due to lack of financial means to care for and support their children, family breakup and violence at home. Without family protection, many of them suffer untold sexual, physical and emotional violence and resort to harmful behavior.

7.3.1 Access to food and water

The Commission findings revealed that children in street situations always collect metal scraps and other abandoned items, sell them and use the money to buy food for themselves. They stated that they sleep hungry on days they fail to get metal scraps and sometimes live on drugs to 'kill' their hunger. They stated that sometimes they beg and well-wishers give them money to buy food. It was also reported that they pick food from the garbage and leftovers that people throw on the road and in the garbage areas.

The children living on the street stated that they lacked where to bath from. Whenever they went to take bath in streams of water, they were always beaten and chased away. In most cases they sleep without bathing.[270]

7.4 EXPERIENCES OF VIOLENCE AND CRIME ON THE STREETS

The Constitution of Uganda under Articles 22,23,26 and 31 provides for protection of life, liberty, property and the family respectively. Exposure to crime has an impact on the social and psychological wellbeing of a child.

Violence is one of the critical challenges faced by children on the streets. Out of the total number of children interviewed by the Commission, 55% said they had experienced physical violence, 89% had experienced emotional violence, 22% had experienced sexual violence and 5% had experienced verbal abuse. Children exposed to violence are more likely to abuse drugs and alcohol, suffer from depression, anxiety and post-traumatic disorders, fail or have difficulty in school, and become delinquent and engage in criminal behaviour.

Majority of children who participated in the research were exposed to violence, crime, or abuse in their homes, schools and communities. The highest percentage of children was direct victims of two or more violent acts, and one in ten children was a victim of violence five or more times.[271] Therefore, a child's exposure to one type of violence increases the likelihood that the child will be exposed to other types of violence multiple times.

One FGD respondent in Lira said: *"Older boys on the street beat us and take our money. One boy was threatened he would get 70 strokes of the cane if he failed to give them UGX 2,000. Some of these boys are worse than [armed rebel leader Joseph] Kony. Last night, these boys came to collect money but when they saw you [UHRC team], they went away. Even if you hide the money, they beat you until you bring the money. They are the bosses of the street. We also abuse and beat each other. Children on the street fight a lot. On the street, you do not stop people fighting until they bleed. It is usually new people who are bullied by older ones."*

270 The Commission Focus Group Discussion(FGD) with children in street situations in the 15 sampled districts.
271 UHRC interview with Mr. Damon Wamala, the Executive Director, Dwelling Places, Kampala.

7.4.1 Sexual violence

Children on the streets cited sexual violence as one of the challenges they face on a daily basis and this was decried to be affecting both male and female children. The Commission confirmed the findings from other civil society organisations such as Retrak[272] and SASCU[273] that have over time reported about the violence children in street situations suffer. Interviewed children on the streets reported that the male children have equally suffered sexual violence as they are sodomised by different people such as their colleagues (older boys) and sometimes unknown people who lure them in such acts with offers of money. They further reported that on a day-to-day basis, female children were sexually harassed when found walking at night and coupled with the fact that they sleep in secluded places and streets where they can easily be sexually attacked.

Female children that the Commission interacted with were hesitant to open up on this matter. However, a total of 10 children in Kampala, Kasese and Mbale who responded to our question noted that they were broken in spirit as they had experienced rape and sexual abuse on the streets. They stated that some female children found themselves with unwanted pregnancies and some ended up delivering their babies on the streets. It was clear that children in street situations lacked appropriate ways to report their cases and to seek medical attention.

7.4.2 Arrests by security agencies

Children on the streets face brutal arrests by police and other security agencies such as KCCA Law Enforcement officials during random round-ups. The reasons for arrest, according to the children, range from being accused of common nuisance, fighting, hawking, theft and drug abuse to indiscipline. Dwelling Places, for example, reported that 32 children were arrested and detained at Kampala CPS in December, 2019 and charged with the offence of common nuisance.[274]

Of the 750 children who reported ever having been arrested, majority (77.5%) cited being charged with common nuisance on arrest while 16.3% cited fighting and 2.2% mentioned that they were arrested for hawking products on the streets. Other reasons for arrest included indiscipline and drug abuse. One FGD respondent in Kampala stated:

"Police is always arresting us for moving around. They arrest you as long as you are on the street. They also beat us. Even the young ones are beaten, taken to Police and then released while others are taken to Kampiringisa and later released." As seen in the table below, majority of the children in street situations were arrested on charges of common nuisance, fighting, hawking without license and drug abuse.



A focus group discussion with children in street situations in Kasese conducted by the Commission staff.

272 Mbugua, R., Musita, P., Wakia, J., & Whitford, D. (2018). Enumeration of Children on the Streets in Uganda across Four Locations: Iganga, Jinja, Mbale and Kampala, page 24. Available at http://hopeforjustice.org/wp-content/uploads/2020/05/Enumeration-of-Children-on-the-Streets-in-Uganda-across-Four-Locations-Retrak-part-of-the-Hope-for-Justice-family-.pdf

273 SASCU. Situation Analysis of children in street situations in Uganda – 2019, page 14.

274 Damon Wamala. (2020). Presentation by Dwelling Places during the The Commission Consultative Meeting for the 22nd Annual Report.

TABLE 16:

Reasons for arrest as stated by street children

REASON FOR ARREST	FREQUENCY	PERCENT
Common nuisance	500	77.9
Fighting	16	16.6
Hawking without license	122	2.2
Theft	27	0.7
Indiscipline	4	0.6
Drug abuse	81	1.0
TOTAL	**750**	**100.**

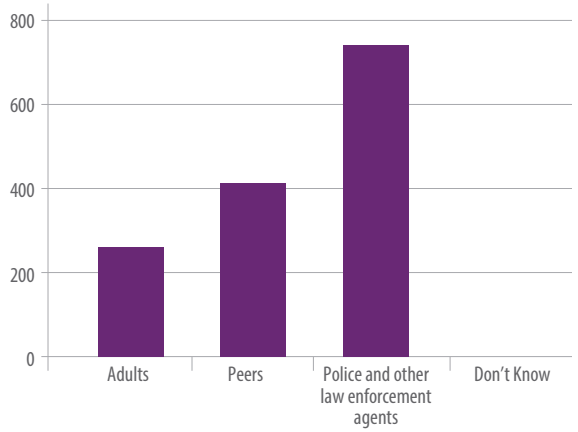
7.4.3 Perpetrators of violence against children in street situations

The Commission established that the most common perpetrators of violence against children in street situations were the UPF, LDU and other law enforcement agencies accounting for 75% while peers accounted for 20% and other adults, 5%. It was reported that both Uganda Police Force and LDU officers severely beat the children, confiscate their property and also take their money. This violence by police and LDUs was found to happen mostly during round-ups and arrests of children.

Fifty-three percent of all the children interviewed reported police arrests and the reasons for arrest according to the children were numerous as shown in the table 1 above.

FIGURE 28:

Perpetrators of violence against children in street situations



7.4.4 Illegal substance and drug abuse

Substance abuse is a pervasive problem, affecting directly or indirectly the overwhelming majority of individuals and families throughout Uganda.[275] The Commission established that most children in street situations admitted using illegal drugs and other substances including alcohol, gum, thinner, aviation fuel, marijuana, mira, kuber and opium. It was also established that some of these drugs are sold in Kisekka market and Katwe ranging from UGX 500 for marijuana while opium goes for minimum UGX 1,000.

Some of the reasons for taking drugs include to get rid of stress or negative thoughts, endure the cold nights, endure hunger, resist sleep and work for longer hours. Out of a total of 750 children in street situations interviewed, the consumption rates include aviation fuel (450), marijuana (215) and alcohol (85). During an FGD in Kisenyi, Kampala, one of the respondents shared their experience with drugs thus:

"'Sniffing fuel', 'endege'. These days we have left gum; it gets stuck in the mouth; so, we have shifted. A plastic bottle cover of aviation fuel costs UGX 500 while a cosmetic bottle costs UGX 7000. Mwana nze nakomawo wano kuba nina okufuna ku mafuta" The last sentence literally means, "I returned to the street because I needed to get fuel".



Children in street situations sniffing aviation fuel around Nakivubo channel

275 SASCU SITAN REPORT 'Situational Analysis of Children in street situations in Uganda' 2019 (19).

7.4.5 Children born on the streets

The Commission established that 3.3% are child mothers and child fathers living on the streets.[276] This number does not include the number of children born to adults on the streets. The purpose of integrating the number of children born on the streets is to further highlight the gravity of the growing influx of children in street situations and the cost implications to national development as driven by child marriage and teenage pregnancy. It was reported that street mothers are usually found in Kisenyi, Kampala as compared to other districts and they usually withdraw from the streets by 7:00am; so, locating them is a very big problem. It is important to note that the number of births on streets is not registered, remains invisible and not included in the national census. This hampers planning and development in the social and economic sectors.



The Commission officials interact with children in street situations, mostly Karimojong girls, in Katwe, Kampala

7.4.6 Children working on the streets

The Commission findings revealed that 65% of all the children in street situations interviewed said that they work. Ninety percent of the economic activities that children in street situations engage in are marginal jobs that do not require technical knowledge such as washing cars, collecting garbage, cleaning shops, working as house maids, begging or carrying luggage, ferrying goods, collecting scrap and plastics from waste for selling to recycling companies, dealing and selling drugs, prostitution and dancing in nightclubs and or bars. It was also reported that some children engage in commercial sex as a means of survival where they are paid minimal wages for long hours and physically demanding work. It is important to note that what children in street situations considered work varied from begging, to theft, to being employed in a small company. A focus group discussion respondent in Kasese stated:- *"I like the fact that I earn my own money. There are so many little jobs that can earn me money in just a few minutes."*





(Top) Children in street situations seen begging (Bottom) and loitering around Kampala streets. © Daily Monitor online reporter

A female child originating from Karamoja told a focus group discussion in Katwe, Kampala: *"We work and send money back home to our parents for daily use. We can not leave the streets because our parents will be left with nothing for survival."*

276 SASCU SITAN REPORT 'Situation Analysis of Children in street situations in Uganda' 2019 (23).

7.4.7 Experience and services at rehabilitation centres

Most children reported that they had not been to a government rehabilitation centre or remand home, especially amongst children working on the streets. Of those who had been to an institution, two-thirds had been to Kampiringisa National Rehabilitation Centre in Mpigi district and a further 28% had been to Naguru Remand Home in Kampala. Many children reported hearing that children were always badly treated in these institutions. Those who had been to Kapirigisa Rehabilitation Centre spoke of being beaten or forced to do manual work and many children left these institutions by escaping and running away.

Several children spoke about organisations that have provided services such as food, clothing, washing, medical care, education and recreational activities. When they were reached by these civil society organisations, the children felt good, excited and loved. Some of these organisations includedRetrak, Dwelling Places and Save Street Children Uganda (SASCU).

7.4.8 Life after the streets

In a bid to establish the hopes and future aspirations of children in street situations, the Commission explored the individual needs of the children in street situations after street life. Some 345 street children (46%) stated that they would love to go back to school while 135 (18%) preferred to work or own a business, 60 (8%) wanted basic needs such as food and a decent place to call a home while 150 (20%) were interested in vocational training to equip them with skills to either start a business or find employment.

7.4.9 Former street children ('street uncles')

The Commission established that the former children in street situations who had outgrown minor age were now called street uncles. Street uncles are former street children who have outgrown street life but still depend on the streets for survival or do other forms of work for survival but still have an attachment to the streets. The Commission held an FGD with 15 street uncles at Nakivubo channel and they reported that street uncles were in charge of organizing children in street situations, protecting and providing for them basic necessities such as shelter, meals and some form of engagement in life skills.

The chairperson of Nakivubo Resettlement village, commonly known as Adam, who is also a street uncle informed the Commission that they have a nearby UPE school called Nakivubo Resettlement School where they enroll all school children in street situations who wish to go back to school. In 2019, they enrolled nine street-connected children, of which six are girls and three are boys. They informed the Commission team that they earn their survival by doing petty jobs on the streets such as offloading big trucks, carrying luggage and working as brokers, among others. It was reported that they also solicit money among the community members and buy scholastic materials, food and clothing for the school-going children. The street uncles informed the team that they have their barracks where some of these children sleep and these rooms are separated basing on gender. It was reported that Nakivubo Resettlement area has over 698 members managed by street uncles.

However, it was reported that a number of these street uncles were exploitative to the extent of sending some of these children to steal personal items from members of the public or even break into houses. It was reported that the street uncles give children certain targets to achieve and failure to meet the targets such as bringing in UGX 30,000 to them per day can earn one heavy punishment including beating. Street uncles also featured as perpetrators of violence against children on the streets if the children did not follow their orders; this increases the risks the street children face.

7.5 FACTORS INFLUENCING CHILDREN TO LIVE AND WORK ON THE STREETS

There are both push[277] and pull[278] factors which force children to live and work on the streets. It is important to note that while children run to the streets to avoid problems at home, the consequences of living on the streets end up magnifying their inabilities to find healthy livelihoods.

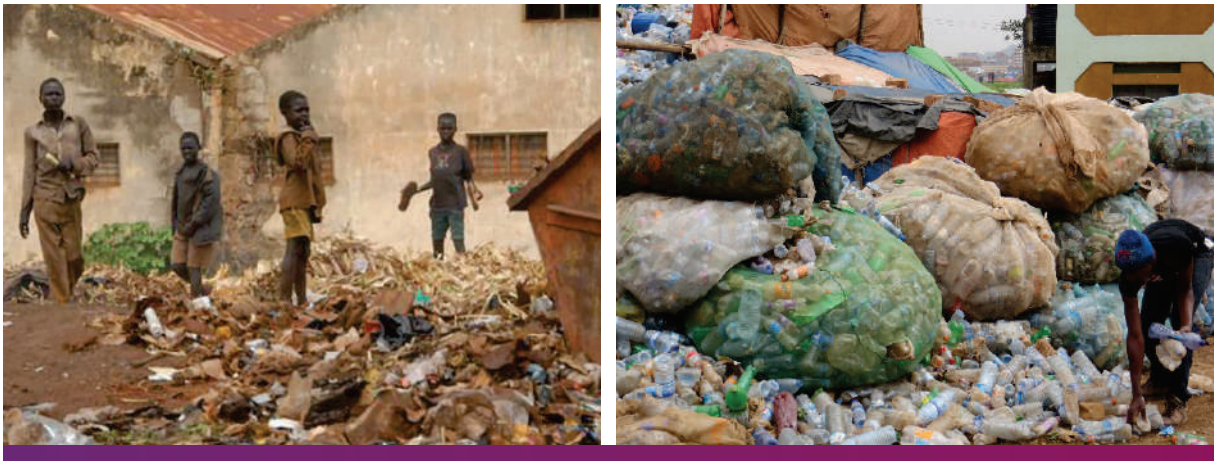
7.5.1 The Push Factors

7.5.1.1 High poverty levels

The effects of deprivation in childhood can be irreversible and the impact of child poverty can transcend generations. In addition, poverty is one of the root causes of violence and the exploitation, abuse and neglect of children, such as child labour, trafficking, sexual exploitation and child marriage. Some 86% of the children that the Commission interviewed confessed that high poverty levels at home and failure to be provided with basic necessities by their parents had driven them to the streets. The UNICEF 2019 report indicated that 55% of children aged zero to four years in Uganda live in poverty and 24% live in extreme poverty.[279] This was especially the case for children from Karamoja sub-region who moved to the streets majorly due to poverty and hunger.

7.5.1.2 Poor parenting

The Commission findings indicated that poor parenting and irresponsibility of some parents was one of the push factors for children to live on the streets. The Commission findings revealed that there were more children whose parents are alive, living on the streets than orphans. More than half of the children interviewed either had both parents or one biological parent alive, while a significant number of children lived with their biological parents before they went to live on the streets. This is attributed to the fact that most of the parents have neglected their roles in so far as raising up and giving guidance and support to their children and this has seen a rise in children becoming disrespectful, joining gangs and abusing drugs which has to a great extent led to the increase of children on the streets. The Principal, Kapirigisa Rehabilitation Centre noted that 55% of children in conflict with the law have their two parents and are victims of poor parenting.



The day-to-day lives of the children in street situations collecting scrap and old bottles for selling in Kampala suburbs

277 Push factors are those factors or causes that encourages or force children on to the street.
278 Pull factors are causes that make the street attractive to a child.
279 UNICEF. (2019). Situation Analysis of Children in Uganda - 2019. Available at https://www.unicef.org/uganda/media/5181/file/situationanalysis of children Accessed on 8th February, 2020.

7.5.1.3 Family breakdown

The Commission findings revealed that most children had had a poor, unhappy and unstable family experience. This was made worse by rampant cases of domestic violence, especially physical and emotional violence between parents thus leading to family breakdown, separation and divorce. For the children whose parents remarried, it was established that the children were subjected to physical and emotional violence by their stepparents thus making them to get refuge from the streets.

The 2017 Uganda Police Force crime report indicated that there were 8,961 child neglect cases registered where as the 2018 report indicated a total of 12,152 cases registered.[280] Similarly, UNICEF reported that out of more than 190,000 child protection cases that were managed by Uganda Child Helpline, 2,785 cases involved child neglect, sexual violence and physical violence against children.

One of the respondents aged 17 and a fulltime person on the streets of Lira narrated: *"I do not enjoy the kind of life I am living on the street. I was told that my father who is now a teacher impregnated my mother when he was still studying. I was told that when I was two years old, I fell sick. When I was taken to the hospital, my mother abandoned me with my aunt because she wanted me to die. After reaching 11 years, my mother surfaced and took me to my father in Masindi. When I reached Primary Three, my father took me to stay with his brother Owani Sunday who beat me with 45 strokes of the cane for leaving white ants to get burnt. I was forced to eat that entire burnt white ants which caused me a lot of problems. I went to school but I smelled bad and I could not continue with studying. When my father returned, my uncle told him that I dodged school and without giving me a fair hearing, my father again beat me with 10 strokes and chased me away. I reached Lira town and started staying with my grandmother at Kichope but she died in 2012. Both my mother and father who are still alive have rejected me; and where should I go?"*

7.5.1.4 Exploitation as cheap labour

It was noted that some children especially from Karamoja were being used by crafty people to stay on the streets for business reasons. The Commission findings revealed that begging on the streets by children has become a business since each child on the street is supposed to hand over UGX 20,000 daily to the people who brought them. This literally means that if someone had 10 children on the streets of Kampala begging, this would then amount to UGX 200,000 daily or almost UGX 6m every month.

7.5.1.5 Child trafficking

The Commission established that some children in street situations were being trafficked into the urban areas for personal gain. Reports from the Uganda Police Force indicate that in 2018, 87 child trafficking cases were intercepted between Kampala and Karamoja.[281] Out of the 87 cases, 17 were taken to court and only nine convictions were made. Women were reported to be the major perpetrators in child trafficking cases with more than 50% of the trafficked cases.

The Commission's interaction with the Principal, Kampiringisa National Rehabilitation Centre revealed that in July, 2019 the UPF in Napak, in conjunction with Napak District Local Government, carried out surveillance on all routes from Karamoja to Kampala. As a result, 130 unaccompanied children were rescued, 10 parents aiding transportation were arrested, six women and two taxi drivers remanded and seven women convicted to Moroto prison on cases of child trafficking.

7.5.2 The Pull Factors

The pull factors can develop over time into strong street connections, that combined with social stigma and prejudices, make it difficult for children to find desirable options off the streets. They include, but not limited to, peer influence, desire for employment and criminal gangs.

280 Uganda Bureau of Statistics (UBOS). GBV Cases Reported by Police (2018). Available at https://www.ubos.org Accessed on 8th February, 2020.
281 Uganda Police Force (UPF). (2018). Annual Crime Report - 2018.

7.5.2.1 Peer influence

The Commission findings indicated that some children run away from their homes to the streets due to peer influence, thinking that 'life is good on the streets'. Some of the children living on the streets that the Commission interviewed noted that they have parents but they preferred to be on the streets because their friends stay on the streets and are happy. It was observed that children in street situations have created familial groups,[282]with leaders, and whose role is to initiate new members to street life including their norms and values and to ensure protection and survival of the members.

A 14-year-old male living at Nakivubo channel, Kampala told the Commission team: *"So, when he [friend] came to the village, he told me: 'why is your stepmother mistreating you, why don't we go to Kampala on the streets?' He told me that there are good things on the streets."* Mr. Mondo Kyateka, the Commissioner for Children Affairs at the MoGLSD, said:- *"The number of children in street situations never goes down because people make the streets sweet by giving children incentives like money."*.

7.5.2.2 Desire to get employment

Most of the children spoke about wanting to find a job and get their own money in order to continue with their education or support their family. This was often an influence in moving to the streets, especially when friends promised a good life, job opportunities or help from strangers. However, almost all the children reported that their expectations were not met. *"I thought I am going to get a job in Owino [market] since I had just come and knew how to work. But as you know, I realised the bosses shout a lot over nothing,"* a 16-year-old female living on the streets in Kampala said.

7.5.2.3 Criminal gangs

Children are often used by criminals because of their vulnerability in society and the criminal gangs take advantage of the children because children cannot be held criminally responsible until they attain 12 years of age. The law is also lenient on children by giving them light sentences such as community service, among others. According to the respondents, there are criminal elements within towns that use street children to commit crimes in exchange for shelter, food and clothing which has made it difficult for the authorities to deal with the plight of street children. The most common form of crime is theft. The police said that the criminal masterminds are aware of the fact that the law is lenient to children and they, therefore, send them to carry out petty thefts on their behalf and in exchange give them money, shelter or clothing.

7.6 GOVERNMENT INTERVENTIONS TO RESPOND TO CHILDREN IN STREET SITUATIONS

Both government and other non-governmental actors have come up with interventions to curb the push and pull factors of children living and working on the streets. These interventions are legislative, administrative and social change campaigns, among others. The interventions include the following:

7.6.1 Existence of an enabling legal, policy and institutional framework

Uganda has a strong legal and policy framework that facilitates the realisation and protection of the human rights of the child. This is reflected in its commitment to domesticate the CRC and the ACRWC through the various legislations related to children[283] which all provide for safeguards for the protection and promotion of the rights of the child. At the institutional level, the MoGLSD, through the Youth and Children Affairs department, is charged with the responsibility of overseeing human rights protection and promotion of children's rights.

There are also justice institutions and departments such as the Child and Family Protection Unit under the Uganda Police Force(UPF) and

282 Familial groups have similar characteristics that portray a family which includes socialization, protection, productivity and growth, among others, and are in charge of initiating new members into a new form of identity that enables them to learn how to behave and adapt to street life.
283 See the Children (Amendment) Act, 2016; the Employment Act, 2006; the Prevention of Trafficking in Persons Act, 2009; the Penal Code Act Cap 120; the Domestic Violence Act ,2010; the Prisons Act, 2006; and the Police Act cap 120.

courts of law to ensure that children in conflict with the law get justice. At local government level, there are the offices of the District Probation and Social Welfare Officer and the Community Development Office whose functions include protecting children's rights, among others.

However, there is still a gap in enforcement and implementation of the existing laws and policies, and inadequate resources to the various institutions to fully implement their mandate.

7.6.2 Development of an ordinance criminalizing the existence of street children and facilitation of their continued stay by different individuals

The Kampala Child Protection Ordinance 2019 was developed by KCCA to criminalise children loitering in public places, begging or soliciting, vending or hawking. The ordinance banned the sale of alcohol and drugs to children, and made it an offence to offer money, food or clothing to children living on the streets of Kampala. It is hoped that the ordinance will lead to reduction of children living and working on the streets of the capital city.

However, the ordinance has been criticized for not being human rights compliant and lacking a healthy balance between the protection, provision and participation pillars of the CRC, the 1995 Constitution of Uganda and the Children (Amendment) Act. There is, therefore, need to ensure that the law is rights-based and takes into account all issues relating to children before it is enacted.

7.6.3 Establishment of Children Rehabilitation Centres

The MoGLSD has established two Rehabilitation Centres at Masulita in Wakiso district and Koblin in Napak district, Karamonja sub-region. Children placed in rehabilitation centres have access to skills development such as carpentry, poultry keeping, agriculture and talent development, among others. In order to respond to the high numbers of children in street situations in Kampala, in July, 2019, the MoGLSD mandated Kampiringisa National Rehabilitation Centre to receive, screen and place children in rehabilitation centres and reunite them with their families.[284] This is in addition to the mandate of Kampiringisa as a gazzeted national rehabilitation centre to cater for juvenile offenders.

7.6.4 Resettlement and family reunification of children by MoGLSD

The Ministry of Gender, Labour and Social Development (MoGLSD), in conjunction with KCCA and the UPF, spearheaded a resettlement and family reunification programmeme for children in street situations. The MoGLSD repatriated back to Karamoja children in an operation code-named 'Back home campaign for Karamoja children' which saw a number of children taken to Koblin Rehabilitation Centre and a total of 206 children reunited with their families. Similarly, other local governments in partnership with the UPF such as Kasese district also conducted a resettlement and reunification exercise in December 2019 and 39 children, comprising 38 boys and one girl, were resettled and reunited with their families.

7.6.5 Screening, placement and resettlement of children by Kampiringisa National Rehabilitation Centre under MOGLSD

The Principal of Kampiringisa National Rehabilitaton Centre (KNRC) informed the Commission that the centre, in conjunction with KCCA and Uganda Police Force, was mandated and financed by the MoGLSD to receive children from the streets of Kampala and conduct screening to identify children who needed rehabilitation, resettlement and family reunification. In July, 2019 the centre received 724 children and adults delivered by KCCA team and the UPF in an operation aimed at rounding up all children in street situations in Kampala. The majority of children received were aged 6-13 years (346) and 14-17 (239) years and 139 adults. There was one street child mother aged 16 years from Napak with a one-year-old baby.

The Commission established that after screening, the majority of children were found to have come from Karamoja, majorly from Napak district (220) and Central Uganda (217) from the districts of Luwero, Masaka, Mityana, Mubende, Butambala, Mukono,

284 The Commission interview with the Principal, Kampirigisa National Rehabilitation Centre, Bacwa Theopista Mutooro.

Buikwe, Kalungu, Kampala and Wakiso. Seventy-one children were from Western Uganda (Kamwenge, Hoima, Kanungu and Rukungiri), 57 from Eastern Uganda (Jinja, Mayuge, Mbale, Sironko, Kapchorwa, Tororo and Busia), 24 from Northern Uganda (Gulu, Amolatar, Pader, Dokolo and Apac) and four from West Nile (Nebbi and Arua). There were also non-Ugandan children comprising one from Kenya and one from DRC. All the 210 children from Karamoja were females while out of the 423 children from other regions had only 11 female children.

With regards to resettlement, rehabilitation and family reunification, some children were taken to Masulita (98), Koblin (207), Federation of Uganda Football Association (FUFA) (118), CSOs such as Retrak and Dwelling Places (52) and SAUTI (13). Others were reunited with their parents (34), adults were returned back to KCCA (139) while the centre remained with 19 children for rehabilitation. A total of 43 children escaped from the centre before placement including the child mother while one child was referred to Butabika hospital.

FIGURE 29:

Status of children in street situations per region

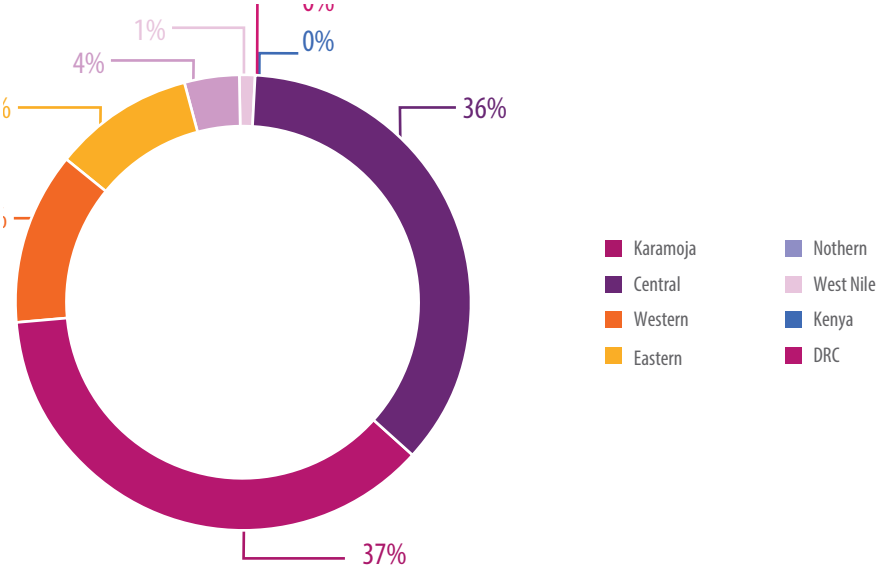


TABLE 17:

Status of children handled at Kampiringisa National Rehabilitation Centre in July, 2019

INSTITUTION	SEX		TOTAL	STATUS
	MALES	FEMALES		
Taken Home	34	0	34	Taken by parents
Masulita	98	0	98	84 are undergoing rehabilitation (psychosocial support and skills training) 1 taken by parents, while 13 escaped
Koblin (Napak)	21	186	207	All integrated with families after rehabilitation
FUFA	115	3	118	108 undergoing rehabilitation through football skills, 4 resettled with families, 2 escaped (6 had escaped but 4 returned) and 10 drug addicts returned to KNRC
Kampiringisa	18	1	19	Pending transfer to other institutions
	11	2	13	Resettled by SAUTI
	52	0	52	Taken by Retrak and Dwelling Places for rehabilitation
	40	3	43	Escaped
	1	0	1	Referred to Butabika mental hospital
Total	**390**	**195**	**585**	

7.6.6 Interventions by non-state actors

The non-state actors in collaboration with the MoGLSD have also made several interventions in a bid to resolve the issue of children in street situations in Uganda. Some of these CSOs include Retrak, Dwelling Places, Save Street Children Uganda (SASCU), all in Kampala; and Child Restoration Outreach, Lira, among others. Some of the services provided by these CSOs include, but not limited to, outreach services, psychosocial support, family tracing, providing shelter to children through approved children homes, family reunification, rehabilitation skills, foster care and alternative safe family, education and follow-up, including influencing policy and practice.

In 2019, Retrak supported family reunification of 298 children from the streets of Kampala to 80 districts across Uganda, provided foster care to 30 children and 43 children were provided with vocational skills while Dwelling Places rehabilitated 126 children. However, the children explained that some of the support was not regular or sustainable. Besides, the CSOs also reported facing challenges such as inadequate funding.



Mother and daughter reunited. ©Dwelling Places

7.7 HUMAN RIGHTS CONCERNS OF CHILDREN IN STREET SITUATIONS

Children in street situations are the most vulnerable, marginalised, discriminated, excluded, exploited and poorest children. They are victims of physical and emotional violence, they lack basic education, medical care and protection, they suffer injustice in the hands of those who are supposed to protect them and struggle for space in order to survive. This happens amidst an enabling legal, policy and institutional framework that provides for the protection and promotion of children's rights in the country. Below are some of the human rights violations that children in street situations experience:

7.7.1 Violation of the right to special protection and assistance

Article 4 of the CRC provides for the obligation of the state to protect children through its legislative, administrative and other measures.[285] Children as rights holders must be provided with the opportunities to enable them enjoy their fundamental rights and be protected from any form of violence or abuse. The UN General Comment No. 21 on Children in Street Situations enjoins state parties as de facto caregivers in the absence of the primary caregiver.[286] However, in practice, the government authorities, such as security agencies, arrest these children, criminalizing their stay on the streets or open up charges of criminal involvement as a strategy to get rid of them on the streets. It is important to note that deprivation of personal liberty through detention in police cells is not a form of protection. Children in street situations have on several occasions been arrested and detained in police cells over unclear offences. Others were taken to Kampiringisa National Rehabilitation Centre, a facility meant for convicted juvenile offenders which implicates them to be criminals.

285 CRC, Art. 4 states: *"States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation."*

286 CRC General Comment No. 21 (2017) on Children in Street Situations, para. 4.

7.7.2 Deprivation of the right to parental care and maintenance

The right to be protected and provided for by parents or guardian is clearly spelt out under the CRC, Article 19 (1)[287] of the ACRWC and Article 34 of the Constitution of Uganda, 1995. However, this protection is totally eroded when the children are left to dwell on the streets. The lack of protection from both the State and the parents, who bear the primary responsibility to do so, has left many children more vulnerable, thus the continuous and unchecked human rights violations.

7.7.3 Violation of the right to freedom from torture, cruel, inhumane and degrading treatment or punishment.

The right to freedom from torture is a non-derogable right as provided for under Article 44(a) of the Constitution of Uganda, 1995. The Commission findings indicated that street children are victims of torture, cruel, inhumane and degrading treatment or punishment by the police and the general public including their fellow older children living and working on the streets. They are victims of physical, sexual and psychological violence, leaving them vulnerable as they cannot protect themselves.

All the children that the Commission interviewed decried the rampant torture by the police including the taking of their money and forceful detention in police cells without a clear offence. They further decried suffering non-physical punishment that "belittles, humiliates, denigrates, threatens, scares or ridicules them as children". It should be noted that such acts amount to cruel and degrading treatment and are incompatible with the CRC.

Zubail, a 13-year-old from Makerere-Kivulu who joined the street when he was 14 years, old said: *"These police officers have added more pain to us instead of protecting us especially in this dire situation we find ourselves in on these streets. They arrest us and in the process torture us. If only the government could see our plight and at least protect us here than beating us or making us live in fear, or better still find us a better place to stay which is not prison or police cells, we could also enjoy our rights. This is our country too. Let us not be strangers in our own country".*

7.7.4 Deprivation of the right to education

Article 13(2)(a-b) of the ICESCR recognizes the right of everyone to education which is provided to fully develop human personality, dignity and strengthen the respect for other rights and freedoms. Considering their situation and the nature of survival strategies, it is obvious that they have no time and opportunities to enroll into any schools even if it is Universal Primary Education (UPE) and Universal Secondary Education (USE) where payment of school fees may not apply.

The Commission findings revealed that the majority of the children living and working on the streets had not completed their primary education. Some 667 children had attended primary school, while only seven children had attended vocational education. Also, 60 children had attained partial secondary education and 30 had only acquired nursery education. This implies that majority of children in street situations dropped out of school at primary level. Children in street situations also lack parental care, guidance and support and hence do not have the capacity to attain education on their own.

A survey conducted in Wakiso, Mukono and Kampala districts in 2018[288] showed that more than 50% of children in street situations were school dropouts due to a combination of challenges such as lack of scholastic materials, hunger and corporal punishment, among others. A one Richard aged nine and a full-time street child in Kasese stated:

"I do not go to school because I have to always be out there looking for scrap or bottles that I can sell and earn some money for my food, and not for books and pens. I even do not want to go to school because the other children will laugh at me since I have no home; I stay on the streets."

287 It states, *"Every child shall be entitled to the enjoyment of parental care and protection and shall, whenever possible, have the right to reside with his or her parents. No child shall be separated from his/her parents against his/her will, except when a judicial authority determines in accordance with the appropriate law, that such separation is in the best interest of the child."*

288 Oramire, S. (2019). Ministry of Education can help end problem of street children. Daily Monitor, 1st July, 2019. Available at https://www.monitor.co.ug/OpEd/Commentary/Ministry-Education-can-help-end-problem-street-children/689364-5177602-mit8hoz/index.html Accessed on 7th February, 2020.

7.7.5 Freedom from discrimination

The right to non-discrimination is very important to all human beings because it facilitates the enjoyment of all other rights. Article 13 of the ACRWC[289] and Article 21 of the Constitution of Uganda, 1995 emphasize the right to non-discrimination. However, this right has not been enjoyed by all children in Uganda, especially those living and working on the streets.

The Commmission findings revealed that the welfare, social and administrative structures do not place children in street situations as rights holders and whose best interest should be considered when making decisions that affect children. Children in street situations are a victim of stigma from the general public and are discriminated against with regard to access to social services such as medical care, among others. The discrimination they suffer, in addition to their status of living on the streets, has left many isolated and some have lost a sense of purpose, which affects their development and growth as children. Discrimination in this case affects the realisation of all other rights which is a human rights violation.

Paul, aged 15 and a full-time street boy in Kisenyi, Kampala, stated:
"When we fall sick, we can only buy painkillers from the drug shops even when the doctor has not examined us. This is because when we go to health centres like those of KCCA, or any other place where there is no need to pay, we are chased away, allegedly that we are thieves and stubborn or called all sorts of names. This has seen some of our colleagues die on the streets because of such problems that we suffer especially being discriminated against by most people."

7.7.6 Deprivation of the right to health

Article 12(1) and (2)(b) of the ICESCR recognizes the right of everyone to enjoyment of the highest attainable standard of physical and mental health enhanced by a clean and healthy environment. However, children in street situations are vulnerable to poor health due to factors such as homelessness, risky behavior, substance abuse and violence. The Commission findings revealed that health problems faced by children in street situations include growth and nutritional disorders, physical injuries, violence, sexual abuse, mental health issues, reproductive health disorders, substance abuse, STIs and HIV/AIDS. Primary interventions that could prevent poor health and improve the health status of children in street situations include provision of safe shelter, proper nutrition, access to healthcare, health education, sexual reproductive health and protection from any form of abuse, violence and substance abuse.

The Commission findings indicated that access to healthcare services by children in street situations was very minimal and or not available due to high hospitalization and consultation costs in healthcare facilities, which is a major barrier for street children who earn little or nothing on the streets. Other barriers included stigmatization by healthcare providers, minority status and not being sure of the quality of care they will receive in healthcare facilities due to disadvantaged status. It was further revealed that some children in street situations could not find time to visit health facilities as they hustled during day and night to raise money for food and other basic necessities.

The Commission also found that a majority of children reported to receive health services from public health facilities such as KCCA health centres and Mbale Regional Referral Hospital, among others, but were routinely chased away because of their ragged nature.

289 Every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child's or his/her parent's or Legal guardian's race, etnic group, color, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.

7.7.7 Deprivation of the right to access to justice

All children have a right to access justice and this calls for special consideration in the administration of justice where children are involved. Article 17 of the ACRWC and the Children (Amendment) Act, 2016 all emphasise the right to equality before the law and the right to speedy and fair justice.

The Commission was informed that children in street situations have had this right denied or violated in several occasions. Police and other security agencies look at children in street situations as part of the large crime group causing insecurity in society. This has exposed the children to unaccounted-for torture, brutality, arbitrary arrests and detentions. Reports from Dwelling Places, for example, indicate that 32 children living and working on the streets were arrested and detained at Kampala CPS in December, 2019 on charges of common nuisance. The Commission findings indicated that these children are rounded up by police while on the streets on the alleged case of common nuisance and later released after staying in police cells beyond the mandatory 24 hours and yet no legal or administrative measures are taken against the police officers. Hence, one street child had this to say:

A focus group discussion respondent in Jinja said:
"One of our friends was arrested for a month and made to dig. There was nobody who could defend him in court. A policeman who noticed he was well-behaved while in jail released him and he started working at the policeman's home for almost one month. He used to collect firewood and rear animals."[290]

The Commission established that the MoGLSD periodically orders general roundups of street connected children throughout the country. These roundups usually occur ahead of special events, official visits, international conferences, or are a way for the ministry to be seen to be tackling the perceived "problem" of children in street situations. The Officer Incharge, Naguru Remand Home noted that children in street situations that are taken to the remand home are usually charged of common nuisance and usually appear before City Hall and Buganda Road Magistrates' courts from where they are recommended for rehabilitation at KNRC.

Ms. Bacwa Theopista Mutooro, the Principal, KNRC, informed the Commission that in 2019, the centre received 129 juveniles believed to be children in street situations and were on charges of common nuisance (78), hawking without license (32) and narcotic drugs (19), and all the 129 children were males. She noted that the courts usually recommend between two weeks and four months for rehabilitation of these children after which they are released. It was, however, revealed that this time period is not sufficient enough for the children to be fully rehabilitated; besides, they still go back to the streets upon release.

It was further revealed that KNRC has only two dormitories (male and female apiece) for juvenile offenders and yet children in street situations are also detained together with juveniles. This is coupled with the fact that KNRC has no wall fence and standby security officers and hence children in street situations most times end up escaping from the facility. It was reported that 128 juveniles (123 males and five females) had escaped from the centre in 2019.

7.7.8 Deprivation of the right to adequate housing

The right to adequate housing entails the right to live somewhere in security, peace and dignity as provided for in international and regional human rights treaties.[291] At the national level, the National Housing Policy, 2016 aims at promoting access to adequate housing for all.

This is, however, contrary to the living conditions of children in street situations since they are homeless. The Commission findings revealed that from a total of 750 children drawn from 15 districts interviewed by the Commission, 77% spend their nights on the streets, in bars, video halls, verandahs of buildings, trenches, stores, churches and other open spaces while others share a room taking up to around 20 children. Homelessness has particular effects on children, compromising their growth, development and

290 Please note these are children who have no idea about the criminal justice system, hence the way the statement was captured.
291 See CESCR General Comment No.4 The Right to Adequate Housing (Art. 11(1) of the Covenant), para 7; ACRWC art. 20(2)(c); and CRC art. 27(3).

security. Homeless children can be vulnerable to a range of emotional problems, including anxiety, sleeplessness, aggression and withdrawal. Their access to basic services, such as healthcare and education, can also be seriously compromised if they have no fixed address.

7.8 RECOMMENDATIONS

1. The MoGLSD should conduct a countrywide data collection exercise to determine the total number of children in street situations to guide the planning and design of programmes.
2. The MoGLSD should enact adequate policies and laws and establish institutions to provide for the facilitation and needs of children to divert them off the streets.
3. The MoGLSD should devise appropriate strategies aimed at fostering socio-economic empowerment of families and communities so that they can better support child development.
4. The MoFPED should increase funding to the MoGLSD to ensure timely and adequate response to issues pertaining to children in street situations.

7.9 CONCLUSION

Uganda's laws and policies provide for the rights of children including vulnerable children. Although the Government has put in place measures to protect the rights of children in street situations, there are still gaps especially with regard to addressing the push and pull factors which drive the children onto the streets. The Government and all key stakeholders, to understand and deal with the challenges of children in street situations, should take a multi-dimensional and rights-based approach without neglecting the principle of free, active and meaningful participation of the children themselves as rights holders.

Chapter 8

Defilement and its human rights implications



4,900 girls impregnated in two years, says survey

BY BILL OKETCH & SANTO OJOK
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APAC/KWANIA. A total of 4,969 girls ed between 12 and 17 were impreg- ted in 2017 and 2018 in Apac and ania districts.
A report released last week titled: e Baseline Survey on the Rate of enage Pregnancy and Child Mar- ge', indicates that poor parenting pled with greed for dowry has n blamed for the rampant cases arly marriages and teenage preg- cies.
t least 2,489 of the impregnated ng girls were either married off ad given birth in the sub-coun-

reason. The survey attributes ases of early marriage and teenage regnancy to poor parenting and eed for dowry.

briefly

Care. Teen mothers attend to their children at Padel Girls' Academy, Padel District, in April 2018. A new report indicates that there is a high teenage pregnancy rate in Apac

8. 0 INTRODUCTION

Defilement is one of the most outstanding offences committed against children below the age of eighteen years in Uganda. The sexual violence committed against children has caused fear among many parents and guardians who feel that their children are no longer safe in any place, be it at home, school or church where they are likely to stray away from their ever-watchful eyes. The children are vulnerable to defilers at any given time.

Prior to the amendment of the Penal Code CAP 120, defilement was committed against the girl child, and this was discriminatory against he boy child. The courts of law also encountered a phenomenon which was not on the statute books whereby the victim and accused willfully involved themselves in sexual intercourse when they were below the age of eighteen years; the courts used to dismiss such cases. In 2007, the Act was amended to include the boy child and introduce a new phenomenon of child-to-child sex as will be discussed later in this chapter.

In Uganda, defilement is categorized in terms of simple defilement, aggravated defilement and child-to-child sex . These are handled by the Chief Magistrates' Court[292], High Court[293] and the Family and

292 Section 161(1)(a) Magistrates Courts (Amendment) Act 2007; and Section 129 (3) Penal Code Amendment Act, 2007.
293 Section 1 Trial on Indictment (Amendment) Act, 2008; and Section 129 (4) Penal Code (Amendment) Act, 2007.

Children Court[294]. Defilement defined under Section 129(1) is commonly known as simple defilement. Simple defilement refers to any person who performs a sexual act with another person who is between the age of fourteen and eighteen. Simple defilement attracts a sentence of life imprisonment while an attempt to commit simple defilement attracts a sentence of eighteen years' imprisonment.[295]

Aggravated defilement, on the other hand, is when a person on whom the sexual act is performed is below 14 years, he or she becomes infected with HIV/AIDS and when the offender is a parent or guardian to the child or the victim has a disability and or when the offender is a serial offender. Aggravated defilement also attracts a sentence of life imprisonment. Section 129A (1) defines child-to-child sex as consensual sex between a boy and a girl before attaining the age of 18 years; the law punishes both the girl and the boy.

In *Uganda vs Yawe John, 2015*[296], a sexual act was defined as penetration of the vagina, mouth or anus, however slight, of any person by a sexual organ; and the unlawful use of any object or organ by a person on another person's sexual organ. Sexual organ refers to a vagina or a penis.[297] The major perpetrators of defilement are males, then followed by women who include the children's parents, guardians, teachers, close friends, relatives, spiritual leaders, doctors and helpers at home, among others.

The Uganda Police Annual Crime Report - 2018 indicated that defilement ranked second on their crime chart after common assault.[298] It's upon this background that the Uganda Human Rights the Commission monitored the situation on defilement in the year 2019 placing emphasis on the human rights concerns, access to justice for the victims of defilement, the challenges faced by the authorities when dispensing justice and the possible solutions to addressing the challenges.

8.1 LEGAL AND POLICY FRAMEWORK ON DEFILEMENT

The Government of Uganda is committed to promoting and protecting the human rights of children and has taken steps towards the fulfillment of its obligations under the treaties.

8.1.1 International legal framework

At the international level, Uganda is a party to a number of human rights treaties which guarantee the rights and dignity of children such as the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The purpose of the convention and its optional protocol is to protect the rights of a child which include the right to life, nationality, identity, privacy, freedom from physical, mental violence, freedom from sexual exploitation and abuse, freedom from sale, trafficking and abduction and freedom from other forms of exploitation provided under Articles 6, 7, 8, 19, 34, 35 and 36 of CRC.

International law respects family autonomy as articulated in the International Covenant of Economic, Social and Cultural Rights (ICESCR) and any events that happen within families are usually not subject to international law save for child sexual abuse facilitated in the family under the guise of culture is now prohibited under international law by the CRC. The state is required to take all appropriate legal, administrative, social and educational measures to protect the child. While defilement affects both sexes, girls are disproportionately affected compared to boys.[299] Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls, envisages elimination of all forms of violence against all women and girls in public and private spheres by 2030.

294 Section 129A (1) Penal Code (Amendment) Act, 2007 and Section 14(1) Children (Amendment) Act, 2016.
295 Section 129(2), Penal Code (Amendment) Act , 2007.
296 Criminal Sessions Case No. 0127 of 2015.
297 Section 129(7)(b), Penal Code (Amendment) Act, 2007.
298 Table 12: Leading Crimes in 2018 and 2017, Annual Crime Report – 2018.
299 The Commission field findings.

8.1.2 Regional legal framework

At the regional level, the African Charter on the Rights and Welfare of the Child (ACRWC) expressly prohibits child sexual exploitation and compels state parties to undertake all the necessary measures to protect children from all forms of sexual abuse and exploitation, and to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity under Article 27. ACRWC applies to all children under the age of 18 years[300]; the rationale behind the majority age is to eliminate the possibility of sexual abuse of children within marriages.

8.1.3 National legal and policy framework

At National level, chapter four of the Constitution for the Republic of Uganda provides for the observance of human rights of all individuals; Article 34 specifically provides for a range of children's rights which include the right to know their parents, right to basic educations and right to medical treatment . Policies and laws have been enacted to enforce and protect the rights of children in general and in specific situations, and such laws include the Children (Amendment) Act, 2016, Magistrates' Courts (Amendment) Act, 2007, the Trial on Indictments (Amendment) Act 2008 and the Penal Code (Amendment) Act, 2007.

Section 4(1) of the Children (Amendment) Act, 2016 provides for the rights of children which include, among others, the right to live with parents, express their views, access information, be registered, have a name and nationality, inherit property, safety, privacy, leisure, be treated without discrimination of any kind and effective legal aid. Furthermore, Section 4(3) provides for a penalty for a person who violates these rights. This legal framework has been put in place to inter alia eliminate the vice of defilement.

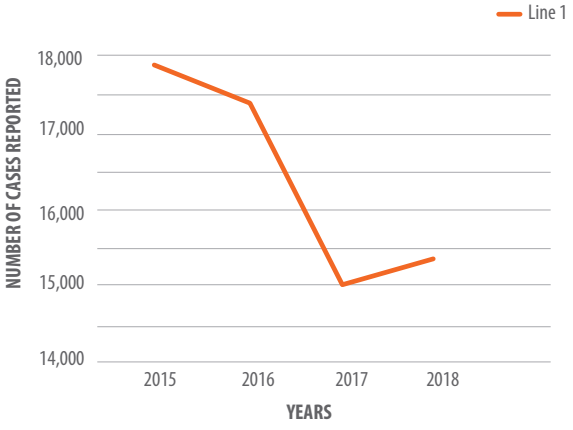
8.2 SITUATION ANALYSIS OF DEFILEMENT IN UGANDA

Despite the existence of laws and policies on defilement, statistics show that defilement of boys and girls is rampant in Uganda. According to the Uganda Violence Against Children Survey, 2018 conducted by the Ministry of Gender, Labour and Social Development, one in three girls and one in six boys experienced sexual violence, one in two of them experienced it for the first time before the age of sixteen and eight in ten of the children experienced sexual violence more than once. One in two children disclosed the sexual abuse to someone.

From the above findings, the Commission notes that girls are the major victims of defilement compared to the boys and that the children rarely disclose about being defiled because the perpetrators are closely connected to them or their family. The Police reports of 2015 to 2018 provided the following statistics regarding defilement, as shown in the graph below.

FIGURE 30:

Defilement cases reported to police between 2015 and 2018



Source: Uganda Police Crime Report 2018

300 Article 2 African Charter on the Rights and Welfare of the Child.

According to the line graph above, defilement cases decreased by 2.4% in 2016, then further decreased by 16% in the year 2017 then increased by 2.5% in 2018. The Commission stablished that defilement was one of the big problems to the Police. It was reported in the Uganda Police Force Annual Crime Report for the year 2019 that whereas there was decrease in defilement cases by 11.4% from 2018, a total of 13,682 children were defiled, majority of whom were the girl child.[301]

The 2019 Uganda Police Force Annual Crime report reveled that 13,682 cases were reported in 2019 compared to 15,366 cases in 2018, giving a 11.4% decrease. The report indicated that a total of 13,682 children were defiled in 2019, of whom, 13,441 were female juveniles and 241 were male juveniles. The report further indicated that defilements were highest in the region of East Kyoga with 945 cases, followed by Elgon with 922 cases while among the districts, Mbale registered the highest number with 317 cases, followed by Kamuli district with 274 cases.

The Office of the Director of Public Prosecutions (ODPP) reported that within a period of only seven months into the FY 2019/20, they registered over 3,184 cases of aggravated defilement contrary to Section 129 (3),(4) and simple defilement under Section 129(1).[302] Most of the accused persons were male (2,782), followed by the juvenile offenders at 310 and, lastly, the women with 92. The increase in the number of juvenile offenders was attributed to the amendment in the Penal Code Act which charges both girls and boys for the offense of child-to-child sex. In comparison with the completed FY 2018/2019 sexual offences, the DPP noted that they registered over 9,538 defilement cases. The men still led the accused persons on the chart with 8,264, followed by juvenile offenders at 1,119 and, lastly, women with 155.

TABLE 18:

Defilement cases handled by the ODPP by July 2019

	OFFENDERS		
Year	Male	Female	Juvenile
2018/2019	8,264	155	1,119
2019/2020 (July 2019 – Jan 2020)	2,782	310	92

Source: Uganda Police Force Crime Annual report 2019

8.2.1 Nature of defilement

The Commission monitored and collected data on defilement in selected districts in the country. It interfaced with a number of respondents including Police officers (at Central Police Stations), Resident State Attorneys, Probation and Social Welfare Officers and district political leadership, among others. The statistics obtained show that defilement is prevalent in almost all parts of the country. Simple defilement was the highest of the registered forms of defilement while aggravated defilement was second. Child-to-child sex was the least form of defilement registered across the country.

TABLE 19:

Victims of defilement by age group in 2019

AGE GROUP	0-8 YEARS	9-14 YEARS	15-17 YEARS	TOTAL
No. of victims	1,026	2,100	10,556	13,682

Source: Uganda Police Force Crime Annual report 2019

The Commission established that throughout the country, the age category of 15 to 17 years had the highest number of victims due to the following reasons:

a) Some cultural norms still practiced where girls who have developed breasts are considered ready for marriage.

b) It's the adoleescent age where many young girls are taken advantage of.

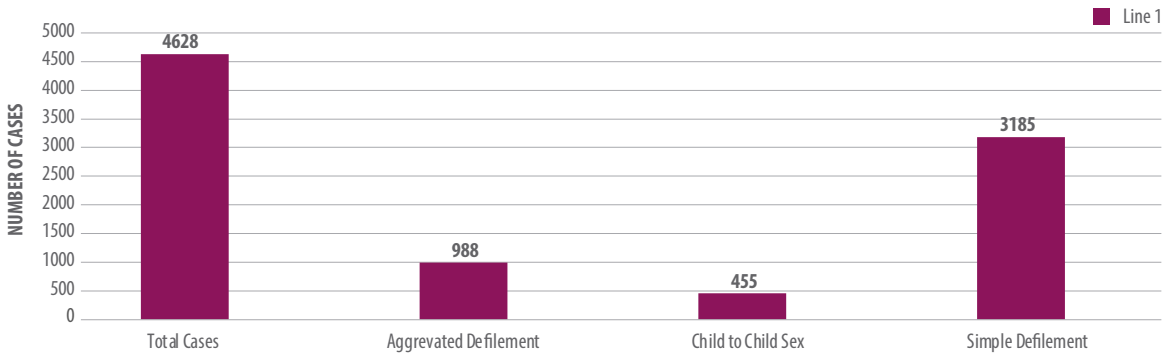
c) Some of the girls are defiled in the process of doing domestic chores especially when they are sent alone to fetch firewood and water.

The graphs below provide further disaggregated data on the forms of defilement registered in 2019 at police stations across the country.

301 https://www.upf.go.ug/wp-content/uploads/2020/04/Annual-Crime-Report-2019-Public.pdf?x45801
302 Anna Kiiza. Levels of defilement in Uganda and access to justice. Delivered at the consultative meeting held on the 29th January, 2020 at the Commission Boardroom.

FIGURE 31:

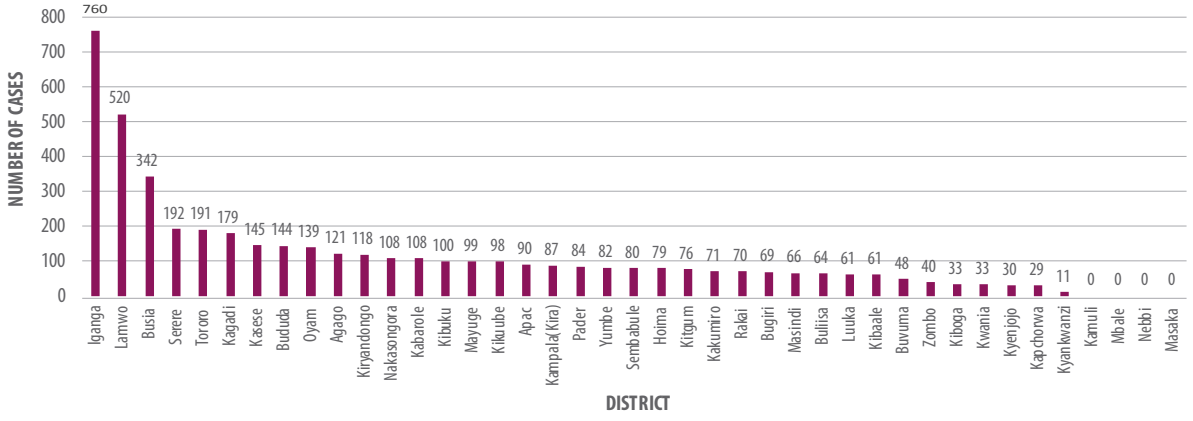
Defilement cases registered by police in 2019 in the selected districts



Overall, the total number of cases filed with police in 41 selected districts was 4,628. Majority of these, 3,185 (68.8%) cases, were categorized as simple defilement; followed by 988 (21.3%) as aggregated defilement while 455 (9.9%) were classified as child-to-child sex cases.

FIGURE 32:

Defilement cases registered per district



Iganga district had the highest number of registered cases with a total of 760, followed by Lamwo with 520 cases and Busia with 342. Regarding the districts of Kamuli, Mbale, Nebbi and Masaka, the Commission did not obtain data on defilement cases.

FIGURE 33:

Aggravated defilement cases registered by police in 2019



Iganga district registered the highest number of cases of aggravated defilement with 127 counts, followed by Busia with 97 and Kiryandongo with 72 cases. For the districts of Masaka, Nebbi, Mbale, Kamuli and Kyenjojo, the Commission did not obtain data on aggravated defilement.

FIGURE 34:

Child-to-child sex cases registered by police



Lamwo district registered the highest number of child-to-child sex defilement cases with 88 counts, followed by Serere with 43 cases. For the districts of Masaka, Nebbi, Mbale, Kamuli, Zombo, Luuka, Rakai, Kitgum and Iganga, the Commission did not obtain data on the child-to-child sex form of defilement.

FIGURE 35:

Simple defilement cases in the selected districts



Iganga district ranked highest with cases of simple defilement at 633, followed by Lamwo with 395 cases. The Commission did not obtain data on simple defilement cases in Masaka, Nebbi, Mbale and Kamuli.

8.2.2 Majority of defilement cases go unreported

The Ccommission established that many defilement cases were not reported due to various reasons. Some of the reasons respondents cited included fear of embarrassing perpetrators (depending on the person who may have committed the offence – parent or guardian), ignorance of the law, poverty of the household, corruption, the likely shame the family would suffer, delay or no justice and societal beliefs in some areas, among others. The Office Assistant at the Community Based Services Department, Lamwo, for instance, decried that defilement was so common and cases were sometimes ignored as perpetrators negotiated with victims' relatives. Given the fact that the penalty for defilement carries life imprisonment, the offenders tend to negotiate with the victims or victims' parents to settle the matter outside the court.

8.2.3 Some seasons linked to rampant cases of defilement

The Commission further established that whereas defilement of children regularly occurred within communities, school and home environs; there were seasons and situations associated with rampant cases of defilement. In Bugisu sub-region, the Commission established that the excitement and merrymaking that comes with circumcision (*Imbalu*) season is a catalyst for cases of defilement. This was linked to heavy drinking particularly in the evening and the provocative nature girls danced away during the *Kadodi* dance of that season.

In regions where there was grasshopper (*nsenene)* harvesting, defilement was found to be rampant. This was due to the fact that victims and the perpetrators stayed late in the night in the same company and, in most cases, in bushy environs, thus facilitating the commission of the vice. It was also found that during holidays and festive seasons, the vice was high because most children were free from school calendar restrictions and enjoyed a bit of freedom during holidays. In the Albertan graben region, the influx of workers in the oil and gas industry was found to be exacerbating defilement.

8.3 CAUSES/DRIVERS OF DEFILEMENT IN UGANDA

Causes and drivers of defilement vary from one community to another although there are general causes of defilement. This section looks at some of the causes and drivers of defilement.

8.3.1 Drug and substance abuse

Drud and substanceabuse is also a major cause of defilement. Defilement is usually in places where drug and substance abuse is common. After abusing drugs, the abusers' state of mind is usually affected thus making them susceptible to commission of crimes such as defilement. Almost all respondents the Commission interviewed cited drug and substance abuse as one of the leading causes of defilement.

8.3.2 Vulnerability of children

Some children also fall prey to defilement due to vulnerability. Children such as orphans who have no parents to take care of them, children living with disabilities, unaccompanied refugee minors and child victims of nodding syndrome are vulnerable and thus the possibility of them being defiled is very high. The vulnerability is occasioned by the fact that they cannot defend themselves owing to their tender age and body, they cannot report to authorities and and especially in those cases where the perpetrator is one entrusted with their care/custody. The Commission, for instance, established that out of the 139 cases of defilement registered in Oyam district in 2019, seven of the victims were children living with some form of disability.

8.3.3 Using informal means to settle defilement cases

Despite the availability of the 2010 Gender Based Violence (GBV) Act and The Penal Code, the use of informal methods of settling sexual violence cases involving children persists. Due to the stigma associated with sexual violence cases, e.g., name calling, as well as attempts to preserve the honour, respect and integrity of families, victims may be forbidden to speak out. Families may choose alternative ways of settling defilement cases, especially if the child is an adolescent. The methods adopted include receiving money from the perpetrator

as compensation for the crime committed and even negotiating for the perpetrator to marry the victim.

The commission also notes that some even though communities are aware that defilement is a crime; offenders and the parents or guardians of the victims tend to have negotiations to let offenders off the hook in return of monetary benefits, especially where the victim is pregnant. Some parents or guardians request the offenders to marry their daughter (who is a victim), thus leading to early marriages and their adverse effects. Parents don't report cases of defilement to police as they opt to settle out-of-court; in other cases, even if they report, most of them withdraw the cases. The Commission also established that in some cases, some police officers had been complicit in these illegal out-of-court settlements. On collusion between offenders and parents, the Resident State Attorney, Kyenjojo district had this to say: *"Parents report when negotiations with the perpetrator have failed and they use the court case as leverage to demand for huge sums of money from perpetrators. Once the money is paid, they don't show up in court to give evidence against the suspects".*

Furthermore, such informal cultural approaches to addressing defilement cases have a number of implications for the victim and, ultimately, the justice system if the sexual assault is followed by an arranged/negotiated marriage. For example, the victim may not be willing to testify after they have entered an arranged marriage with the perpetrator. Additionally, the Uganda Police Force may find it challenging to enforce the law if the crimes culminate in an arranged marriage. For instance, given the victim's dependence on the perpetrator as a bread winner after an arranged marriage, any attempts to arrest the perpetrator may increase the victim's vulnerability.

8.3.4 Poverty

Poor households are often forced to negotiate marriage with the perpetrators, especially in anticipation of receiving dowry or gifts such as cows and goats that would improve the family's economic situation. Indeed, the results of the 2011 Uganda Demographic and Health Survey (UDHS) show that for some women, their first sexual encounter was forced. However, when the victim ends up marrying the perpetrator, she often face lifetime negative consequences. The most at-risk are girls in the upper primary classes (P.5 to P.7).

Some are well into their teens by the time they reach sixth or seventh grade because their academic progress was delayed due to lack of school fees. This then makes them vulnerable to the advances of unscrupulous men. Some parents give out their young girls to rich men in exchange for material things. Poor households are compelled by circumstances to negotiate marriage with the perpetrators, especially in anticipation of receiving dowry or gifts such as cows and goats that would improve the family's economic situation. The OC CID at Kira Police Division and the OC CID of Kiboga CPS noted that most of the cases reported at Police were as a result of failed negotiations. The LC V Chairman, Kyegegwa district informed the Commission that some parents were using their girl children to extort money from the alleged perpetrators, including taking their property.

8.3.5 Child neglect as parents abdicate their duty of parenting

All the interviewees informed the Commission that lack of parental care, guidance and support coupled with child neglect by parents was one of the major reasons why many children were subjected to defilement. Some parents leave home early, leaving their children asleep and come back very late when the children have already gone to bed. The lack of parental care and poverty motivate some children to engage in child prostitution in order to make ends meet and thereby escalate incidences of child defilement.

8.3.6 Ignorance and illiteracy

There is a lot of ignorance and illiteracy that leads to high cases of defilement in Uganda. Majority of children who were defiled were unaware that it was a crime and that the offender could be brought to book.

Likewise, some parents and guardians of the victims were ignorant about the law on defilement, thus ended up making illegal negotiations with the offenders and protecting the offenders from the law. Illiteracy among the locals was also an issue as they lacked information about the law relating to rights of children. In Yumbe

district, for instance, the Commission was informed that most South Sudanese refugees who were found to have committed defilement were ignorant of the laws of the country that criminalize defilement. This stemmed from the fact that the two countries' (Uganda and South Sudan) legal frameworks on defilement differ.

8.3.7 Cultural practices

Some cultural practices play a big role when examining the offence of defilement in Uganda. This is so because young girls are married off, provided they have attained puberty. A man having sexual intercourse with a girl below the age of eighteen to whom he is married does so as long as such a girl is married to him according to custom. The Commission, for instance, established that some cultures such as those of the Bagishu, Itesot and Samia in Eastern Uganda, dictate that girls who attain puberty should stay in their separate huts. Puberty, as practiced in these cultures, is construed to mean adulthood, which runs contrary to the Penal Code Act especially on the definition of what constitutes simple defilement as already discussed in the introduction of this chapter.

8.3.8 Early childhood environments

The Commission was informed that young children sharing accommodation with older children of opposite sex and without supervision of adults exposed them to early sex. These accommodation challenges create a fertile ground that promotes strange behavioral patterns among members of a particular household. It is not uncommon for a family and relatives (those mainly of extended family setups) to live together in a house which does not have enough or adequate space.

8.4 HUMAN RIGHTS CONCERNS ARISING FROM DEFILEMENT

It is a known fact that when a child is sexually abused, many of his or her rights are violated. Examples include freedom from physical, emotional and psychological torture; right to health; right to privacy; right to human dignity and bodily integrity; right to development; and, in some unfortunate cases, her right to life. With exception of death, some of these human rights concerns portend permanent effects on the victims. These rights are guaranteed in many human rights instruments including the CRC, the International Covenant on Civil and Political Rights (ICCPR) and the ACHPR, all of which Uganda has ratified. In this section, the chapter looks at how the above-named rights and others are violated by defilement.

8.4.1 Deprivation of the freedom from torture

Defilement amounts to torture contrary to the Articles 24 and 44(a) of the Constitution and the Prevention and Prohibition of Torture Act, 2012. Torture means any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity.[303] Defilemen,t like torture, is used for purposes of intimidation, degradation, humiliation, discrimination, control or destruction of the child. When children are defiled, they are not only physically and emotionally tortured but they are also psychologically tortured.

303 Section 2(1) of the Prevention and Prohibition of Torture Act, 2012.

8.4.2 Deprivation of the right to health

The right to health means that everyone has the right to the highest attainable standard of physical and mental health, which includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions and a clean environment.[304] The Commission's findings revealed that defilement had implications on the health of children. The health consequences of defilement ranged from physical injury, chronic pain, disability, mental and emotional disorders like anxiety and depression to serious effects like suicide. An incident happened in Otwal sub-county, Oyam district in which a three-year-old girl was defiled by two men when her mother had gone to fetch water. The girl's uterus had to eventually be removed due to the damage caused by defilement.

The children, especially the girl child, fear to be killed through violence of their defilers. They fear or they are powerless to suggest the use of contraceptives like condoms, which increases their risk of unwanted pregnancies and contracting sexually transmitted infections including HIV/AIDS. In the long run, this has an effect on their reproductive health.

8.4.3 Deprivation of the right to education

Defilement does not only cause victims to exclude themselves from education owing to stigmatization but also results into the person's loss of self-confidence. The isolation from the community has resulted into many girl children dropping out of school. The Commission's findings revealed that defilement has had an impact on the right to education of girls mainly and they have suffered physical and psychological harm, decline in academic performance, loss of self-esteem, irritability, fear, posttraumatic stress, irregular attendance of class, school dropout, early marriages, pregnancy and infections like STDs and HIV/AIDS. In addition, it was established that some girls that dropped out of school eventually ended up in child marriages. In light of the above effects of defilement, the Speaker, Kasese district had this to say:

"It is sad that Kasese is unique because they have the youngest mother in the region, at the age 13 arising out of defilement. There are so many cases of child marriages in the district and yet the perpetrators go unpunished in most cases".

Given the interdependence and interrelatedness of human rights, the deprivation of the right to education as a result of defilement, would have a negative impact on the victims' enjoyment of other rights such as the right to life and right to health and their general wellbeing later in their adult life.

8.4.4 Social and psychological stigma

It is a well-established fact that defilement and other forms of sexual violence can amount to torture and ill-treatment. The severe physical trauma, the mental pain and suffering inflicted on victims are often exacerbated by the social stigma they faced in the communities. Social stigma is a severe social disapproval of a person on the grounds of a particular characteristic which distinguishes them from others in society; for example, mental illness or physical disability.[305] Being a victim of defilement can be a distinguishing feature and, therefore, a source of social stigma.

As a result of the social stigma, victims of defilement experience fear, shame, insecurity, self-blame, mistrust of others, inability to concentrate, social rejection and isolation, acute fear of future violence, withdrawal from social and community participation, and damage their confidence. The Commission established that survivors found it difficult to report defilement and seek help from their families and communities due to fear of shame and isolation.

8.4.5 Deprivation of the right to life

The right to life is protected by Article 22 of the Constitution of the Republic of Uganda. Some children after being defiled suffer from trauma, self-blame and suicidal tendencies which become worse when they are not given psychiatric support. The children often want to commit suicide and for the girls, when they become pregnant, they attempt to carry out abortions using rudimentary methods like herbs which put their lives at stake. Some girls have lost their lives in the attempt of aborting unwanted preg-

304 https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health Accessed on 11th February, 2020.
305 https://www.yourdictionary.com/social-stigma Accessed on 3rd March, 2020.

nancies acquired after being defiled. A case in point, in 2019, a 14-year-old girl died in Kamdini town council, Oyam district, when she sought to abort her pregnancy.

Similar findings in the recent past illustrate the dangers of adolescent pregnancies, as UNICEF noted, "although child marriage is illegal, almost half of under-18-year-old girls are married in Uganda. Frequently adolescent pregnancies are the consequence, bearing a duplication of risk of maternal mortality compared to women in their 20s".[306]

8.4.6 Lack of psychosocial support to victims

As already discussed in the preceding sections of this chapter, victims of defilement experience fear, shame, insecurity, self-blame, mistrust of others, inability to concentrate, social rejection and isolation, among others. The current efforts by the state, as the primary duty bearer, to respond to defilement cases, largely take a one-dimensional approach; and that is the prosecution of the offenders. As much as prosecution is important and should be prioritised, so should psycho-social support to the victims. With exception of some few isolated non-state actors, for example ActionAid which offers psychosocial support to victims in Northern Uganda, the Commission's monitoring of defilement did not find an elaborate state-led infrastructure to rehabilitate victims of sexual violence in all regions of the country.

8.4.7 Concerns relating access to justice

Access to justice is a basic principle of the rule of law. In the absence of access to justice, victims of human rights violations and abuses, in this case victims of defilement, would not have a recourse mechanism to have their voice heard, exercise their rights, challenge discrimination or hold duty-bearers accountable. Despite the widespread experience of sexual violence by children, only a few cases are reported to the authorities, which adversely impacts children's access to justice. Even among the reported defilement cases, a substantial proportion go unpunished. The low levels of perpetrator apprehension enable impunity, allowing perpetrators to continue harmful practices and exacerbating the sexual violence faced by children.

Access to justice is defined as the ability of people to seek and obtain a remedy through formal or informal institutions of justice for grievances in compliance with human rights standards.[307] However, access to justice by victims of defilement is encumbered by a myriad of challenges as elaborated below.

8.4.6.1 Unfavorable court environment

Testifying in court can be particularly traumatic for defilment victims. Facing the perpetrator in court and recalling horrifying and personal details of the rape forces the victims to relive the crime mentally and emotionally. As such, most defilement victims are often afraid to give testimony in open courts due to intimidation and fear. Children and other victims of sexual offences are known to suffer serious emotional distress that would render them unable to reasonably communicate if they were forced to testify in defendant's physical presence.

In addition, despite substantial capacity building by different actors, some of the duty bearers still lack the sufficient capacity to support children affected by sexual violence. For example, health workers lack expertise in examining and documenting evidence using the revised Police Form 3 and do not understand how to facilitate a survivor's access to justice. Some health workers do not record the victim's prior sexual experience, if any, although such prior sexual experience can be used in court by defence lawyers to question the survivor's "victimhood" to the detriment of the victim. Even when prior sexual experience is documented, defence lawyers can raise questions regarding previous unreported sexual violence experience. Partly as a consequence, approximately one in every four rape or defilement cases registered at the ODPP is closed due to lack of evidence.

306 Quoted in Bohret, I. (2018). Maternal Mortarity in Uganda. Available at https://www.researchgate.net/publication/330451758_Maternal_Mortality_in_Uganda Accessed on 22nd March, 2020.
307 www.usip.org

8.4.6.2 High burden of proving defilement cases in court

Just like other criminal offences, the burden placed on proving defilement cases is very high. Only a small proportion of sexual violence cases are concluded within a year approximately 5 percent every year. This is partly due to the large case backlog in courts i.e., the number of cases that have been in the court system for 2 years or more and this affects the scheduling of court cases involving sexual gender based violence (SGBV). Specifically, as of June 2018, the number backlogged cases was 31,580 or 21 percent of the cases before Courts of Law. The High Court where 62 percent of cases relate to SGBV accounted for 37 percent of all case backlogs. Furthermore, the Evidence Act especially with respect to judging defilement cases is too demanding for cases involving children given Uganda's poorly resourced criminal investigation capacity.

Specifically, the Evidence Act requires that *"the person accused shall be entitled to be acquitted of the offence with which he or she is charged if the court is satisfied that the evidence given by either the prosecution or the defence creates a reasonable doubt as to the guilt of the accused person with respect to that offence".*

This provision places a high burden of proof on the accused. Additionally, the institutions mandated to undertake investigations of defilement cases are poorly funded. For example, in some instance, the UPF has no proper storage for evidence, and it is often stored and carried in regular polythene bags. Such inappropriate storage can lead to substantial loss of evidence due to damage, including destruction by rodents. When evidence is stored in this informal manner, the likelihood that it will stand up to the demands of cross-examination in the courts particularly two or more years after the offence was committed are slim. In addition, most of the chemical analyses required for samples and evidence collected from up-country police stations for defilement cases can only be performed in Kampala, which further delays police investigations and the eventual prosecution of offenders.

8.4.6.3 Lengthy Court procedures

The average duration before criminal cases are resolved in Uganda is approximately two years; however, defilement cases can take up to five years to be resolved. Indeed, as noted above, a substantial proportion of backlogged cases relate to sexual offences involving children. The time until the case is eventually tried in the courts and the demands of cross-examination can take a heavy toll on children. Defence lawyers may want the victims to retell their story five years later the same way they told it in the original affidavit. Any minor changes to the story even after five years can raise issues regarding inconsistent testimony, questions of lying to court or not being sure, and the case can be thrown out on these grounds. In contrast, after time passes, defilement victims may not show up in court or may be unwilling to testify in court because they have moved on with their lives or overcome the trauma. Courts normally lose interest and dismiss cases due to the unavailability of witnesses.

Furthermore, due to lengthy court procedures, duty bearers such as health workers may be reluctant to appear in court. The absence of available professionals who can work with the evidence offered by victims affects the speed at which sexual violence cases are resolved. Additionally, defilement victims are often afraid to give testimony in open courts due to intimidation and fear. Because victims are reluctant to testify openly in courts, cases may also be dismissed on these grounds. Consequently, lengthy court processes affect the extent to which defilement cases are reported and pursued to achieve justice for children.

8.4.6.4 High costs of medical examination

Medical examination fees for victims and suspects discourage poor litigants from accessing justice. This is because medical officers charge fees ranging from UGX 15,000 to UGX 20,000 per victim or suspect. Some parents give up because they cannot afford to pay the money needed for filling the Police Medical Examination forms.

8.4.6.5 Inadequate funding and sparse investigative facilities

Institutions mandated to undertake investigations of defilement cases are poorly funded. As a result, in a year, approximately 5% of cases are concluded, the rest dragging on for years.[308] Most of the chemical analyses required for samples and evidence collected for defilement cases from up-country police stations, with exception of Moroto, can only be performed in Kampala, which further delays police investigations and the eventual prosecution of offenders. The situation is further compounded by poor storage facilities for exhibits. Some police facilities do not have exhibit stores, for instance Oyam CPS. This poses a challenge in preserving key pieces of evidence.

8.4.6.6 Understaffing

Irregular court sessions are largely attributed to lack of judicial officers to preside over matters; for instance, Lamwo, Amuru and Omoro Ddstricts do not have magistrates. The Directorate of Public Prosecutions, for instance, does not have a resident state attorney in Lamwo, Omoro and Nwoya districts to give advice on police files. This causes delay in criminal prosecutions. In some of the police stations visited, it was noted that there were no police surgeons and this resulted into delays in investigating defilement cases because both victims and perpetrators are not examined in time. Even where they were available, these surgeons often asked for facilitation which most of the victims could not afford.

8.4.6.7 The huge case backlog

The case backlog resulting from inadequate manpower has not spared defilement cases, most times taking not less than four years to be resolved in court. The long period of time taken to resolve these matters has effect on the responsiveness of victims and witnesses during trial. Some defilement victims (and always the majority) do not show up in court or may be unwilling to testify in court because they will have moved on with their lives or overcome the trauma. With the victim and witnesses unwilling to cooperate with courts, prosecution normally loses interest and dismisses cases due to the unavailability of witnesses.

8.4.6.7 Non-follow-up of court processes

Many people are ignorant about the court procedures; as such, they report to police and do not follow up their complaints. For instance, in Kitgum, 15 cases were dismissed by the High Court in November 2019 and 84 between October 2015 and January 2020. In Lamwo, 22 cases were dismissed out of the 420 cases taken to court in the last five years. In Pader district, four cases were dismissed while three were dismissed in Agago and four in Oyam district. The dismissal of the cases was as a result of want of prosecution or lack of substantial evidence and absence of witnesses in court, among others.

8.5 GOVERNMENT INTERVENTIONS TO ADDRESS DEFILEMENT IN THE COUNTRY

In Uganda's criminal justice system, Government has well-established institutions that handle matters of defilement, including the police, the Directorate of Public Prosecutions and the courts. The office of the Directorate of Public Prosecutions (DPP) leads the prosecution of defilement offences. This section highlights the measures in place to enhance access to justice by the victims of defilement.

One of the measures undertaken to enhance access to justice has been establishment of district and regional-based DPP offices across the country as a way of bringing services closer to the people. These offices have the capacity to review decisions made in upcountry centres without forwarding files to head office for review. This has ensured quick dispensation of justice. There has also been creation of special funding to provide sign language interpreters for victims of especially hearing impairment.

With the help of the Justice, Law and Order Sector (JLOS) and other partners, the office of the DPP has piloted special sexual and gender

308 www. anppcan.org

based violence (SGBV) sessions in response to the urgent need to counter cases of SGBV offences, advance access to justice for survivors of SGBV, improve the experience of survivors in the justice system and reduce case backlogs of cases. Special court sessions take justice closer to survivors of sexual and gender-based violence. The Commission's findings in this regard indicate that various High Court circuits across the country had at least one criminal session devoted to SGBV cases in 2019.

Efforts have also been made to establish a cordial environment through which victims can express themselves easily while narrating what they may have gone through, by acquiring anatomical dolls for use in court during prosecution of defilement cases in the High Court and Chief Magistrates' Courts. This development was informed by concerns arising out of the expressions and phrases used in court especially by advocates, which tended to pose challenges to victims of sexual violence in terms of having to explicitly mention which organ of the body was involved while defilement was being committed. Anatomical dolls simplify communication in courts regarding the narration by victims of what they may have gone through.



Officials with dolls used in the prosecution of sexual offences involving children

8.6 RECOMMENDATIONS

8.6.1 For the Government

1. The Ministry of Internal Affairs should set up regional analytical laboratories across the country to enhance their chemical analytical capacity to facilitate speedy conclusion of police investigations. Having the government analytical laboratory services in a handful of places perpetuates the delay in receiving justice by the victims of defilement.
2. The Ministry of Gender, Labour and Social Development should establish and coordinate social and self-defense skills for girls to protect themselves and be able to report abuses. This could be done with the Uganda Judo Federation and Uganda Takewonde Federation. This will enable them to develop psychosocial competencies needed to protect themselves from abuse.
3. The Ministry of Health and that of Internal Affairs should prioritise provision of free medical services to all survivor victims of defilement.
4. The Ministry of Public Service should scale up the staffing capacity of the Judiciary and the Directorate of Public Prosecutions to enable them expedite resolution of defilement cases.
5. The Ministry of Gender, Labour and Social Development should set up facilities and opportunities to rehabilitate victims of defilement through elaborate psychosocial support mechanisms.

8.6.2 For the Judiciary

1. More survivor-friendly court processes and procedures that enable victims to testify behind screens or on camera should be rolled out across the country.

For the Police

1. Private rooms/offices should be put in place where victims can go to report and tell their ordeals in privacy to enable them open up.
2. Community policing should be scaled up to change the norms which allow communities to negotiate defilement matters out of court thereby perpetuating the vice.
3. Police's Professional Standards Unit should step up the fight against corruption within their ranks to weed out corrupt elements that collude with offenders to defeat justice for victims of defilement.

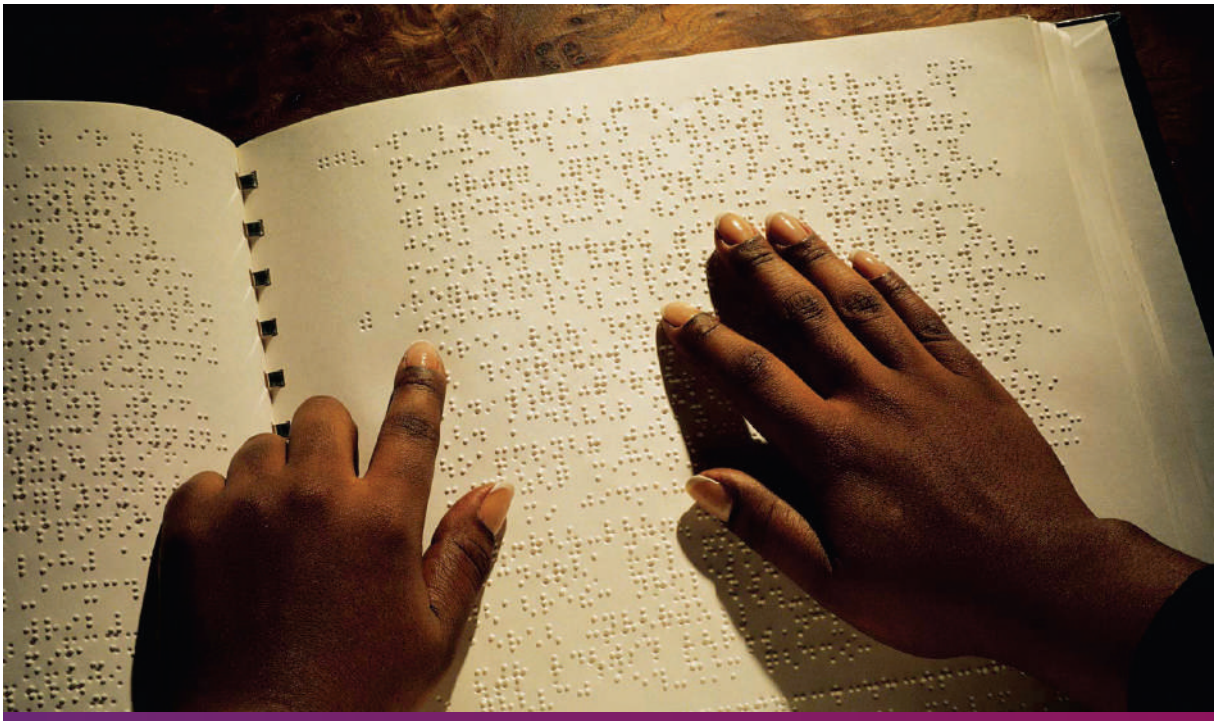
8.7 CONCLUSION

Defilement is a grave human rights concern that unfortunately continues to be rampant as this chapter has illustrated. The chapter attempted to explore some of the causes that included drug and substance abuse; vulnerability of children; offenders colluding with parents or guardians of the victim; poverty; ignorance and illiteracy; and cultural practices, among others. The chapter also looked at some of the human rights concerns and noted some of them to include deprivation of the freedom from torture; deprivation of the right to health; deprivation of the right to education; social and psychological stigma and deprivation of the right to life. A clear understanding of the causes of and the human rights concerns arising out of defilement should be able to provide the duty bearers and other actors, the requisite information to further explore more measures to address the vice of defilement.

The chapter further analyzed Government's efforts to prosecute offenders of defilement. While there is a sound legal regime to address cases of defilement, there are still structural impediments that continue to inhibit access to justice by the victims. The Judiciary is generally grappling with understaffing and huge case backlog, and defilement cases are no exception in this regard. Institutions like the Government Analytical Laboratory are still centralized with no similar structures in the countryside to expedite investigations of such cases. The consequences of such structural bottlenecks have been manifested in delayed justice and in some cases even defeating justice since the passage of time has effect on the quality of evidence adduced in court and the willingness of witnesses to testify.

Chapter 9

Right to inclusive education for children with disabilities in Uganda



9.0 INTRODUCTION

Every child has the right to education, as stipulated in the Convention on the Rights of the Child and the Constiution of Uganda (artilces 30, 34). This is a universal principle that applies to all including children with disabilities. Education is a human right and as "an indispensable means of realizing other human rights".[309] In addition, education is closely associated with access to better jobs, healthy life, social and economic security and opportunities for full participation in society and, therefore, children with disabilities whose right to education is denied are likely to remain excluded from the society if their plight is not fully addressed.

309 Article 13 of ICESCR.

Therefore, inclusive education is key and it is meant to ensure that children with disabilities benefit from education as much as non-disabled. Instead of focusing on preparing children to fit in existing schools, the new emphasis focuses on preparing schools so that they can deliberately reach out to all children irrespective of their status. This, therefore, means that education structures, systems and approaches should be as enabling as possible to meet the needs of all children. The attention, therefore, shifts to the systems that must be arranged in such a way that all children with their varied statuses are accommodated within the schooling system and ensuring that there is reasonable accommodation. To this end, children with disabilities should be provided with support and "reasonable accommodation", which means modifications and adjustments designed to ensure access to education on an equal basis with other children, which do not impose an uneven or undue burden.[310]

In 2019, the Commission monitored the right to education for children with disabilities in sampled 80 primary schools in the districts of Masindi, Busia, Kiryandongo, Kabarole, Hoima, Soroti, Kyenjonjo, Gulu, Lira, Mayunge, Arua, Koboko, Buvuma, Gomba, Mityana, Mubende, Kasese, Pader, Agago, Kyankwanzi, Kakumiro, Kibaale, Buliisa, Kukuube, Kagadi, Jinja, Iganga, Bugiri, Luuka, Tororo, Kamuli, Busia and Kibuku, Napak, Soroti, Mbale and Kapchorwa, among others. The Commission also interviewed several respondents who included Government officials, and CSOs and parents.

The Commission focused on this topic because a number of children with disabilities in Uganda still remain excluded from the realisation of their right to education especially the ones with multiple disabilities; specifically children with intellectual disabilities, mental disabilities and children with autism, among others.

9.1 INTERPRETATION OF RIGHT TO EDUCATION FOR CHILDREN WITH DISABILITIES AND GOOD PRACTICES ON INCLUSIVE EDUCATION

The CRPD stresses that inclusive education is a fundamental human right for every child with disability. An inclusive education system is one that accommodates all learners whatever their abilities or requirements, and at all levels.[311] Article 24 describes what is needed to ensure that children with disabilities are able to realise this right including the following:

Non-discrimination

Children with disabilities are required to access education without discrimination and on the basis of equality. This means the right not to be segregated, and to be provided with all the support they need. All legal, physical, communication, language, social, financial and attitudinal barriers must be removed.

Aims and benefits of inclusive education

Education should promote the full development of all the abilities and potential of children with disabilities, support them to participate fully in society, and provide them with understanding of human rights, diversity, tolerance and respect for the environment. That is one of the major reasons as to why states should be moving from special-needs schools to inclusive education.

Inclusive education is therefore about looking at the ways our schools, classrooms, programs and lessons are designed so that all children can participate and learn. Inclusion is also about finding different ways of teaching so that classrooms actively involve all children. It also

310 Article 2; and Article 24.2(c)-(d) of CRPD.
311 UNICEF. (2017). Inclusive Education: Understanding Article 24 of the Convention on the Rights of Persons with Disabilities. Available at https://www.unicef.org/eca/sites/unicef.org.eca/files/IE_summary_accessible_220917_0.pdf

means finding ways to develop friendships, relationships and mutual respect between all children, and between children and teachers in the school. Inclusive education is also way of thinking about how to be creative to make our schools a place where all children can participate. Creativity may mean teachers learning to teach in different ways or designing their lessons so that all children can be involved.

Over the years, the benefits of providing an inclusive education to all children have been shown. Inclusive education (when practiced well) is very important because:

1. All children are able to be part of their community and develop a sense of belonging and become better prepared for life in the community as children and adults.

2. It provides better opportunities for learning. Children with varying abilities are often better motivated when they learn in classes surrounded by other children.

3. The expectations of all the children are higher. Successful inclusion attempts to develop an individual's strengths and gifts.

4. It allows children to work on individual goals while being with other students their own age.

5. It encourages the involvement of parents in the education of their children and the activities of their local schools.

6. It fosters a culture of respect and belonging. It also provides the opportunity to learn about and accept individual differences.

7. It provides all children with opportunities to develop friendships with one another. Friendships provide role models and opportunities for growth

Key features of inclusive education

Generally, inclusive education will be successful if these important features and practices are followed:

a) Accepting unconditionally all children into regular classes and the life of the school.

b) Providing as much support to children, teachers and classrooms as necessary to ensure that all children can participate in their schools and classes.

c) Looking at all children at what they can do rather then what they cannot do.

d) Teachers and parents have high expectations of all children.

e) Developing education goals according to each child's abilities. This means that children do not need to have the same education goals in order to learn together in regular classes.

f) Designing schools and classes in ways that help children learn and achieve to their fullest potential (for example, by developing class time tables for allowing more individual attention for all students).

g) Having strong leadership for inclusion from school principals and other administrators.

h) Having teachers who have knowledge about different ways of teaching so that children with various abilities and strengths can learn together.

i) Having the school leadrehip, , teachers, parents and others work together to determine the most affective ways of providing a quality education in an inclusive environment.

Access to primary and secondary education

Children with disabilities should have access to inclusive, quality and free primary and secondary education in the communities where they live. This means that schools must be available; accessible; acceptable and that schools should adapt to the needs of learners with different learning requirements.



Children in an inclusive education class

Reasonable accommodation

Learners with disabilities must be provided with 'reasonable accommodation' to help them have an education on an equal basis with others. This can include adaptations or services which will help overcome discrimination in getting an education. Deciding whether an accommodation is reasonable involves an assessment of whether it is relevant and effective, in relation to how much it will cost. The type of accommodation needed must always be decided with the learner and, where appropriate, with their parents or caregivers. Accommodation includes, for example changing the location of a class; providing different forms of in-class communication; enlarging print, providing materials and or subjects in sign, or in an alternative format; providing learners with a note-taker, or a language interpreter; allowing learners to use assistive technology in learning and assessment situations; allowing a learner more time; reducing levels of background noise and ensuring sensitivity to sensory overload; and providing alternative evaluation methods or replacing an element of curriculum by an alternative element.

Good practices of inclusive education

Here are some of the countries with good practices when it comes to inclusive education and it would be good for Uganda to learn from them. In Zanzibar, an implementation grant in inclusion of learners with disabilities was received in December 2017. The main aim of the grant was to increase the number of teachers with inclusive teaching skills to meet the inclusive education standards and enhance the education system's management.[312]

In Kenya, through the Kenya Teacher Education and Professional Development (TEPD) programme, strategies have been laid to improve the quality of instruction at public teacher training colleges to better prepare trainees for classroom challenges such as learners with special needs, learners with disabilities and learners affected or infected by HIV, among others.

In Rwanda, the 2013/14-2017/2018 Education Sector Strategic Plan emphases the need to for more innovative approaches to inclusive education to improve the enrollment, progression, transition and completion rates of most vulnerable populations.[313] Specific strategies for enhancing inclusive education in Rwanda include:

- Ministry of Education updated its policy, developed a teacher's guide on inclusive and special needs education.
- A manual for teachers, including practical tools and classroom activities, was developed prior to training teachers.

The above interventions or good practices from some African countries indicate that inclusive education is very feasible in Uganda.

312 Global Partnership for Education (GPE). (2017). Zanzibar ESPIG Programme Document 2018-2021 Available at https://www.globalpartnership.org/sites/default/files/zanzibar_espig_program_document_2018_-_2021.pdf Accessed on 6th March 2020.
313 UNESCO 2017.

9.2 LEGAL FRAMEWORK

9.2.1 International legal framework

The Convention on the Rights of the Child (CRC) indicates that children with disabilities "should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community."[314] Consequently, they have the right to special care and states have an obligation to provide such children and their parents or caretakers with assistance designed to ensure effective access to education, training, healthcare, rehabilitation services and recreation opportunities, with a view to achieving the fullest possible social integration and personal development.[315]

The Covenant on Economic, Social and Cultural Rights recognizes the right of everyone to free education (free for the primary level only, and "the progressive introduction of free education" for the secondary and higher levels).

It should be noted that both the UNCRC and the ICESCR do not provide for the right to inclusive education, although Article 2 of the UNCRC mentions disability in the list of prohibited discrimination grounds and Article 23 (3) states that children with disabilities must have access to education "in a manner conducive to the child's achieving the fullest possible social integration and development".

The Convention on the Rights of Persons with Disabilities (CRPD) recognizes some rights and obligations complementary to those recognized by the CRC. In as far as education is concerned, the CRPD provides that children with disabilities should not be excluded from free and compulsory primary education, or from secondary education, by reason of their disability and should have access to "inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live."[316] Further to this is General Comment 9 issued by the Committee on the Rights of the Child (CRC), provides guidance and assistance to states parties in their implementation efforts to the realisation of the rights of children with disabilities. It specifically enjoins maximum inclusion of CWDs in society, especially in the areas of education and health.

Sustainable Development Goal (SDG) number 4 on education for all, calls on all governments to ensure inclusive and equitable quality education and promotion of lifelong learning opportunities for all. Specifically, it calls for elimination of gender disparities in education and ensuring equal access to all levels of education for the vulnerable including persons with disabilities, indigenous persons and children in vulnerable situations.

9.2.2 Regional legal framework

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR)[317] provides that everyone has a right to education. The ACHPR Resolution 364 on the Right to Education in Africa[318] further urges state parties to guarantee the full scope of the right to education including the opportunity for all children to enjoy free and compulsory primary education without distinction by progressively providing adequate financial and other resources in their education budget; ensuring equal opportunity and general accessibility, both physical and economic, for all persons to education without discrimination; the provision of high quality and appropriate educational programmes that serve the needs of all sectors of society and, in particular girls, vulnerable children such as children with disabilities.

The African Charter on the Rights and Welfare of the Child states that the education of the child shall be directed to the promotion and development of the child's personality, talents and mental and physical abilities to their fullest potential.[319] The Charter further enjoins states parties to take all appropriate measures with a view to achieving the full realisation of this right and in particular to provide free and compulsory basic education and encourage the development of secondary education in its different forms and to progressively make it free and accessible to all.

314 Convention on the Rights of the Child, Article 23.1; compare Article 13.1 of the African Charter on the Rights and Welfare of the Child.
315 Article 23.2-3 of CRC. (This right is conditioned by the availability of resources, the circumstances of the parents or caretakers and the making of an application for assistance.) Compare Article 13.2 of the African Charter on the Rights and Welfare of the Child.
316 Convention on the Rights of Persons with Disabilities, Article 24.2(a) and (b).
317 Article 17 of the African Charter on Human and Peoples' Rights.
318 ACHPR/Res. 346 (LVIII)2016.
319 Article 11 of the African Charter on the Rights and Welfare of the Child.

9.2.3 National legal and policy framework

The Constitution provides generally that "Persons with disabilities have a right to respect and human dignity and the state and society shall take appropriate measures to ensure that they realise their full mental and physical potential".[320] Article 30 of the Constitution states that all persons in Uganda have the right to education. It further states that basic education attainment is the responsibility of the state and the parents of the child.[321]

The National Objectives and Directive Principles of State Policy in regard to the right to education provides that the state shall promote free and compulsory basic education and it shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible which by implication caters for CWDs as well.[322] The Children (Amendment) Act, 2016 provides for the state to ensure that a child with disabilities or a child with special needs has access to such education suitable to address their disabilities or special needs.[323] The Education (Pre-Primary, Primary and Post-Primary) Act, 2008 makes no reference to pupils or students with disabilities, although it provides that private schools must make a commitment to providing an environment conducive for pupils with special needs.[324]

The Persons with Disabilities Act, 2019 provides for inclusive education and defines inclusive education as "a system where a learner with a disability is taught together with the other learners, in the same environment, and where, extra support is given to the learner with a disability".[325] Therefore, from the legal and policy framework discussed above, the state has the primary responsibility of ensuring inclusive and equitable quality education and promote lifelong learning opportunities for all including children with disabilities.

9.3 SITUATION ANALYSIS ON RIGHT TO EDUCATION FOR CHILDREN WITH DISABILITIES

Uganda is one of the pioneers in terms of setting the goal to achieve universal access to basic education in Sub-Saharan Africa.[326] After the introduction of the Universal Primary Education (UPE) programme in 1997, enrollment rate for primary schools increased growing from 2.5 million learners in 1996 to 8.3 million in 2015. However, children with disabilities have not yet fully benefited from UPE, especially children with multiple sclerosis,[327] epilepsy, Down syndrome, autism, dyslexia, processing disorders and bi-polar, among others.[328] The focus is normally on physical, hearing and visual disabilities and yet there are other categories of disabilities.

Children with disabilities access education in three types of schools in Uganda which are: special-needs schools, units attached to mainstream schools and all-inclusive schools that allow access to children with or without disabilities. There are currently 17 special-needs schools, 84 attached units, and 27 all-inclusive schools at primary level. However, the Government plans to phase out all special-needs schools and units to make them embrace inclusive education.[329]

According to the Ministry of Education and Sports (2017) 9,597 pupils enrolled in pre-primary schools (1.6% of total enrolment) have

320 Article 35(1).
321 Article 34(2).
322 It is by way of implication and not explicitly provided for.
323 Section 9(3).
324 Section 31(3)(g).
325 Section 6(10).
326 https://www.worldbank.org/en/news/feature/2020/02/07/education-for-all-making-education-inclusive-accessible-to-ugandas-children-with-special-needs Accessed on 24th March 2020.
327 This is a potentially disabling disease of the brain and spinal cord (central nervous system).
328 https://www.worldbank.org/en/news/feature/2020/02/07/education-for-all-making-education-inclusive-accessible-to-ugandas-children-with-special-needs Accessed on 24th March 2020.
329 As above.



Child with a disability in class

impairments.[330] The majority were children with 'mental impairment' at 28% followed by 'hearing impairments' at 25%, 'visual impairment' at 22%, 'physical impairment' at 16%, 'autism' at 5% and 'multiple disabilities like deaf and blind' at 4%.[331] There are 172,864 children with special needs in primary schools, which is 2.0% of total primary level enrollment and 9% of the overall are children with special needs. Regarding the category of impairment, hearing is at 27.2%, mental (22.7%), visual (25.8%), and physical impairments constitute 17.9%. More than half (52.6%) of the pupils with disabilities are males.[332]

Uganda has embraced inclusive education because it is a way through which children with disabilities not only have access to schooling within their own communities, but are also provided with appropriate learning opportunities to achieve their full potential. The approach of inclusion is underpinned by an understanding that all children should have equivalent and systematic learning opportunities in a wide range of school and additional educational settings, despite the differences that might exist.

However, even with the attempt to make education for all children possible including children with disabilities, there are still glaring gaps that are triggered by poor funding, limited access to assistive mobility devices, inadequate training in inclusive education, negative cultural attitudes towards disability and limited access to accessible information, among other factors. If Uganda is to achieve education that is applicable to all children, then a lot more has to be done in order to improve on the gaps.

330 https://www.worldbank.org/en/news/factsheet/2020/02/07/special-needs-education-in-uganda-sustainable-development-goal-sdg-4-concerns-quality-and-inclusive-education
331 https://www.worldbank.org/en/news/factsheet/2020/02/07/special-needs-education-in-uganda-sustainable-development-goal-sdg-4-concerns-quality-and-inclusive-education accessed on 24th MARCH 20202
332 As above.

9.3.1 Challenges children with disabilities face in the realisation of the right to education

Government has been instrumental in promoting an inclusive education for all; however, children with disabilities continue to be denied this fundamental right due to numerous barriers and obstacles to accessible education, including prejudice and discrimination; lack of qualified teachers to accommodate the needs of persons with disabilities as well as inaccessible schools and educational materials; and lack of disaggregated data and research, among others. Available evidence shows that children with disabilities are less likely to attend school, less likely to complete primary or secondary education, and less likely to be literate.[333] Below are some of the key challenges children with disabilities face in Uganda in the enjoyment of the right to education:

9.3.1.1 Low levels of attendance

School attendance rates among the school-going age population of six to 12 years was higher among the non-CWDs as compared to the CWDs. Likewise, the school-going population of CWDs had a higher likelihood of never attending school as compared to those without disabilities, affirming the former's vulnerability. The National Population and Housing Census (NPHC) 2014 recorded higher school attendance rates in urban areas compared to the rural ones. This is partly because in rural areas, some school-going children skip school and engage in household activities such as farming. Others drop out of school to indulge in early marriages and economic activities like boda boda (motorcycle) riding and bricklaying, among others. This cuts across CWDs and non-CWDs since the environments they study in are the same.

The proportion of the PWDs aged six to 12 years that had never been to school in rural areas (11%) was more than that of the urban areas (7%). Furthermore, the proportion of males who were attending school was more than that of the females, and was almost the same in urban and rural areas. The sub-regional disaggregation shows that the non-attendance rates were highest in Karamoja (53% and 57% for males and females respectively) and lowest in Kampala with four percent for both males and females. There is no data on regional attendance for children between six and 12 years.[334]

The proportion of children aged six to 12 years with multiple disabilities not attending school in rural was high at about 27 percent and this figure was higher than that in the urban areas (24%) and about 65 percent of children aged six to 12 years with multiple difficulties in Karamoja were not attending school which was the highest value.[335] According to the UBOS 2019 Disability Monograph (Persons with Disability: Bridging the Gap Through Statistics), for attendance, children with disabilities that were attending school between ages of six to 12 years were 83.1% compared to 87.1% of non-PWDs. Some 3.1% CWDs left school and for non-PWDs, 2.5% left school. Then between the ages of 13 and 18 years, 69.7% were attending, 23.0% had left school and 7.2% had never attended school.

TABLE 20:

Percentage distribution of persons 6-18 years by school attendance and disability status

	PWD			NON-PWD		
Age group	Attending	Left school	Never attended	Attending	Left school	Never attended
6-12	83.0	3.1	13.8	87.1	2.5	10.4
13-18	69.7	23.0	7.2	74.0	21.0	4.2
19-24	17.3	72.9	9.8	22.0	72.0	6.0

Source: UBOS. (2019). Persons with Disability: Bridging the Gap Through Statistics, page 17.

333 United Nations. (2018). Disability and Development Report: Realizing the Sustainable Development Goals by, for and with persons with disabilities - 2018. Available at https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/07/disability-report-chapter2.pdf Accessed on 19th March 2020.
334 Uganda Bureau of Statistics 2019, The National Population and Housing Census 2014 – National Analytical Report on persons with disabilities, Kampala, Uganda.
335 As above.

9.3.1.2 Low levels of attainment

Education attainment refers to the highest level of education a person ever attended and successfully completed. For attainment, the proportion of PWDs (31%) that have never been to school was more than twice that of non-PWDs (13%). The findings also revealed that most of the individuals that are 15 years and above had not completed primary level. See the table below;

TABLE 21:

Percentage distribution of persons 6-18 years by school attainment and disability status

	PWD			NON-PWD		
Attainment	Female	Male	Total	Female	Male	Total
None	39.2	19.2	31.1	16.6	9.4	13.2
Incomplete Primary	38.1	42.9	40.0	36.2	34.6	35.4
Primary	8.8	13.1	10.5	13.4	14.8	14.1

Source: UBOS. (2019). Persons with Disability: Bridging the Gap Through Statistics, page 23.

From the above table 31% of children with disabilities above 15 years of age had never been to school and 40% did not complete primary level. Whereas for non-PWDs, 13.2% had never been in school and 35.4% did not complete primary level.[336] In terms of sub-regions, a higher proportion of PWDs in rural areas had no education than in urban areas while Karamoja sub-region had the highest proportion who did not attain any form of education.[337]

9.3.1.3 Low levels of literacy

Literacy is the ability to identify, understand, interpret, create, communicate and compute, using printed and written materials associated with varying contexts.[338]According to the UBOS 2019 Disability Monograph, 55% of persons with disabilities were literate compared to 75% for those without disabilities.[339] In addition, 5% of the children with disabilities about 10 years had access to internet compared to 9% non-PWDs.[340] As Mr. Alex Kakooza, the Permanent Secretary, Ministry of Education and Sports, put it, *"Some parents are not able to enroll their children in schools especially the severely disabled; therefore, some are unable to read or write."*

9.3.1.4 Gaps in the legal framework

One requirement by the CRPD is that states should ensure that they provide information, services and support to the families of children with disabilities, so as to prevent the concealment, abandonment, neglect or segregation of such children. Even though the Persons With Disabilities Act, 2019 recognizes the right of parents of children with disabilities to assistance, it does not specifically authorize outreach designed to prevent the concealment, abandonment, neglect or segregation of children with disabilities. The Commission notes that such concealment and neglect affect their rights and the right to inclusive education.

9.3.1.5 Negative attitudes towards children with disabilities

Negative attitudes towards CWDs by parents, teachers and their fellow colleagues or peers have affected the retention of CWDs in schools. CWDs are presumed to be incapable, of low intelligence and slow in keeping up the pace with others. Thus many end up dropping out of school or never attending school. The Commission was unable to get actual statistics in regard to negative attitudes towards children with disabilities. However, from the Commission's findings, it was noted that at St. Paul Kongole in

336 Uganda Bureau of Statistics. (2019). The National Population and Housing Census 2014 – National Analytical Report on persons with disabilities.
337 Uganda Bureau of Statistics. (2019). The National Population and Housing Census 2014 – National Analytical Report on persons with disabilities.
338 UNESCO definition.
339 Uganda Bureau of Statistics. (2019). The National Population and Housing Census 2014 – National Analytical Report on persons with disabilities.
340 As above.

Napak district, there were 12 (six boys and six girls) children with disabilities who had dropped out of school due to lack of support from their parents, relatives and or guardians. The parents allegedly had a negative attitude towards children with disabilities.[341]

In Buvuma, Gomba, Mityana and Mubende districts, the respondents said that children with disabilities were at high risk of dropping out of school as compared to other children because of stigmatization at school by fellow pupils and neglect by parents. In the aforementioned districts, there was a general outcry that majority of the parents had ignored and neglected their children because of the different nature of disabilities suffered by these children. It was established that most parents viewed these children as outcasts, burden and a curse to the family while others looked at them as bad omen.

In Gomba district specifically, there were reported cases of neglect and concealment of children with disabilities. That some parents hid, tortured and locked up their children in a house. It was reported that a child with disability was neglected and concealed by her parents. She was later rescued by the district officials but, unfortunately, passed on.[342]

9.3.1.6 Lack of specialized teachers

Government has not trained sufficient special-needs teachers, including teachers with disabilities, who are qualified in occupational therapy, speech therapy, psychosocial therapy, sign language and or braille. Government has not trained enough professionals and staff who work at all levels of education. Such training should incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

As Dr. Pamela Nizeyimana of the Department of Special Needs and Inclusive Education, Ministry of Education and Sports *noted, "The greatest challenge is inadequate personnel with skills to teach children with disabilities, especially sign language and braille"*.[343]

In addition, in an interview with the Senior Education Officer of Kibaale district, he noted that the inclusive education for CWDs had gaps due to the fact that the district lacks adequate teachers specialized in special needs.[344] M. A., a parent, noted that *"Many good specialized teachers are in private special-needs schools but they are very expensive for an ordinary person".*



A visually impaired teacher teaching a visually impaired child. ©Uganda Society for Disabled Children(USDC.)

9.3.1.7 Curriculum not friendly for children with disabilities

The curriculum should fit the needs of children with disabilities. The teaching style should also be appropriate and it is important to teach subjects at a leaner's cognitive level; this will greatly improve comprehension.

Under the CRPD, state parties are required to ensure that effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.[345] The Convention also provides for reasonable accommodation of the individual's requirements[346] and ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate

341 Interview with the authorities of the school.
342 Interviews with community members in Gomba district.
343 During the Inter-ministerial Forum held on 17th March 2020 at Imperial Royale Hotel, Kampala.
344 The Commission interview with Senior Education Officer of Kibaale District.
345 Article 24 (2) e) of the CRPD.
346 Article 24(2)c).

languages and modes and means of communication for the individual, and in environments which maximize academic and social development.[347]

According to the Ministry of Education and Sports, the curriculum in Uganda entails the syllabus, textbooks (for learners and teachers) and teachers who are specialized and qualified to teach, among others. However, it is not disability-friendly and some categories of disabilities would be left behind including the deaf-blind, those with multiple disabilities and the ones with mental disabilities.[348]

One parent said, *"The curriculum is so rigid; breaking it down for children with disabilities is so hard that most of the children get bored with school and end up dropping out of school".*[349]

However, the Government did adaptation of curriculum material into braille and adaptation of materials into digitalized accessible formats in only 20 inclusive schools. (Dr. Pamela Nizeyimana promised to get us the names of these schools). The digitalized accessible formats are used by the blind children, those with low vision and the deaf by use of sign language through videography.[350]

In regard to teachers, according to the Commission findings, most of the schools had one or two teachers in the ordinary schools and three to five teachers in special-needs schools who had specialties in special-needs education with some teachers possessing qualifications at certificate, diploma and or degree level.

Some DEOs in most districts interviewed intimated that it is only when multiple disabilities are detected that children are taken to special-needs schools; otherwise, Government is expected to provide an enabling environment for all children to thrive irrespective of whether they are disabled or not both academically and through extracurricular activities. The Government too has an obligation of ensuring that the curriculum is disability-friendly. In addition, not all categories of children with disabilities are accepted in all schools due to inadequate capacity and skill to handle them.

The Head Teacher, Kinyinya School of the Deaf noted, *"Initially, we would receive children with multiple disabilities including the blind, the deaf, children with autism and Down syndrome; however, we stopped because children were getting accidents due the poor landscape".* She further noted, *"A child with autism once fell in a well when trying to fetch water because of the bad landscape; therefore, we stopped admitting children with other disabilities and now only consider admissions for the deaf."*

9.3.1.8 Absence of a mechanism for formal identification of CWDs and lack of data

There is lack of national-level guidance around the formal identification of CWDs by type in great detail that has relevance for educational provision, and that would enable schools to target inclusion effectively. According to the USDC research on best practices for inclusive education, schools were assessed and out of the 33 responses from inspectors of schools, 25 (76%) felt that schools could not accurately identify different disability types.

The Commission also notes that there is or was a challenge of updated disaggregated data on the number of children with disabilities basing on all the categories of disabilities including epilepsy, Down syndrome, and autism in schools. The Commission notes that without disaggregated data on children with disabilities, Government is not able to develop targeted interventions for children with disabilities. One respondent, a teacher at Nyaliro Primary School in Koboko district, said:-
"While it may be easy for a trained teacher on special needs to easily identify a special-needs child, some of us without any form of training really find it hard to easily identify a child with a special need. Most times these children are admitted and it's about P.2 or P.3 that you discover that they have a challenge. I personally think every teacher should have some kind of basic training on how to administer attention to special-needs children".

347 Article 3(c) of the CRPD.
348 Interview with an official from Ministry of Education and Sports.
349 Interview with a parent of a child with disability aged 12 years.
350 Dr. Pamela Nizeyimana, Department of Special Needs and Inclusive Education, Ministry of Education and Sports.

9.3.1.9 Limited accessibility to school facilities

In as much as MoES has put in place a policy to ensure that schools have infrastructure with ramps for easy access by all including CWDs, some of the schools visited were not conducive for children with disabilities; for example, some of them had no ramps, and no pathways for wheelchaired pupils, among others.

In addition, in many schools the physical infrastructure was not conducive for children with disabilities mostly for the old school structures that have never been upgraded to the required standard which makes the schooling environment inconvenient for children with disabilities. As a result, this contravenes Uganda's obligation of promoting the right to education and thereby falling short of the requirements that education for CWDs should be acceptable and accessible; it becomes a further violation of the right to education. For example, at Sir Apollo Kaggwa Primary School, Nakasero, the classroom blocks were storied, going up to four floors but there is no provision for ramps to cater for learners with disabilities. In addition, not all toilets in schools monitored by the Commission were disability-friendly. For instance, at Gulu Prison Primary School, the school lacked specialized toilets for children with disabilities.



One of the talking compounds installed in Kimbugu Primary School, Kabarole district

9.3.1.10 High cost of specialized materials and assistive devices

The Commission established that specialized materials and assistive devices are very expensive and individual families in Uganda cannot afford them. Government too cannot adequately provide all that is required by schools for children with special needs; for instance, buying all the required wheelchairs and braille materials to suit the special learning of visually impaired children. Such situation has directly discriminated against CWDs and prejudiced or limited their right to fully attain education. For example, in 2019 the MoES only procured and distributed in schools 350 cartons of braille paper, 250 sign language dictionaries, five braille embossers and computers, and 28 Perkins braille machines.

In an interview with Ms. Grace Akao of Ojwina Primary School, she noted that the stationery for braille is very expensive and most schools lack funding to buy the same; a ream of braille paper costs about UGX 250,000.

9.4 GOVERNMENTS INTERVENTIONS IN REGARD TO RIGHT TO EDUCATION FOR CHILDREN WITH DISABILTIES

The Commission recognizes that the Ministry of Education and Sports made progress towards ensuring inclusive education for children with disabilities. The following are worth noting:

9.4.1 National Learning Needs Identification Tool and Resource Guide

In 2019, the Ministry of Education and Sports developed a National Learning Needs Identification Tool and Resource Guide with21 categories of children with disabilities like hearing impairment, intellectual disability, physical disability, autism, Down syndrome, spinal bina-fida and hydrocephalus, deafblind, albinism, little person, psychsocial and behavior disorder, communi-

cation difficult (speech and language difficulties) and attention-deficit hyperactive disorder, among others. The tool, which is currently been disseminated, will support early identification of children with disabilities and also provide guidance to teachers on how to teach the children.

9.4.2 Draft National Inclusive Education Policy

The Ministry of Education and Sports is developing a National Inclusive Education Policy; it has gone through relevant stakeholder consultation processes and is pending approval by the ministry. The idea for transition from segregated to inclusive education has been provided for and the Ministry of Education and Sports is implementing a Twin Track Approach.

9.4.3 Disability-friendly architectural drawings

All the architectural drawings in the Ministry of Education and Sports have provision for inclusive facilities; therefore, all newly constructed schools have provided for ramps, accessible toilets and accessible facilities in all institutions of learning including universities. In addition, the ministry is renovating primary schools to ensure that they are accessible to all.



A newly constructed classroom block with a ramp at Katuugo Public Primary School, Kyankwanzi district

9.4.4 Supply of hearing devices

In 2019, the Government, with support from UNICEF, entered into a partnership with the Starkey Foundation to carry out a countrywide assessment of learners with hearing impairments and was able to supply hearing devices to 1,554 pupils from 296 primary schools in 79 districts across Uganda.

9.4.5 Involvement in co-curricular activities for children with disabilities

In most of the schools visited, children with disabilities are involved in co-curricular activities such as sports (athletics, football), music, dance and drama and they were reported to be very good and actually better than the other children in such activities. The Head Teacher of Kinyinya School for the Deaf noted, *"We are in high spirits right now because one of our pupils won a gold medal during the national competitions and this has surely been pride for the whole of Kyegegwa district".* In Lira district, Nancy School of the Deaf had won several trophies during national deaf tournament competitions and in Kyenjojo district, a deaf girl won a bronze medal in the national competitions.





Children with disabilities of Nancy School for the Deaf in Lira participated in a national deaf tournament and they were awarded the above trophies and certificate



A girl with hearing impairment running hurdles in the Gulu Municipal interschool primary 'track and field' games at St Mauritz Obiya Primary in 2019

9.4.6 Contribution of non-state actors



Monica Ude is a child with visual impairment at Kamurasi Demonstration Primary School ©UNICEF Uganda/2019/Adriko

Non-state actors that are contributing towards inclusive education include Save the Children, NUDIPU, CRANE, Sight Savers, Sense International, Cheshire Services Uganda and Uganda Society for Disabled Children. For instance, the Ministry of Education and Sports worked with UNICEF to implement an adaptive technology programme for children with disabilities to access curriculum materials using digitalized technology. At Kamurasi Demonstration Primary School, UNICEF provided two computers, a victor reader (the mobile phone look-alike device used to record lessons and to access audio books, so pupils can revise on their own), and a Mobi-Station (the imposing black box that includes a projector, laptop and speaker). Solar power was also installed to charge the computers and provide lighting.[351] Monica Ude, a pupil of Kamurasi Demonstration who has visual impairment said, *"I have improved a lot since the introduction of these devices. I can listen to lessons later during my revision time."*

Save the Children supported the Regulatory Impact Assessment which is a requirement for justification for the development of a National Inclusive Education Policy. Whereas NUDIPU supported the Ministry of Education and Sports to organise a consultative meeting with persons with disabilities on the development of the National Education Inclusive Policy. Sense International has supported the Ministry of Education and Sports to pilot the use of orbit reader 2.0 where children with disabilities can access reading materials and training teachers in tactile sign language for deaf-blind children. Furthermore, in-service programmes for training teachers in inclusive education were done with support from CRANE, Sight Savers, and Cheshire Services Uganda.

351 Juujko, D. (2019). Assistive devices improve learning for children with hearing and visual impairments in Uganda: "Can you give us more devices and computers?" Available at https://www.unicef.org/uganda/stories/assistive-devices-improve-learning-children-hearing-and-visual-impairments-uganda Accessed on 24th March 2019.

9.5 RECOMMEDATIONS

1. The Governmentshould speed up the adoption of the National Inclusive Education Policy and development of its guidelines for implementation.
2. The Ministry of Finance, Planning and Economic Development should increase financing for inclusive education.
3. Inclusive education should be considered as an independent and examinable discipline in the primary teacher education curriculum.
4. *Early Childhood Development* (ECD) teacher training institutions should provide basic Special Needs and Inclusive Education (SNIE) skills to teacher trainees for enhancement of their capacity to teach children with disabilities and other special learning needs. They should also be trained in sign language.
5. The Uganda Law Reform Commission should review the Persons with Disabilities Act to criminalize the concealment, abandonment, neglect or segregation of children with disabilities and also provide for the Government to support information, awareness and support activities designed to prevent the concealment, abandonment, neglect or segregation of children with disabilities by their parents.

9.6 CONCLUSION

The Government has made efforts to ensure that children with disabilities enjoy their right to education but many children, especially those with multiple disabilities, are left behind. The Commission calls upon the Government to ensure inclusive education for all with special focus on children with disabilities.

Chapter 10

Emerging human rights issues in Uganda in 2019



10.0 GENERAL INTRODUCTION

This chapter covers some of the key human rights concerns in 2019 that had significant implications for the human rights situation in Uganda. The issues were picked from complaints of human rights violations, media reports, research findings from stakeholders and whistle blowers. Even though the Commission may not have been in position to do a comprehensive study of these emerging human rights issues right then, it has flagged them for the attention and follow-up by the responsible authorities. The concerns that the emerging issues raised are highlighted against human rights standards provided for in national, regional and international instruments that Uganda is party to.

The Commission's red flag on the emerging issues is aimed at getting the attention of concerned authorities to take them up and appropriately address the documented human rights implications. The specific emerging human rights issues that were focused on in 2019 include safe houses and their human rights implications; illegal possession and use of firearms by private agencies; acid attacks and their human rights implications; mercy killing of CWDs in selected districts in Uganda; scarcity of blood in government hospitals; as well as disasters and threats and their human rights implications.

10.1 SAFE HOUSES AND THE HUMAN RIGHTS CONCERNS IN 2019

10.1.1 Introduction

A safe house is a secret location, used by spies or criminals in hiding[352]. In a generic sense, it is a secret place for sanctuary or a place suitable to hide persons from the law, hostile actors or actions, or from retribution, threats or perceived danger.[353] It may also be a place where one may engage in secret activities or take refuge.[354]

Safe houses can also be described as hideaways, hideouts, hidey-holes, asylums, cloisters, havens, hermitages, hiding places, protection and refuge as the Dictionary of Synonyms indicates. A safe house can, therefore, be one of many things: a home of a friend who willingly supports and sympathises with whatever covert activities you might undertake; the home of someone who can be bribed, tricked, blackmailed or forced into offering their home for refuge; or a home, apartment, hotel room, business or other location for rent.

Usually, safe houses are used defensively or offensively. A defensive safe house is one that hides people and keeps them safe from investigation, capture or surveillance, while an offensive safe house, on the other hand, would serve as a place for people to conduct covert operations. Of course, regardless of the reasons for using a safe house, keeping the location and any activities within or without the house secret is the most important part. Once a secret location is no longer secret, the person in hiding must pick up and find another safe house or risk detection and arrest.

In Uganda, the term 'safe house' has been synonymous with enforced disappearance; arbitrary, incommunicado or secret detention; or detention in unofficial places; and acts of torture. Whatever the case, the aim of such detention facilities has often been the unlawful deprivation of liberty to facilitate torture and escape accountability.

On the other hand, safe houses in Uganda have also been used for the protection of whistle-blowers or assets of the state. Whistle-blowers or 'assets' are persons that are given safe custody against retribution and reprisals by sections of the public.

Deprivation of liberty places individuals in a situation where they are vulnerable to human rights violations like ill-treatment and torture.[355] Some forms of deprivation of liberty such as secret detention and enforced disappearance are arbitrary and prohibited under international law. The right to personal liberty and security is thus a fundamental safeguard against torture and ill-treatment and without an efficient guarantee of this right, the protection of the individual's rights is weakened and may become illusory.

In 2019, the detention of suspects in safe houses became a concern not only for the Commission but also the general public and the Parliament of Uganda. The media was awash with reports of suspects that had been allegedly detained in safe houses. Consequently, many Human Rights Defenders including the Commission and the Parliament came out strongly to condemn detention of suspects in safe houses. The Commission commends Parliament for the interventions made to ensure that people were not detained in safe houses in Uganda. The Commission focused on this issue and is flagging it because of the serious negative human rights implications that it had; particularly torture and deprivation of personal liberty.

352 The Oxford English Dictionary.
353 The Oxford English Dictionary.
354 Merriam-Webster Dictionary.
355 UN. (2013). Doc. A/68/261: Human rights in the administration of justice: Analysis of the international legal and institutional framework for the protection of all persons deprived of their liberty. Report of the Secretary-General to the UN General Assembly, 22nd July 2013. Available at https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Documents/A-68-261-ENG.pdf

10.1.2 Legal framework

10.1.2.1 International legal framework

Under international law, everyone has the right to personal liberty and security, and no one should be subjected to arbitrary arrest[356] or detention.[357] Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR),[358] stipulates that "*Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*[359]

The prohibition of arbitrary arrest and detention applies to police custody, remand detention, imprisonment, administrative detention, as well as being involuntarily transported.[360] In other words, it also applies to contexts of holding of minors, the mentally ill, alcohol or drug users or vagrants.[361] The International Convention for The Protection of All Persons from Enforced Disappearance defines 'enforced disappearance' as: *"the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."*[362] Uganda signed the Convention on 6th February, 2007 but has not not ratified it yet. Rule 111(2) of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) provides for a right to a fair and public hearing for suspects.

10.1.2.2 Regional legal framework

The African Charter on Human and Peoples' Rights stipulates that every individual shall be equal before the law and shall be entitled to equal protection of the law.[363] It also states that human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person and no one may be arbitrarily deprived of this right.[364] It further provides that every individual shall have the right to liberty and to the security of his or her person. No one may be deprived of his freedom except for reasons and conditions laid down by law. In a nutshell, no one should be arbitrarily arrested or detained.[365]

The Charter states that every individual shall have the right to have his/her cause heard. This comprises the right to appeal to competent national organs against acts that violate fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force. The individual also has the right to be presumed innocent until proved guilty by a competent court or tribunal, among others.[366] In addition, the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines) provide for the 48-hour rule and also provide for separation of pre-trial inmates from convicted prisoners.

10.1.2.3 National legal and policy framework

The Constitution provides for the right to personal liberty.[367] It provides that "*no person shall be deprived of personal liberty"* except for certain cases such as the execution of a sentence or a court order; preventing the spread of an infectious or contagious disease; the case of a person of unsound mind; and for purposes of preventing unlawful entry into the country,

356 The terms 'arrest' and 'detention' are to be interpreted in a broad manner. According to the Human Rights Committee, the term 'arrest' refers to any apprehension of a person that commences a deprivation of liberty. It need not involve a formal arrest as defined under domestic law. cf. GC 8, para. 13.
357 The term 'detention', refers to the deprivation of liberty, regardless of whether this follows from an arrest, conviction, kidnapping or some other act, cf. Nowak, CCPR Commentary, p. 221, para. 20.
358 Articles 9(1), 9(3), 14(2),)14(30)c)
359 UN Doc. A/43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Article 10, 9th December, 1988.
360 UN Doc. CCPR/C/GC/35, Human Rights Committee, General Comment no. 35 regarding Article 9 (Liberty and security of person), 16 December 2014, para. 5.
361 Nowak, M. (2005). *UN International Covenant on Civil and Political Rights: Nowak's CCPR Commentary*, 2nd rev. edition, 2005, p. 220-21, para. 20.
362 UN Doc. A/61/177 of 20 December 2006, Article 2 of the Convention on Enforced Disappearances.
363 Article 3.1 of the African Charter on Human and Peoples' Rights.
364 Article 4 of the African Charter on Human and Peoples' Rights.
365 Article 6 of the African Charter on Human and Peoples' Rights.
366 Article 7 of the African Charter on Human and Peoples' Rights.
367 Provisions are similar to the International Covenant on Civil and Political Rights, article 9(1) and the African Charter, articles 6 and 7.

among others.[368] It should be noted that a person arrested under Ugandan law has the following rights:

- To be kept in a place authorised by law;[369]
- To be informed in a language they understand the reasons for the arrest, restriction or detention and of their right to a lawyer of their choice; and
- To be brought to court as soon as possible but not later than 48 hours.

In addition, the Constitution gives the mandate to detain a suspect to police, who within 48 hours must be transferred to the jurisdiction of the court to be charged or released.

10.1.3 Situation analysis of safe houses in Uganda in 2019

Incidents of incommunicado detention of suspects in un-gazetted places of detention or safe houses, is a common pattern of conduct by law enforcement and military agencies in many countries. Such illegal detention often includes acts of hiding the identities of detaining officers; acting without search or arrest warrants; refusal to let the suspects contact families, lawyers, or anyone else; isolation of the suspects; hiding the identity and location of the detention places; blindfolding of suspects; statements by interrogators having no recourse; suspects being powerless as arresting officers become all-powerful; and the ability to punish suspects in the future, including prolonging detention.

These practices, coupled with torture and ill-treatment are often designed to extract confessions for use in intelligence and sometimes for prosecution as well as to discourage suspects from persisting in the alleged illegal activities. In many of these cases, the most successful recourse available to suspects detained illegally or incommunicado is for relatives, friends or associates to apply for a writ / summons of *habeas corpus* from the High Court. By directing the detaining agency to show cause why the suspect should not be released, such writs or summons typically result in the filing of charges for treason or terrorism triggering a 360-day detention period (remand) and transfer of the suspect to prison. A writ or summon may end torture or prevent summary execution, but seldom results in release. It is also accessible only to those with resources to pay an attorney.

In 2019, cases of alleged detention of suspects in safe houses in Uganda were reported in the print and electronic media; raised by the Parliamentary Committee on Human Rights and by members of the public. It was alleged that security agents took suspects to unacknowledged and un-gazetted (not published in the official gazette) places of detention called 'safe houses' and tortured them.

The suspects that appeared in the media and those that appeared before the Parliamentary Committee on Human Rights alleged that they were arbitrarily arrested, detained and tortured by security operatives in various safe houses around Uganda. They further alleged that while they were being held in safe houses, their relatives had no idea of their whereabouts. That they were only released after their relatives, friends or associates had applied for a writ of *habeas corpus* before the High Court.

As previously reported in the Commission's 8th and 9th annual reports, senior UPDF officials again admitted to the Commission in 2019, to the existence of safe houses in Uganda, but claimed that they were not used for torture. They insisted they were places to detain hardcore suspects so as to prevent them from interacting with petty offenders. In 2019, when the Commission visited the alleged safe houses and interviewed the concerned security and intelligence officers, they argued that any functioning state must run safe houses to deal with complex security threats.[370] The officials of the Chieftaincy of Military Intelligence (CMI) and the Internal Security Organisation (ISO) interviewed by the Commission said the people they detained in safe houses were whistle-blowers kept for purposes of their own protection by virtue of the highly sensitive information that they had.[371]

368 Constitution of the Republic of Uganda, Article 23.
369 Constitution of the Republic of Uganda, Article 23(2).
370 Interactions with senior officials in ISO and CMI.
371 As above.

10.1.4 The commission's interventions

The Commission carried out on-spot field visits to alleged safe houses in the country as alleged by the victims. These were at Kyengera Base I, Zana Base III, Kisaasi-Kyanja, Nkokonjeru and Lwamayuba in Kalangala Islands. It was established that some of the safe houses that had previously been functional were closed in November 2019. The few functional safe houses which the Commission visited had whistle-blowers and no one had been held there incommunicado.

The Commission was informed that the whistle-blowers were being given safe custody against retribution and reprisals by sections of the public. Some of the whistle-blowers that the Commission interviewed in these facilities indicated categorically and clearly that they felt safer in these facilities and were there for their own protection. This is because the majority were former criminals that had turned away from criminality and provided information to security forces about other criminals and their operations. The Commission findings from the safe houses visited are summarised here below:

10.1.4.1 The Commission visits to the reported safe houses

a) Kyengera Base I

The Commission established that this safe house had long been closed and was not functioning. The Commission was not able to enter in the house as it had reportedly been locked by the landlord and was, therefore, no-longer a property of ISO. Some ladies in one of the neighbouring houses voluntarily informed the Commission that the security people who had been using the house had left in 2019, and the house was now under the care of the landlord.

b) Zana Base III

At Zana Base III, the Commission inspected the facility which was very clean and well-kept. Two women and four men were found at the facility and the Commission interviewed three of them. They extensively informed the Commission that they were not detainees but whistle-blowers who were being kept in the facility for their own security. They informed the Commission that keeping them at the facility was a mutual agreement between them and ISO. They said they were confident that at the right time, they would be allowed and assisted to leave and that the Government was evaluating the threat against them and their own vulnerability. One of the six who were interviewed, told the Commission: *"I do not want to go home because I am not safe outside there. I have a family and relatives but I cannot stay with them for now. I gave government very sensitive information as a person that witnessed a crime …… Therefore, I have fears that if I go out, the people I reported will kill me".* Another witness said: *"I want to go home and be with my husband but I fear for my life because I am a key witness in one of the murder cases involving a prominent person in the country"* .

c) Kyengera Base II

The Commission returned to Kyengera to follow the leads that had emerged in the media and in Parliament on the presence of another safe house in Kyengera. However, the long search and inquires among the residents of Kyengera were futile. The Commission did not locate any other safe house but instead was directed back to Kyengera Base I which the team had earlier been to as indicated above. This confirmed the information from the ISO personnel that there was no other safe house facility in Kyengera.

d) Kikaaya Base II

The search for another safe house allegedly located in Kisaasi, Kyanja called Kikaaya Base II was equally fruitless. The information that the Commission obtained tallied with the responses from ISO personnel indicating that there was no such facility in the area.

e) Lwamayuba, Kalangala district

The Commission travelled to Lwamayuba Island, Kalangala district to a facility where nine people were found but not under detention. The island, which was a military base, had a makeshift shelter made of iron sheets in which only three people were sleeping. The Commission's interaction with some of them revealed that they were whistle-blowers and were not from the surrounding fishing community. The said people stated categorically, in various interviews, that all the nine men were whistle-blowers under safe custody because their lives were in danger and they could not venture outside that protection.

One of the people interviewed by the Commission at the facility stressed that he felt secure since some people wanted him dead following the information he shared with the intelligence authorities. He informed the Commission that as a reformed criminal, he strongly believed it was important for government to have a facility where hardened and hard-core criminals could be rehabilitated and trained out of criminality. He believed this was the only way to change former criminals from criminality.



Inside a safe house in Kalangala. ©UHRC

f) Buikwe district

The Commission also visited Nkokonjeru in Buikwe district in search of an alleged safe house. However, none of the persons interacted with had any idea about the existence of such a facility. Both the RDC and DISO had also informed the Commission that the allegations of a safe house in Buikwe district were false.

10.1.4.2 Complaints handled by the Commission

The Commission did not receive any complaints in 2019 in respect to arbitrary arrests and detentions of persons in safe houses. However, there were numerous reports in the media and in Parliament regarding missing persons, torture, arbitrary detention and illegal detention of persons in safe houses. Most of the persons that claimed to have been detained in safe houses said they were held mainly on allegations of serious crimes such as illegal possession of firearms, treason and terrorism, among others.

10.1.5 Human rights concerns over detention of people in safe houses

10.1.5.1 Arbitrary arrest

It has been argued that "human rights enjoy prima facie, presumptive inviolability, and will often 'trump' other public goods."[372] Even though the Constitution of Uganda does not make the right to personal liberty absolute, any limitation of this right has to be lawful, necessary, reasonable, acceptable and proportional to the threat. Persons should be deprived of liberty only in exceptional circumstances in accordance with procedures established by law.[373] The right to personal liberty requires that the state's legislature defines precisely the cases in which deprivation of liberty is permissible and the procedure to be applied.[374] Enforcement officers are obliged to ensure that any deprivation of liberty conforms strictly to the law, and is not arbitrary. Therefore, arresting and detaining a person in a safe house is tantamount to arbitrary arrest and contravenes human rights standards.

The alleged illegal arrests and detention of suspects in ungazetted or unknown places of detention without trial if proved, violates the right to liberty. In the case of *Omar Awadh Omar and 10 others V Attorney General, Constitutional Petition Nos. 55 & 56 of 2011,* detention beyond 48 hours was referred to as illegal. The court held that when a person is arrested by police, he or she has a right to be granted police bond within 48 hours. If police bond is not granted, the suspect has the right to apply for bail before a magistrate within 24 hours as provided for by Section 23 (5) of the Police Act Cap 303. The Constitution guarantees that all suspects, regardless of offence, are entitled to apply to the court for bail, which the court may grant where it is reasonable.[375]

Even though some of the suspects that claimed to have been detained in safe houses had alleged that they had been held beyond three months, no suspects were held there when the Commission visited the alleged safe houses.

372 Louis Henkin wrote in his 1990 book *The Age of Rights.*
373 ICCPR, Article 9(1).
374 Manfred Nowak, UN Covenant on Civil and Political Rights, CCPR Commentary, 2005, p. 211-12, para. 2.
375 Justice delayed is justice denied Foundation for Human Rights Initiative (FHRI) pg 11

10.1.5.2 Enforced disappearances

Even though Uganda has not ratified the International Convention for The Protection of All Persons from Enforced Disappearance (ICPPED), detention of persons in unofficial places is still unlawful under the Constitution. The right to be detained in a gazetted place implicitly carries with it a series of safeguards including the right to notify one's family of the detention, the right of access to a lawyer, and the right to take proceedings before a court in order to decide on the lawfulness of the detention.[376]

One particular safeguard is the obligation of the state to compile and maintain up-to-date registers of persons deprived of liberty.[377] The prohibition of enforced disappearance entails that no one may be held in a secret detention place, where they are placed outside the protection of the law; nor held in unacknowledged detention, which involves concealment of the whereabouts of a person, even when he/she is in a gazetted place of detention.[378] It also guards against prolonged incommunicado detention, where the detainee is not allowed to communicate with anyone in the outside world and has no access to regular and effective judicial review or access to an independent lawyer.[379] In other words, communications between a detainee and the outside world may be temporarily suspended but only for a very short period; for example, during transfer from the place of arrest to the police station.

10.1.5.3 Violation of the principle of presumption of innocence

Detention of persons in safe houses without trial contravenes the presumption of innocence untill proved guilty because suspects are seemingly punished for the offences committed through the illegal detention. The presumption of innocence is a legal right of any accused person in a criminal trial. It is provided for in the Universal Declaration of Human Rights (UDHR),[380] which stipulates that "everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence". The prosecution proves that the accused is guilty beyond reasonable doubt and if reasonable doubt remains, the accused must be acquitted.[381]

Therefore, detention of suspects in unregistered places of detention or safe house without any judicial redress violates the principle of presumption of innocence untill proven guilty. In *FHRI V. AG (Const. Appeal No. 03 of 2009),* the Supreme Court, citing the Kenyan Judiciary Guidelines on Bail and Bond of 2015, stated that; *"… the presumption of innocence also means that pre-trial detention should not constitute punishment, and the fact that accused persons are not convicts should be reflected in their treatment and management."*

10.1.5.4 Denial of the right to a fair and speedy trial

The right to a fair trial is a fundamental and absolute right in Uganda, which cannot be derogated from. It entails the right to be heard equitably, justly and publicly within a reasonable time, by a competent, independent and impartial court; and there should be no derogation from these standards. The detention of suspects in safe houses without trial before any competent court is not only illegal, but also denies suspects their right to be heard; to have access to a lawyer, doctor, relatives and to remain silent; as well as the right to a speedy trial.

10.1.5.5 Loss of livelihoods and stigma

Being detained in a safe house has a damaging impact on suspects, their families and communities. The suspects lose their livelihoods and their families get affected. In addition, when a person is released and returns to the community, she or he faces stigma of having been accused of being a criminal and having been detained in safe houses.[382]

376 Convention on Enforced Disappearance, Article 17(2) d, e and f.
377 Article 17(3) of the ICPPED.
378 The European Court of Human Rights considers that unacknowledged detention is a complete negation of the guarantees in Article 5 of the Convention and discloses a most grave violation of that provision (*El-Masri v. the FYR of Macedonia* [GC], § 233).
379 Annual report of the Special Rapporteur on torture. UN Doc. A/56/156 (2001) §14.
380 Article 11 of the UDHR.
381 As above.
382 https://www.penalreform.org/issues/pre-trial-justice/issue/ Accessed on 26th February, 2019.

10.1.5.6 Torture, cruel, inhuman, degrading treatment or punishment

Media reports indicated that people were allegedly tortured in safe houses in order to get confessions or intelligence information. The kind of torture allegedly committed in ungazetted illegal detention included *kandoya* (tying hands and feet behind the victim); suspension from the ceiling while tied *kandoya*; severe beatings with hands, fists, pistols, metal rods and wooden sticks; and putting the victim in the back of a vehicle where his captors sit or put their boots on him. Some of the victims that appeared before the Human Rights Committee of Parliament reported cases of torture in safe houses as follows:

1. Mr. Gabula Bright Africa alleged that he was tortured for failing to give evidence against the former Inspector General of Police. He alleged that his captors tied his hands and legs with chains for 72 days.
2. Mr. Abdu Mulindwa was allegedly blindfolded and taken to Kyengera where stones were tied on his testicles and he was tortured and his joints broken by a one Sobi.
3. Mr. Alex Adwori was allegedly slapped, beaten and pricked with needles every morning.
4. Mr. Mere Isma alleged that he was beaten till his kidneys got swollen and that three stones were tired to his testicles for five days. He was allegedly blindfolded and taken from Kyengera to a medical facility in Kitante, Kampala, where he was given Panadol and capsules. He said there were other people in custody who were treated in a similar manner and one person whose details he did not know died.
5. Kawooya Abdulah was allegedly beaten with batons; he was punched and injected with some substance that stopped the functionality of his manhood.

However, the Commission did not find any evidence or reports of such torture on its visit to safe houses and did not receive any such complaints at its offices throughout the reporting year. The whistle-blowers that were found in the safe houses refuted the allegations of torture as reported in the media. One of them, P. K. S., said, *"I have been here for some good time and there is nothing I don't know here. The truth is we have never been tortured here; those were just lies and false accusations against security officers. The persons that were released in November 2019 went spreading that propaganda. Please take it from me that it is not true."*

10.1.5.7 Limited access to the outside world and family

Anyone who has been deprived of liberty has the right to notify a family member, friend, or other third party or have them notified. This should also be the case when a detainee is transferred from one facility to another. A detained person should never be denied his or her right to be in touch with the outside world. The authorities should maintain a clear and accessible record of who has been notified and when the notification took place.

This right has proven to be one of the most effective safeguards available against coercion, ill treatment or torture,[383] as well as other human rights violations such as secret or unacknowledged detention or even enforced disappearance. When the whereabouts or fate of a person deprived of liberty is disclosed to third parties, they may be able to undertake protective action. Notifying third parties enables the exercise of other rights, since the person notified may, for example, facilitate access to a lawyer or provide food or medicines.

This right gives some reassurance to persons deprived of liberty, who frequently do not know how long they might be held or how the deprivation of liberty may affect them. This right is also important when detainees are held in premises where the authorities do not provide meals or other basic needs;[384] family members or other third parties can bring food and water, wash clothing and carry out other support tasks, inspite of the state having the primary duty to provide for the well-being of those in its custody.

383 Carver, R., & Handley, L. (eds.). (2017). *Does Torture Prevention Work?*. Liverpool: Liverpool University Press.
384 UN. (2010). Subcommittee on Prevention of Torture report on a visit to Paraguay. UN Doc CAT/OP/PRY/1, page 87.

All the whistle-blowers that the Commission found in the safe houses said they had never received any visitors but they had access to phones, radios, TVs and could move freely especially those on Lwamayuba Island in Kalangala district. The people on the island informed the Commission that they could not visit their relatives because there were no public boats or ferries easily accessible on the island. One of the respondents, K.P., stated: "*I have been here for months in this safe house. The only issue is that we cannot get visitors to this place because it is very far and there are no public means of getting here".*

Another one, B. M., said while weeping: *"I came to this safe house on 27th December, 2019. The reason I came was that I wanted to be safe after giving very sensitive information to ISO about murders in a certain place in Kampala as the main witness. However, I have overstayed here. I miss my family so much especially my wife and children because I have never told them exactly where I went".* He said he was not safe outside the safe house.

10.1.6 Recommendations

1. Security agencies should gazette safe houses as specialised places for rehabilitating hard-core criminals.
2. The Police and other security agencies should conduct thorough investigations into all the allegations about torture in safe houses in order to establish their authenticity; safeguard the reputation of the institutions in question; and bring the culprits (the torturers or those who make false claims) to book.
3. Security agencies should observe human rights in the course of their work as provided for in the Constitution of Uganda.
4. The Government should ratify the International Convention for The Protection of All Persons from Enforced Disappearance.
5. The Government should expeditiously enact a law on witness protection.

In conclusion, the Commission reiterates its stance on safe houses as reported in the 8th and 9th Annual Reports. If they are absolutely necessary, safe houses should be gazetted to ensure that detainees are not held incommunicado and are not tortured.

10.2 ILLEGAL POSSESSION AND MISUSE OF FIREARMS AND THE HUMAN RIGHTS CONCERNS

10.2.1 Introduction

in Uganda, as in many other parts of the world, the illegal possession and misuse of firearms presents a serious threat to safety, security and development of the country. A firearm is defined as a gun that can be carried easily such as pistols, rifles and revolvers and which inflicts damage on targets by launching one or more projectiles driven by rapidly expanding high-pressure gas produced by exothermic combustion (deflagration) of chemical propellant. According to the Firearms Act, enacted by Uganda in 1970 to regulate their use, a firearm means any barrelled weapon from which any shot, bullet or missile capable of causing injury can be discharged.

In 2019, the Commission noted with concern the rising trend of illegal possession and misuse of firearms in the country which was characterised by rising cases of shootings and murder of people in different places around the country. Between January and March 2019, Kampala alone had recorded at least 16 deaths caused by firearms. Five of the victims were shot dead by private security guards after getting involved in arguments or being accused of committing a crime, while the rest were killed by policemen on suspicion of being criminals.[385] This violated a number of human rights such as the right to life, security of persons and the right to a fair hearing.

This section covers the legal framework and human rights standards pertaining to firearms; the situation analysis on illegal possession and misuse of firearms in the country in 2019 and the consequent human rights concerns. The Government interventions to prevent illegal possession and misuse of firearms and the challenges are also highlighted and recommendations made on how to address this emerging human rights issue.

10.2.2 Legal framework

10.2.2.1 International legal framework

The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (PoA) is a politically binding agreement adopted in 2001 to focus on small arms. The programme of action is a policy framework of political commitments by states to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. It covers production / manufacturing, stockpiling and possession, international transfers, illicit transfers, law enforcement, collection and destruction of arms. The PoA calls for action at national, regional and global levels and sets an agenda for the UN process on small arms control.

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition was adopted by the UN General Assembly Resolution 55/255 of 31st May, 2001. The objectives, which entered into force on 3rd July, 2005 were to promote, facilitate and strengthen cooperation among states parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. It is the first legally binding instrument on small arms that has been adopted at the global level. It promotes international cooperation to tackle the challenges posed by the illicit trafficking of weapons and its negative consequences on peace, security and socio-economic development.[386]

10.2.2.2 Regional legal framework

The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa is the regional legally binding instrument that requires states to put in place measures to prevent, combat and eradicate the proliferation of small arms and light weapons. Having entered into force on 5th May, 2006, the protocol sets

385 Kafeero, S. (2019). Licensed guns kill 16 in three months. *Daily Monitor*, 30th March, 2019.
386 See also, the United Nations Convention against Transnational Organised Crime and its Protocols. Available at https://polis.osce.org/index.php/node/7406 Accessed on 11th March, 2020

forth commitments on the international transfer of small arms and light weapons, covering the strengthening of legislation and measures to enhance the enforcement of controls. Article 7 of the Protocol requires states parties to ensure that all small arms and light weapons in the possession of the state are marked uniquely.[387]

10.2.2.3 National legal and policy framework

The Firearms Act, 1970 requires civilians who wish so, to apply for a licence in order to purchase or possess small arms and ammunition. In addition, the law prohibits civilians from the possession and use of certain categories such as automatic weapons like the sub-machine guns.[388] The Act also regulates the control, manufacture, importation, export, sale, repair, storage and possession of firearms and ammunition.

The Uganda Peoples' Defence Forces Act, 2005 has provisions relating to the use and handling of arms by members of the armed forces. The Anti-Terrorism Act, 2002 creates offences involving the trafficking of firearms in relation to terrorism. Under the Police (Control of Private Security Organisations) Regulations of 2013, the Inspector General of Police has powers to either renew a private security organisation's practising certificate or revoke the certificate depending on levels of service.

10.2.3 Situation analysis of illegal possession and misuse of firearms in Uganda

security agencies in Uganda such as police, the army and prisons are eligible to possess guns/ firearms subject to the laws regulating their use for example The Uganda Peoples' Defence Forces Act 2005. On the other hand, private individuals and private security organisations are required to obtain authorisation, such as a licence, for the purchase and possession of a firearm. The licence is issued by the Uganda Government through the Minister of Internal Affairs, under the administrative docket of the Department of Private Security Arms of the Uganda Police Force (UPF). The Firearms Act of 1970 states that it is unlawful for an unauthorised individual to carry a firearm.

Private security service started in Uganda because the UPF was not able to meet all the internal security demands due to limited manpower coupled with its expanding roles. The service has largely been embraced although there has been concern on the quality of services offered. This is in view of the increasing number of private guards misusing firearms in their possession. The Commission findings indicate that Uganda has only one factory, the Luwero Industries Ltd/ National Enterprise Corporation, which produces firearms. Located in Nakasongola district, the factory operates solely to supply the forces, producing ammunition and refurbishing arms.

With regard to importation, there are eight active private dealers licensed to sell firearms in the country and these include: Saracen, Tight Security Limited, Hush Security, Global Paper, Striker, SPC Protectorate, Uganda China Shooting Club and Yamasec Security. Dealers in firearms have to seek police permission to import firearms and then acquire a licence. They are vetted by ISO and approved by the Minister of Internal Affairs. Once they import the firearms, they are kept in the custody of police.

The Commission established that the legal firearms in the country were in the hands of the UPDF, UPF, UPS, the licensed private security organisations and licensed private individuals. Statistics from the Police Private Firearms Department indicate that as of 31st December, 2019, there were 18,350 licensed firearms owned by private security organisations while 13,178 were owned by individuals ranging from businesspeople, politicians and others. There were 251 private security organisations with 44,000 staff.[389] It should be noted that some of the private security personnel operate while unarmed. The highest numbers of private security organisations and individuals with private firearms were located in Kampala, Jinja, Mbarara, Mbale and Gulu.

It was further established that illegal firearms which were often misused, came into the country mainly from the neighbours through

387 Regional Centre on Small Arms Annual Report 2016-2017.
388 Firearms Act, 1970
389 Statistics from the Uganda Police Force, Department of Private Firearms.

Uganda's porous borders. The limited government structures along the border points particularly at the Uganda-South Sudan border and the Uganda-Kenya border on the Karamoja side contributed to the porousness. The lack of effective disarmament on the Kenyan side was causing a challenge of armed Pokot and Turkana crossing over to the Ugandan side.

10.2.3.1 Requirements for acquiring a firearm

Responsible gun ownership reduces gun violence. In view of that, a private individual has to fulfil conditions to qualify to acquire a firearm. To qualify, one should:

a) Have reasonable cause to purchase, acquire or have in his or her possession a firearm or ammunition;

b) Be a person competent to use a firearm of the kind in respect of which the application is made;

c) Have attained the age of 25 years;

d) Be of sound mind and of temperate habits;

e) Be willing and capable of taking all proper steps to ensure the safe custody of the firearm in respect of which the application is made; and

f) Be willing and capable of installing minimum safety measures to the satisfaction of the police officer in charge of the area in which he or she resides.

According to the UPF, applicants for firearms licences must:

a) Fill in a police Form 98 issued by the Department of Private Security Arms, UPF;

b) Present a certificate of good conduct from Interpol;

c) Attach recommendations from Local Councils – LCs I, II and III, the Resident District Commissioner (RDC) and the District Police Commander (DPC).

d) Be enrolled in one-month training on gun management, immediately after submitting the application to Police. The training is used to check and assess a person's strength, resilience, anger management and what type of gun he or she can comfortably handle.

Non-Ugandans who wish to possess a firearm must register with the Directorate of Citizenship and Immigration Control, Ministry of Internal Affairs. They are also required to present a letter from their embassies or from their country of origin. They must have competence to use small arms and be of sound mind.

Possession of certain categories of firearms by private individuals and private security agencies is prohibited and is only a preserve of the security agencies like UPDF, Prisons and Police.[390] The law also provides that the conditions be given in writing to a person who is granted authority to have a firearm as they entail the strict rules to be followed in its usage.

Permission to a private individual to possess and use a firearm can be revoked by the Minister of Internal Affairs any time by notice in writing. When this happens, the person in possession of the firearm is required to deposit it at a police station within 14 days of the notice. In the event of death of a firearm owner, the family is required to report to Police about this death and the existence of the firearm. Any member of the family is, however, allowed to apply for it if he/ she meets the legal requirements and receives the required licence. For this to happen, he/ she should report to the Police Department of Firearms with all the documents pertaining to the firearm. The person is then required to go through the entire process of acquiring another licence because licences are not transferable. Having fulfilled the requirements, the applicant then undergoes one-month training on gun handling before he/ she is issued a licence.

10.2.3.2 Training and supervision

Upon completion of the licence application process and satisfying all the required procedures for acquiring a firearm, individuals and staff of private security agencies undergo three-month training by the UPF on the use of a firearm. This is followed by refresher trainings depending on where the private security agency

390 SSP Kateeba during the UHRC 22nd Annual Report consultative meeting.

intends to deploy a particular staff. Police also carries out routine supervision of the private security agencies and of individuals with private firearms as well as checking their ammunitions. This is done regularly by police. For the private security organisations, the check-ups of the arms and ammunition is done every two weeks by the administration.

10.2.3.3 Duties of legal gun owners

The gun owner has a responsibility to ensure that his/her firearm is not accessed by unauthorised and untrained individuals. It is also the gun owner's responsibility to know and obey all applicable laws that pertain to the purchase, possession and use of a firearm in his or her possession. In this regard, the owners of firearms are required:

1. To have the guns under their possession registered;
2. Not to use the guns in their possession to resist arrest;
3. Not to use them to commit crimes; and
4. To store them safely to prevent them from being stolen since it is a serious offence to lose a gun in one's possession.

10.2.4 Human rights concerns arising out of illegal possession and misuse of firearms

10.2.4.1 Violation of the right to life

Various incidents that happened in 2019 and many others that had occurred in previous years were an indication of how firearms were continuously being misused by both private security and individuals. In January 2019, police registered incidents of private security guards shooting civilians or their colleagues in Kampala city and the metropolitan area. At Nalubwama Arcade on Ben Kiwanuka Street in Kampala, a private security guard opened fire at civilians, killing a woman who was on a motorcycle and injuring a student of Kampala University. Police also arrested two guards for allegedly shooting dead two people in separate incidents. In Kyengera town council, Isaac Okwir was arrested on accusation of killing Abubakar Kinene, 56, a mechanic and resident of Kyengera in Wakiso district.[391]

On 12th July, 2019, Arnold Ainebyoona Mugisha was shot by a private security guard, Moses Angoria working for Saracen, at Quality Shopping Village, Namugongo. He was rushed to Kampala Independent Hospital in Ntinda where he was later announced dead.[392] On 29th September, 2019, a private security guard at Kabojja Hostel in Banda shot dead Doribert Atwesigye, said to be an employee of National Water and Sewerage Corporation, after a heated argument. According to police, the victim had gone to visit his girlfriend at the hostel.[393]

Prior to the period in issue, between 2015 and 2018, the country had registered many incidents of killings by shooting, perpetrated mainly by unidentified men moving on motorcycles. Some of the victims were:

- Ms. Joan Kagezi of the Directorate of Public Prosecutions, shot dead on 30th March 2015 in Najjeera by two assailants on a boda boda motorcycle as she drove home from the city.
- Assistant Inspector General of Police Andrew Felix Kaweesi shot dead on 17th March, 2017 outside his house in Kulambiro, a Kampala suburb, together with his bodyguard and driver.
- Then Buyende District Police Commander, Assistant Superintendent of Police Muhammad Kirumira who, together with a female friend, was fatally shot on 7th Septembe,r 2018, near his home in Bulenga, Wakiso district.
- Then Member of Parliament Arua Municipality, Hon. Ibrahim Abiriga, was shot dead together with his bodyguard, by two men moving on a motorcycle, as he approached the gate to his home in Kawanda, Wakiso district.

391 Kato, J. (2019). Why are guards on shooting spree?. *Daily Monitor, 28th January, 2019.*
392 Wesaka, A. (2019). Supermarket shooting: Suspect appears in court, charged with murder. *Daily Monitor, 11th July, 2019.*
393 Monitor Reporter. (2019). Security guard shoots NWSC employee dead at Kyambogo Hostel. *Daily Monitor, 29th September, 2019.*



A photo montage of crime scenes where Ibrahim Abiriga, Andrew Felix Kaweesi and Joan Kagezi were killed
Source: Daily Monitor newspaper of 11th March, 2019.

10.2.4.2 Violation of the right to own property

Firearms are also widely used in the commission of crimes and other violent activities, including cattle-rustling, and thus present a variety of threats to personal security. A case in point is the cattle rustling that used to occur in Karamoja and some parts of Teso. Violation of the right to own property also happens when firearms are used to carry out organised crime and armed robbery. According to police statistics, common types of such crimes include, but are not limited to, thefts from vehicles, thefts of property from residences, residential break-ins and strong-armed robberies;[394] and most of these perpetrators use firearms that are under illegal possession.

10.2.4.3 Cattle rustling in Karamoja

Cattle rustling in Karamoja sub-region was once perceived as a revered age-old cultural practice but later became sophisticated as guns got introduced in the raids in the 1980s. Ever since, some Karimojong have used firearms in inter-clan raids or raiding animals from the neighbouring regions of Teso and Bugisu. In a bid to stop this practice, Government came up with the Karamoja Integrated Disarmament and Development Programme which started in 2001 and has been pertaining todate. According to the UPF, the disarmament exercise, which was a major way of curbing the illegal possession and misuse of firearms in Karamoja, was largely successful.



Some of the guns that the army recovered during a disarmament exercise in Karamoja in 2017.

394 Regional Centre on Small Arms (RECSA). (No date). A Report of Analysis on Armed Crimes in East Africa Community Countries (Burundi, Kenya, Rwanda, Tanzania and Uganda). Available at https://recsasec.org/wp-content/uploads/2018/08/Armed-crime-PDF.pdf

10.2.4.4 High risk to the security and safety of persons

The UDHR provides for everyone's right to life, liberty and security of persons.[395] The misuse of firearms poses a serious risk to the lives of individuals and as a result creates insecurity and the fear of persons who are in possession of firearms. Many times, people feel threatened and fear for their lives just by the presence of firearms particularly where they have had or heard about bad experiences of gun violence.[396]

Misuse of firearms can also create vulnerability among the population especially in instances where certain groups are already prone to violence or certain areas are identified as having high incidence of gun crime. High crime and insecurity levels can hinder service delivery, thus impacting negatively on all other rights.

10.2.5 Government interventions to prevent illegal possession and misuse of firearms

Government has made a number of interventions in order to address the illegal possession and misuse of firearms, including these ones below:

10.2.5.1 Registration/fingerprinting of all guns in the country

On 20th June, 2018, President Yoweri Museveni addressed Parliament on the state of security in the country following increased murders and kidnaps that had left the citizens in fear. He ordered that all guns in Uganda be fingerprinted and registered as part of the nine-point security master plan to contain killings and kidnaps in the country.

Following the presidential directive, in April 2019, a joint security team comprising of UPDF, UPF, UPS, UWA, ESO and ISO undertook an exercise of registering/fingerprinting all guns in the hands of the Police, Prisons, UPDF, private security and private individuals in the country. The team captured the data of each individual gun and matched it against that of the holder. The data was to be forwarded to the forensic experts for purposes of interpretation and storage using the Integrated Ballistics Identification System (IBIS). It is important to note that individual guns have individual characteristics which differentiate them from others. This would make the work of tracking guns easier after their use.

10.2.5.2 Recovery of illegal firearms and ammunitions in 2019

During the period under review, 55 guns were reported lost, while 137 guns were recovered during the various operations against criminals throughout the country. A total of 800 rounds of different ammunitions were reported lost, while 1,535 ammunitions were reported recovered.

Table 22 below shows the number and type of firearms and ammunitions that were lost and recovered in 2019 by the UPF.[397]

TABLE 22:

Firearms/guns and ammunitions lost and recovered in 2019

TYPE OF WEAPON	GUNS		AMMUNITIONS	
	Lost	Recovered	Lost	Recovered
RPGs	1	1	0	0
SMGs	22	61	734	920
LMGs	0	0	0	1
G3	0	2	0	6
MK	0	0	0	0
303 rifle	6	11	11	90
Pistols/Star	5	7	0	44
Pistols/ Jericho	1	1	0	0
Revolvers	0	3	0	15
Any other	20	51	55	459
TOTAL	**55**	**137**	**800**	**1,535**

395 Article 3 of the UDHR.
396 Amnesty International. Gun Violence - Key Facts. Available at https://www.amnesty.org/en/what-we-do/arms-control/gun-violence/ Accessed on 19th June, 2020.
397 UPF. (2019). Uganda Police Annual Crime Report 2019. Available at https://www.upf.go.ug/wp-content/uploads/2020/04/Annual-Crime-Report-2019-Public.pdf?x45801

10.2.5.3 Developing a National Action Plan on Small Arms and Light Weapons

In partnership with civil society, the Government developed a National Action Plan on Small Arms and Light Weapons to tackle the challenge. It is currently being implemented under the co-ordination of Uganda's National Focal Point on Small Arms and Light Weapons that brings together different MDAs, plus civil society. The action plan focuses on three key result areas: control and management of existing stocks of small arms; reduction of excess volumes of small arms and light weapons; and prevention of proliferation of small arms.

10.2.5.4 Development of the Nairobi Protocol Best Practice Guidelines

Uganda has been an active and progressive member of regional and international processes addressing small arms and light weapons. It for example supported and contributed to the development of the Nairobi Protocol Best Practice Guidelines on the Import, Export, Transfer and Transit of Small Arms and Light Weapons.[398]

10.2.6 Recommendations

1. The ministry of Internal Affairs should strengthen cross-border cooperation and coordination to ensure adequate border control measures to avoid infiltration of firearms along Uganda's very porous borders.
2. The Ministry of Foreign Affairs should consider ratifying the United Nations Arms Trade Treaty which came into force in December 2014.
3. Uganda Police Force should continue promoting community policing through police-public forums/baraza aimed at improving mutual trust so as to encourage reporting by community members, especially in Karamoja sub-region.
4. The Uganda Police Force should strengthen training standards of private security organisations and ensure closer supervision of all their activities and the firearms within the hands of private owners.
5. Security agencies should tighten the control of use of firearms in public such as bars and other public places like markets.
6. Uganda Police Force should carry out intensive training of security guards before they are given guns.
7. Ministry of Internal Affairs should undertake and ensure regular stockpile management, recordkeeping and marking of all the firearms within the country and this should be an ongoing process.
8. Urban authorities and security agencies should ensure adequate street lighting and CCTV cameras within the urban centres where gun violence has been commonly reported.

10.2.7 Conclusion

In conclusion, much as government has attempted to address the illegal possession and misuse of firearms in the country, there are still a number of human rights concerns arising out of misuse of firearms especially the violation of the right to life. However, there is hope that the recent gun fingerprinting exercise will help police as they investigate crimes involving firearms. The disarmament process needs to be revitalised so as to rid the Karamoja sub-region of illegal firearms.

398 Saferworld. (2008). Uganda and International Small Arms Transfers: Implementing UN Programme of Action Commitments. Available at https://www.files.ethz.ch/isn/90985/Uganda_USformat.pdf

10.3 ACID ATTACKS AND HUMAN RIGHTS IMPLICATIONS

10.3.1 INTRODUCTION

Acid attacks are intentional acts of violence in which perpetrators throw, spray or pour acid onto victims' faces or bodies. These attacks are usually brutal and leave victims in excruciating pain with scars, blindness, disfigurement and sometimes death. The Acid Survivors Trust International named Uganda among the top eight countries in the world with the highest prevalence of acid-related violence.[399] A community survey for the United Nations Trust Foundation further revealed that at least 35 acid attacks are recorded in Uganda every year and these attacks mainly target women[400], while others remain unreported, meaning that the numbers are higher.

In 2014, an online petition titled 'ZERO Tolerance to Acid Violence' was spearheaded by civil society organisations to petition the President of Uganda and Parliament to sign the Toxic Chemicals Bill into law, to regulate the sale, distribution and use of acid in Uganda. The petition did not receive the required number of online signatures; however, it received the attention of the Government and in 2015 the bill was passed into law and became operational. Nonetheless, even with the enactment of this law, acid attacks still remained rampant in the country and yet majority of the victims did not received justice.

Given such perturbing statistics, the Commission examined the situation of acid attacks in Uganda and the implications on the enjoyment of human rights in 2019. State and non-state interventions regarding this emerging human rights issues are highlighted as well as the challenges victims face in accessing justice. A number of recommendations were made to address the human rights concerns that the issue raises.

10.3.2 Legal framework

10.3.2.1 International legal framework

Uganda has ratified international and regional human rights instruments that protect persons from violence and create an obligation for states to ensure security of all persons from all forms of harm. The treaties that protect the rights of persons from violence, to which Uganda is a party, include the UDHR which prohibits torture, cruel or inhuman and degrading treatment or punishment of persons.[401] The UDHR also provides that "everyone has the right to life, liberty and the security of person."[402] Other treaties are The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Rotterdam Convention, 2004; the Convention on the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, 1993; and the 2030 Agenda for Sustainable Development.[403]

10.3.2.2 Regional legal framework

At the regional level, the African Charter on Human and Peoples' Rights (ACHPR) provides that "every individual shall have the right to respect of their dignity inherent in a human being and to the recognition of his or her legal status".[404] The Protocol to the ACHPR on the Rights of Women in Africa provides for the respect of women's rights to life, integrity and security of person. Exploitation, cruel, inhuman or degrading treatment is is also forbidden.[405]

10.3.2.3 National legal and policy framework

The 1995 Constitution protects persons from deprivation of their right to life;[406]protects them from inhuman or degrading treatment;[407] and provides for protection of women's rights.[408]

399 Other countries with high acid attack prevalence include United Kingdom, India, Colombia, Pakistan, Nepal, Bangladesh and Cambodia.
400 https://www.asti.org.uk/a-worldwide-problem.html
401 Article 5 of the UDHR.
402 Article 3 of the UDHR.
403 Goal 5 of the Agenda calls upon states to eliminate all forms of violence against women and girls in the public and private sphere.
404 Article 5 of the ACHPR.
405 Article 4(1) of the Protocol to the ACHPR.
406 Article 22 of the Constitution.
407 Article 24 of the Constitution.
408 Article 33 of the Constitution.

Other laws include the Penal Code Act, Cap 120;[409] the National Environment Act, Cap 153;[410] the Control of Agricultural Chemicals Act No.1 of 2007; the Occupational Safety and Health Act No.9 of 2006; and the Toxic Chemicals Prohibition and Control Act of 2015.[411]

10.3.3 Situation analysis of acid attacks in Uganda

Statistics from a research by a local NGO, the End Acid Violence Uganda (EAVU), between 2011 and 2019, showed that more than 400 cases of acid violence were reported across the country.[412] Civil society organisations reported that they received as many as 10 cases of acid-related violence weekly.[413] These were attributed mainly to the availability of acid on the market, as it could be bought from stores, car garages, shops and other outlets for as low as UGX 8,500 a litre of concentrated sulfuric acid.

The main perpetrators of acid attacks were people usually known to the victims such as relatives, partners, friends, business partners and in the majority of the cases, third parties who had been used. The attacks were mainly motivated by refusal to accept love or sexual advances and marriage proposals, adultery, land disputes, family conflicts and business disagreements. Victims of acid attacks were mostly women although a considerable number of men and children were also attacked.

10.3.3.1 Findings on acid attacks in 2019

In 2019, the Commission monitored the issue of acid attacks in selected districts of Kampala, Masaka and Kyotera that had a high prevalence. Table 23 below shows the victims of acid attacks in 2019 and the districts where the attacks happened. The findings include cases of acid attacks that were reported to EAVU.

TABLE 23:

Victims of acid attacks in 2019

S/N	NAME OF VICTIM	AGE	SEX	DISTRICT	SUSPECTED REASONS FOR ATTACK	STATUS OF THE VICTIM
1.	Ssemujju John Bosco	39	Male	Masaka	Conflict over a woman	Deceased
2.	Julia Nabakooza	36	Female	Kabarole	Jealousy	Deceased
3.	Norah Birungi	32	Female	Kibaale	Jealousy	Deceased
4.	Kenneth Bwire	26	Male	Busia	Unknown	Survived with injuries
5.	Baby Angel (not real name)	2	Female	Kampala	Punishment to the parents	Survived with injuries
6.	Mudodo Peruth	30	Female	Wakiso	Jealousy	Deceased
7.	Simon Kawesa	49	Male	Kampala	Jealousy	Survived with injuries
8.	Bakabulide Godfrey	24	Male	Kakumiro	Unknown	Survived with injuries
9.	Babirye Rebecca	36	Female	Iganga	Land conflict	Survived with injuries
10.	Joel A (not real name)	10 months	Male	Bushenyi	Family conflicts	Deceased
11.	Dennis B (not real name)	3	Male	Kaliro	Family conflicts	Survived with injuries
12.	Sandra T (not real name)	5	Female	Kaliro	Family conflict	Survived with injuries
13.	Bambuza Gwedezi	25	Female	Kisoro	Financial disagreements	Survived with injuries
14.	Zalika K.	59	Female	Mukono	Land conflict	Deceased
15.	Waburwa Steven	53	Male	Kayunga	Marital disagreements	Survived with injuries
17.	Muhammad Semakula	40	Male	Kayunga	Relationship breakup	Survived with injuries
18.	Namakula Mai	34	Female	Kampala	Jealousy	Survived with injuries
19.	Yoweri Moses	36	Male	Wakiso	Business conflicts	Survived with injuries
20.	Adezu Joyce	57	Female	Arua	Unknown	Survived with injuries
21.	Bogere Swalik	30	Male	Jinja	Conflict over a woman	Deceased
22.	Muhooza Elizabeth	21	Female	Bushenyi	Jealousy	Survived with injuries
23.	Sedovu Alex	31	Male	Oyam	Business wrangles	Deceased

409 Section 216(g) of the Penal Code Cap 120.
410 Addresses emerging environmental issues including management of hazardous chemicals.
411 Regulates the use of harmful toxic chemicals and chemical weapons.
412 Baseline survey carried out by Acid Survivors Foundation Uganda in 2011 and an observational research carried out by End Acid Violence Uganda in 2018/2019.
413 Information from End Acid Violence Uganda, a local NGO in Uganda.

TABLE 23 (CONTINUED)

S/N	NAME OF VICTIM	AGE	SEX	DISTRICT	SUSPECTED REASONS FOR ATTACK	STATUS OF THE VICTIM
24.	Florence Namugerwa	28	Female	Sembabule	Unknown	Survived with injuries
25.	Erieza Ben	23	Male	Bugiri	Business conflicts	Deceased
26.	Kateregga Baylon	30	Male	Wakiso	Unknown	Survived with injuries
27.	Kasaija John	25	Male	Kabarole	Theft of his motorcycle (boda boda)	Survived with injuries
28.	Nalumansi Florence	36	Female	Luwero	Unknown	Survived with injuries
29.	Muhumuza Isaac	36	Male	Bushenyi	Work-related conflicts	Deceased
30.	Aziza Kawuma	25	Female	Iganga	Unknown	Survived with injuries
32.	Namatovu Shillah	25	Female	Wakiso	Unknown	Survived with injuries
33.	Jane Kirabo	28	Female	Iganga	Jelousy	Deceased
34.	Kato Muhamed	28	Male	Wakiso	Unknown	Survived with injuries
35.	Nalweyiso Edith	30	Female	Kampala	Jealousy	Survived with injuries
36.	Namuwoza Sharifa	18	Female	Kyotera	Refusal of marriage proposal	Survived with injuries

10.3.3.2 Causes of acid attacks

The Commission established that there were a number of causes of acid attacks. These included refusal of love and marriage proposals, business disagreements, land conflicts, adultery, availability of acid on the market, innocent victims of circumstances, and other unknown causes as expounded on below.

i) Refusal of love and marriage proposals

The most frequently cited reason for acid attacks especially on women was the refusal to accept love interests, sexual and marriage proposals. As a result, women were the main victims of these attacks. By rejecting sexual advances, love interests and a marriage proposal, a woman would be at a risk of being attacked, usually after numerous threats.

A female victim told the Commission in an interview: "*I was not ready to get married at the time my boyfriend proposed to me because I was in my second year and I still had a long way to go in completing my studies. Besides, I was no longer interested in the relationship. When I broke up with him, he started threatening me that something bad would happen to me and that if I cannot marry him, then I will marry no one else. I ignored the threats and did not report. One fateful evening as I was opening the gate to my hostel, someone poured acid on me. It was a terrible experience, to say the least; but later on, I knew it was him but I have now forgiven him".*

ii) Business disagreements

These were also some of the motivations for acid attacks against men. The business disagreements were between colleagues involved in business partnerships whereby one of the parties had failed to honour his/her end of the agreement.

A male victim in Masaka that the Commission interviewed narrated: *"I had a client who was interested in my property and after I had explained to him the procedure of getting the property, he informed me that he did not have the full amount that I was selling the property for but promised that he would pay the balance in instalments over a period of six months. I agreed to sell to him and the instalments came in for about two months. After that, he stopped sending me money and switched off his phone. I tried in vain to get him but with no success, until I reported to police. Thereafter, I started getting threats on my phone for two weeks. One morning as I was leaving my house to travel to work, I noticed that someone was following me. On turning back to see who it was, I felt something pour on my face and chest and I felt a burning sensation thereafter. I screamed and called for help, I was lucky to be next to a hotel; otherwise, I would have died."*

iii) Land conflicts

Similar to business disagreements were land conflicts. These were mainly between family members fighting over land and business-related conflicts. Land conflicts were reported in Kampala and Wakiso districts where some of the

victims, including women, reported that they were attacked because their relatives had threatened them to leave the pieces of land they were occupying.

iv) Adultery

Perpetrators attacked their partners with acid after suspecting them of committing adultery. The intention was to punish or kill them. A widow of one of the victims who passed away in 2019 due to acid burns told the Commission that she had suspected her husband of committing adultery with a married woman. She said her late husband had once had a fight with his mistress' husband and then one day some unknown person poured acid on him. *"The person who poured acid on my husband has not been arrested till now. We nursed him at Kiruddu Hospital for two months but later, he passed away."*

v) Availability of acid on the market

The most common acid used in the attacks was concentrated sulfuric acid which was readily available on the market. This acid was very cheap and could be accessed at petrol stations and retail shops in Kampala where it was traded like any other commodity on the market. On Bombo Road, in Katwe and Entebbe Road, acid was sold in black jerricans and distributed to buyers in black polythene bags (*kaveera*). It was also found in car batteries. It cost between UGX 3,000 a litre of diluted sulfuric acid and UGX 8,500 a litre of concentrated acid.[414] Sulfuric acid was commonly used because of its high concentration.

Its accessibility was made easy because of unimplemented guidelines from Uganda National Bureau of Standards on the storage, sale and use of concentrated acid by unlicensed persons[415] and the weak implementation of laws on unlawful use of acid.[416]

vi) Innocent victims of circumstances

Some of the acid attacks were perpetrated against innocent victims such as children and innocent bystanders. The Commission learnt that in some instances, as a way of hurting their target, perpetrators directed the acid attacks to their children. In other instances, where the intended victim was around other people, some ended up harmed as innocent bystanders. A two-year-old baby girl got burnt with acid at home when an unidentified person threw a bottle of soda containing acid into their compound which was picked by his four-year-old brother who wanted to take the soda. However, the baby girl grabbed the bottle from her brother and in the process the contents poured on her causing her serious bodily injuries. The children had been left alone at home by their parents.



A baby at Mulago hospital nursing wounds from an acid attack

vii) Unknown causes

In nearly a third of the reported cases of acid attack, the survivors did not know the motive behind their attack and so the cause was indicated as "unknown". This was because there was little or no evidence about the attacks since the crimes were often committed in isolated places, without witnesses. Most of the victims that the Commission interacted with that mentioned that they did not know the reason behind their attacks were women. This may just be reflecting the general picture that most of the victims of acid violence were women.[417]

414 Abimanyi, J. K. (2012). Acid Attacks: Why they keep happening. *Daily Monitor*, 25th January, 2012. Available at https://www.monitor.co.ug/Magazines/Farming/689860-1313352-874ablz/index.html
415 https://unbs.go.ug/attachments/menus/27/Uganda-Standards-Catalogue-as-at-31-March-2019.pdf
416 Section 216(g) of the Penal Code Act, Cap 120.
417 Majority of the female victims are between 13 to 35 years of age. Most of the attacks are perpetrated by people known to the victims.

10.3.4 State and non-state response in addressing acid attacks

Uganda has an international obligation to protect, respect and fulfill human rights of all citizens by putting in place measures to ensure the security of all persons from harm. The government is further obligated to provide mechanisms for citizens to access justice for human rights violations without discrimination. Acid attack victims in Uganda still faced a number of challenges in accessing treatment as well as justice. The fear of further attacks by perpetrators, the lack of an enabling law to ban the sale and usage of acid and because majority of perpetrators are never arrested, all contributed to the challenges victims faced.

The laws and policies in place did not directly address the challenges or the commitments needed to curb acid attacks in the country which were rampant. Existing policies such as the National Gender Policy, 2007; the National Referral Pathway for Prevention and Response to Gender Based Violence Cases in Uganda 2013; the Penal Code Act, Cap 120; and the Toxic Chemicals Prohibition and Control Act, 2015 were mainly focused on addressing gender-based violence against women and yet men have also significantly been victims of these attacks.[418] The Government, therefore, has a lot to do to effectively respond to the challenges faced by acid attack victims.

A number of CSOs provided financial and psychosocial support to victims of acid attacks. These included End Acid Violence Uganda, Acid Survivors Foundation Uganda, Acid Survivors Trust International and Centre for Rehabilitation of Survivors of Acid and Burns Violence (CERESAV). These were very instrumental in providing counselling, basic needs like clothing, shelter and food, skills training and livelihood support programmes to survivors and members of their families. They also created awareness in communities and in the media to sensitise on the dangers of misusing acid.



Some of the acid attack survivors weaving baskets during community engagements
©End Acid Violence Uganda (EAVU)



Awareness creation and advocacy on acid violence to the masses through the media
©End Acid Violence Uganda (EAVU)

418 Based on the 2018/2019 statistics from EAVU, men have increasingly become targets of acid attacks and compared to women, the men do not survive the injuries because of the changes in coping mechanisms.

10.3.5 Human rights implications of acid attacks

Acid attacks violate fundamental human rights that include the rights to life, liberty and security of persons. The effect of acid attacks on victims also undermines the enjoyment of other rights such as freedom of association, the right to work and the right to education.

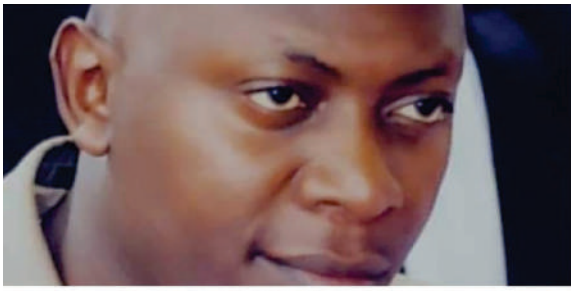
10.3.5.1 Deprivation of the right to life

The right to life is a fundamental human right that is protected under international, regional and national legislations. Article 6(1) of the ICCPR, Article 4 of the African Charter on Human and Peoples' Rights and Article 22 of the Constitution protect the lives of all human beings. Article 22(1) of the Constitution prohibits the deprivation of life except in execution of a sentence after a fair trial.

The Commission findings and records from Police in some districts indicate that some of the victims of acid attacks lost their lives after succumbing to their injuries. The victims mainly died due to the severity of the burns and lack of first aid. Records indicate that 11 people died in 2019 as a result of injuries from acid attacks. They included John Bosco Ssemujju of Masaka, Peruth Mudodo of Gayaza, Wakiso district, Swalik Bogere of Jinja and Alex Sedovu of Oyam district. All the deceased victims were rushed to nearby hospitals but did not survive their injuries.

10.3.5.2 Gender-based violence

By ratifying various international and regional instruments including CEDAW that prohibit discrimination and violence against women and girls, Uganda committed itself to addressing the infringements in all their forms. Article 33 of the Constitution of Uganda also provides that the State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. However, Uganda is yet to ratify the Optional Protocol to CEDAW that gives individual women the right to appeal at the international level if their rights under the Convention have been violated, including the right not to be subjected to domestic and other forms of violence.





Mr. John Bosco Ssemujju, a victim of an acid attack who died after a month at Kiruddu Hospital in February 2019 ©End Acid Violence Uganda (EAVU)



One of the acid attack survivors whose eye is permanently blind.

The Acid Survivors Foundation Uganda records show that 60% of acid attacks were against women, 36% against youth and children and 4% against men.[419] This means that women were victims in six of every 10 acid attacks. Female victims were targeted mainly due to relationship conflicts[420] as well as domestic disagreements, whereas the male victims suffered largely due to land and business disputes. Acid violence reflects gender inequality and discrimination against women in society. Often, these attacks are perpetrated against women when they are perceived to have transgressed traditions that put women in subordinate positions. Many a times when women exercise decision-making power and

419 Willott, J. (Acid Survivors Foundation Uganda). (2011). Acid Violence in Uganda: A Situational Analysis. Available at https://www.researchgate.net/publication/322203682_Acid_Violence_in_Uganda_A_Situational_Analysis.

420 A vast majority of attacks against women come after relationships have gone bad with the perpetrators being men. Children get attacked because they stay close to their mothers. Extract from End Acid Violence Uganda concept note to the Commission on 22nd October, 2019.

reject a marriage proposal or love affection, the acid attacker will aim for her face in an attempt to destroy her facial features so as to destroy her chances of getting into other relationships.

10.3.5.3 Deprivation of the right to personal liberty

Article 23 of the Constitution provides that no person shall be deprived of personal liberty. Acid attacks make the victims feel insecure in their homes and neighbourhoods. Some of the victims told the Commission that before the attacks, they had been trolled and trailed for weeks by their would-be attackers to monitor their movements until the opportune time came. The attacks usually happened at night or in the early morning hours or evening when it was dark. As a result, victims found it difficult to move alone and to return to their homes after the attacks.

10.3.5.4 Deprivation of the right to security of the person

The UDHR provides for everyone's right to life, liberty and security of person.[421] Acid attack victims that the Commission interacted with mentioned that they felt insecure in their homes because of the threat of being attacked again. This insecurity also denied them the right to freely interact with people in public and those who were in school found it hard to study because of being stared at.

10.3.5.5 Stigma

As a result of the injuries that usually disfigured their faces and bodies, acid attack victims found it difficult to interact socially or to move freely in public without being asked questions and at times being insulted. One victim told the Commission that she had to cover her face whenever she moved in town to buy commodities, because boda boda men (commercial cycle riders) would throw insults at her, saying that she had herpes on her face. she said; "*It was very humiliating. I had to start dressing up like a Muslim even though I am not, just to escape the stares and the insults,*"

10.3.5.6 High cost of medication for acid attack victims

The right to health means that everyone has the right to the highest attainable standard of physical and mental wellbeing, which includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions and a clean environment. The Commission found that acid attack survivors faced a challenge of accessing quality medical services, which in turn prolonged their stay in hospitals and sometimes led to permanent disfigurement or even death.

Uganda has a few specialised health facilities with a Special Burns Unit to respond to acid violence. These include Mulago National Referral Hospital, Mengo Hospital and International Hospital Kampala yet acid attacks were rampant across the country.[422] Victims had to endure being transported for long distances to these facilities for specialised treatment. Mulago Hospital was the only government hospital with a special burns unit and had only four neurosurgeons to carry out reconstructive surgery. This, therefore, created a big challenge for the growing number of acid attack victims across the country who could not access or afford reconstructive surgery.

The cost of medical care was very high because victims spent a long time in hospital and majority of them could not afford reconstructive surgery which sometimes had to be done outside Uganda, depending on the severity of the burns. Victims that spent longer than three months in hospital would spend between UGX 1 million to UGX 10 million on treatment[423] and yet the majority could not afford the amount. Those that survived the injuries needed pressure garments to support their necks since the acid usually weakens the neck and shoulders. Without the garments, the victim would find it very difficult to sleep.

421 Article 3 of the UDHR.
422 According to EAVU, Mulago has only three plastic surgeons to carry out all surgeries needed by victims. Pressure garments to be worn by acid attack victims are imported from Netherlands and are currently out of stock. These are used to support the neck to sleep. Scar oils which protect victims from heat are also expensive for the victims to buy.
423 Ernest Kayanja, Executive Director, End Acid Violence Uganda.



A donation of medical supplies from EAVU being received at the Special Burns Unit, Mulago National Referral Hospital. ©End Acid Violence Uganda (EAVU)

10.3.5.7 Lack of awareness on administering first aid

Majority of the people that came to the rescue of the victim were not aware of what kind of first aid to administer. There was a general lack of awareness among the population that one is supposed to continuously pour a lot of cold water on the victim until he/she is delivered to the nearest health facility.

10.3.5.8 Loss of livelihood

Most of the acid attack survivors lost their employment due to the lengthy recovery period, usually as long as six months or more. Owing to the disfigurement, victims could not complete their education or go back to their jobs where they would face stigma and bullying. Consequently, it became extremely difficult, if not impossible, for many acid survivors to continue fulfilling their responsibilities such as working and parenting. This further undermined their self-esteem and even their position in the family and society.

Beyond the acid attack victim, it was often the parents, siblings and other relatives who incurred a huge economic, social and psychological burden of caring for the survivor. It was reported that in some instances, families sold off their land and assets to pay for medical care. Some survivors were forced to abandon their homes and villages, fearing reprisals if they took legal action against suspects. When such survivors are children or adolescents, they would require special physical and psychosocial support to grow and mature with the incurable scars.

10.3.6 Challenges in accessing justice

10.3.6.1 Weak implementation of laws

Acid violence is an offense punishable under the Penal Code Act, Cap 120. According to Sec.216 (g), perpetrators of acid or burn violence intending to maim are liable to life imprisonment. Where an acid attack is committed with "malice aforethought" and leads to death, it is considered murder[424]and is punishable by death.[425]

The Toxic Chemicals Prohibition and Control Act was assented to in 2016 to manage the use of harmful industrial chemicals. However, this law is a framework designed to deal with the general subject of chemical management. There is need for an explicit, detailed and specific legislation for hazardous industrial chemicals, including acids. Most dealers in industrial chemicals were not aware of any laws pertaining to the management of chemicals and so acid could be found anywhere, readily available to anyone with money to buy it.

The available laws are not adequately enforced. Owing to the many loopholes in the law, many acid attack survivors have not yet received justice. Those who report to the police are told to testify as firsthand witnesses, but due to failure of survivor to testify, many perpetrators have been set free.

10.3.6.2 Failure to arrest and prosecute perpetrators

In many acid attacks, two or more people are involved, either through hiring an assailant or in the planning. In such cases, the individuals who are accomplices in the crime are charged under Section 208 of the Penal Code Act and are liable to 14 years in prison if they intended to murder the victim, or seven years if such intent cannot be proved.[426]

Acid violence is a criminal offence which means that the authorities are obliged to investigate, prosecute and punish perpetrators. However, the public perception was generally that it is a "domestic" matter; and so, requires the victim

424 Section 188 of the Penal Code Act, Cap 120.
425 Section 189 of the Penal Code Act, Cap 120.
426 Section 390 of the Penal Code Act.



Acid attack survivors seek justice for their colleague Ms. Judith Angole at Nakawa Court in Kampala.

not to press charges. Victims were often reluctant to seek justice because of fear of further retribution or being ostracised by their family, on whom they might have been depending. This was particularly likely when the perpetrator was a family member. Sometimes, survivors were perceived as having brought the situation upon themselves due to the crime's popular but inaccurate association with marital infidelity.

In majority of the cases, perpetrators were never arrested as the attacks usually happened at night in the absence of any eyewitnesses. As a result, many perpetrators had not been charged for the crime. In other cases, perpetrators used third parties to attack and got away scot-free because the police reportedly disregarded circumstantial evidence linking them to the acts. Sometimes, those directly linked to the attacks were charged with assault, which is a less serious offence.

10.3.6.3 Difficulty in presenting evidence and witnesses

A number of acid attack cases remained unreported due to fear of reprisals from family members especially if the perpetrator was close to the victim. Consequently, victims could not get compensation and justice from courts of law. The challenges were exacerbated by other factors including the fact that victims in most cases were unable to present witnesses and the cases were suffering numerous adjournments.

Owing to the gravity of the injuries, some judicial officers were reportedly traumatised by the victims' physical appearance and would not handle their matters, leading to adjournments. A case in point is that of Ms. Rebecca Babirye, an acid survivor whose case was rejected by a magistrate at Iganga Magistrate's Court who felt traumatised by Babirye's physical appearance. In other instances, the police require statements from the victim immediately after the attack and yet this is the time that the victim is most vulnerable and unable to talk.

10.3.6.4 Inadequate psychosocial support and counselling services

The severe disfigurement, social isolation, prolonged hospitalisation, long-term health problems and chronic poverty that usually result from an acid attack frequently resulted in severe psychological, social and emotional effects on survivors. They commonly suffered depression, insomnia, nightmares and fear that the perpetrator would attack them again. Even where survivors did not suffer serious physical disability, the damage to their appearance and self-image often meant that they remained indoors. Even simple tasks such as going to the shops or to any public place could be embarrassing and frightening. Being economically inactive and dependent on others often also contributed to a sense of worthlessness, further compounding their social isolation.[427]

Some spouses of survivors felt ashamed of their partners, leading to separation and divorce. As a result, children lost out on family support and may have suffered hardships if abandoned with the mother, as many women are financially dependent on their husbands. The Acid Survivors Foundation Uganda report indicated that the percentage of female survivors abandoned by their spouses (25%) was much higher than for male survivors (3%). However, with all these effects, most acid survivors were not getting psychosocial support to enable them overcome the effects of the attacks. The majority of them were assisted by fellow survivors through organisations they formed to deal with acid attacks, but these were also highly dependent on donor aid.

427 There are high levels of social stigma and isolation suffered by acid attack victims. These also translate into psychological trauma, including identity crisis because of their lost and distorted physical appearance. See World Health Organisation. (1993). The ICD-10 Classification of Mental and Behavioral Disorders: Diagnostic Criteria for Research by World Health Organisation Available at https://www.who.int/classifications/icd/en/GRNBOOK.pdf



Staff of End Acid Violence Uganda offer counselling services to an acid attack survivor at Mulago National Referral Hospital.

10.3.7 Recommendations

1. The Government, through the Ministry of Health, should increase regional treatment centres for victims of acid attacks.
2. The Ministry of Health and Uganda Police Force should strengthen monitoring systems to track acid-related violence in the country to ease investigations and prosecution.
3. Parliament should spearhead the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
4. Uganda Law Reform Commission should amend the Toxic Chemicals Prohibition and Control Act, 2016 to include stricter measures on the sale, distribution and use of acid.
5. The Ministry of Health and the Ministry of Gender, Labour and Social Development should undertake sensitisation programmes on gender-based violence and acid attacks to make the public aware of the vice and its consequences.
6. Uganda Law Reform Commission should amend the Persons with Disabilities Act to include acid attack victims among PWDs because a number of them got the disabilities as a result of the attacks.

10.3.8 Conclusion

In conclusion, acid attacks have been described as one of the most neglected human rights concerns in the country and yet Uganda is among the top eight countries in the world with a prevalence of these attacks, mainly against women. Coupled with a number of challenges that victims still face in accessing justice, Uganda needs to enact a law to effectively deal with the ever-increasing cases of acid violence across the country. It is, therefore, very crucial that the issue of acid violence be responded to with urgency to properly address the underlying problems.

10.4 MERCY KILLING OF CHILDREN WITH DISABILITIES IN UGANDA AND ITS HUMAN RIGHTS IMPLICATIONS

10.4.1 Introduction

It is the wish of every parent to produce a healthy child. The new-born often brings joy, happiness and creates a bond between parents. However, sometimes children are born with disabilities such as visual and hearing impairment, mental health conditions, intellectual disability and physical disabilities due to a number of factors.

In some communities and families in Uganda, having a child with disabilities (CWD) is considered a bad omen, a curse, a punishment from God, an abomination, a burden and many other negative connotations. Due to these beliefs, the parents, especially mothers, of these children are often stigmatised, abused, abandoned and discriminated. Some families, clans and communities falsely accuse the mothers of having brought the bad omen and evil spirits into their communities. They wrongly believe that CWDs are evil spirits that can bring suffering, poverty, bad omen, death and even drought in their areas.

Getting a CWD brings serious challenges to the parents, particularly the poor. Parents of CWDs are not only subjected to stigma, but some also feel a sense of shame and perceive it as a burden. They often worry about how their children would cope in society as they grow. All this, coupled with the limited physical and psychosocial support, as well as the high expenses for medical care and support equipment for CWDs which many cannot afford, have left many parents helpless that some have resorted to mercy killing. The term 'mercy killing' refers to the act of putting a person or an animal to death or allowing them to die in order to stop their suffering, usually because of a painful or incurable disease.[428]

When any person, especially a relative or close friend, is experiencing pain, mental degeneration or other adverse condition, the instinct for many loved ones is to relieve the person of such pain in any way possible. It is also referred to as infanticide or euthanasia which is a compound of two Greek words; *eu,* meaning well or good and *thanalos,* meaning death. Euthanasia literally means "a good gentle and easy death" and has also been defined as mercy killing where one person ends the life of another person for the sake of the dying person. Sometimes, this desire to alleviate pain can become so strong in the caregiver that it overrides the deeper impulse to preserve life and ensure survival.

Parents of CWDs kill them deliberately by either starving them to death or denying them medical attention, believing that they are better off dead than having to endure painful and incurable disabilities. In other cases, after years or time of frustrations that come with taking care of a CWD, some parents give up because they want their lives back or want the suffering of their children to end. The Commission was concerned that this killing of CWDs by parents and relatives was a silent killer, often never reported or disclosed by families as this was raised in media reports. In 2019, the Commission assessed the incidents of mercy killings in Eastern Uganda, particularly in Soroti and Ngora districts[429] as well as Kiruhura district in Western Uganda to establish why the perpetrators do it.

10.4.2 Legal framework

10.4.2.1 International legal framework

Article 7 of the UDHR obliges states parties to ensure that all CWDs enjoy their human rights and fundamental freedoms fully on an equal basis with other children. Article 23 of the Convention on the Rights of the Child (CRC), to which Uganda is a state party, also obliges states to recognise the the right of children with mental or physical disabilities to enjoy a full and decent life. Uganda has broadly domesticated the rights of CWDs as enshrined in both the CRC which it ratified in 1990 and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) with its optional protocol ratified on 25th September, 2008 without reservations.

428 GotQuestions. What is a mercy killing? Available at https://www.gotquestions.org/mercy-killing.html
429 The Commission consultative meeting of 29th to 31st January 2020.

10.4.2.2 Regional legal framework

Article 2(1) of the African Charter on the Rights and Welfare of the Child protects children against harmful, social and cultural practices. It prohibits social and cultural practices that affect the child's life or development. Article 5 of the Charter also recognises every child's inherent right to life. It is a requirement that this right is protected by law that the states parties develop in their respective parliaments.

10.4.2.3 National legal and policy framework

The National Objectives and Directive Principles of State Policy XIV and Article 21 of the Constitution of Uganda guarantee the equality of all persons before and under the law in all spheres of their political, economic, social and cultural life and the enjoyment of equal protection.[430] The Persons With Disabilities Act, 2006 provides for access to justice for vulnerable persons. It also provides for the elimination of all forms of discrimination on the PWDs irrespective of sex, race, colour, ethnic origin, tribe, birth, religion, social or economic standing, political opinion or disability.[431]

10.4.3 Situation analysis on mercy killing of children with disabilities in selected districts in Uganda

The kind and magnitude of violence against CWDs varies. It can occur within the family, in the community or institutional settings. However, several key issues appear time and again when such violence occurs. Most striking is recurring stigma and prejudice. Throughout history, many societies have done poorly in dealing with disability. Cultural, religious and popular social beliefs often assume that a child is born with a disability or gets it after birth because of a curse, 'bad blood', an incestuous relationship, a sin committed in a previous incarnation or a sin committed by that child's parents or other family members. In many communities, both literate and illiterate people still believe that CWDs are a curse from God or the ancestors. Others believe that CWDs are evil spirits that crossed from the ancestral world to earth. Disability is also considered a bad omen, a punishment from God, an abomination and a burden to the community.

Due to these beliefs, mothers of CWDs are many times stigmatised, abused, abandoned by husbands, discriminated upon and sometimes killed. Depending on the society and its traditions, there are many reasons why these children are killed. Some intentionally starve their children to death, or they do not give them essential medicines. Others just directly kill them brutally. From an investigative documentary by a Belgian national broadcaster and NBS Television,[432] the Commission established that four mothers testified to have killed the CWDs due to lack of support from the husbands and relatives, and social stigma.



One of the culprits above narrating her story to staff members of Angel's Centre for Children with Special Needs on 26th February, 2018 of how she ended the life of her child with a disability. ©MONITOR NEWSPAPER



A child with a club foot. Such children sometimes end up being killed by their parents or guardians to save themselves from the 'burden' of raising them. ©DAILY MONITOR NEWSPAPER

430 Constitution of the Republic of Uganda, 1995 Article 21
431 The Persons with Disabilities Act PWDs Act, 2006.
432 Daily Monitor (author) Untold-story-mercy-killing-disabled-children year page ... Available at https://www.monitor.co.ug/SpecialReports/Untold-story-mercy-killing-disabled-children/688342-4320562-

The Commission noted that in societies where stigma against PWDs still existed, some parents responded with violence because of the alleged 'shame' the child brought to the family, or because they lacked social support to handle the intense stress within the family. The practice of mercy killing was one such violent manifestation. The parents believed their children were spared the enduring pain of disabilities and suffering in life.[433]

Research findings conducted in Kiruhura, Ngora and Soroti distritcs by the Commission indicated that CWDs in communities with high levels of discrimination and stigma against PWDs were at a higher risk of being killed. Children born with disabilities or who got disabilities after were reported to be directly subjected to physical violence, or sexual, emotional or verbal abuse in the homes, communities and institutional settings such as schools and hospitals.

A CWD was more likely to face violence and abuse at birth, and this increased the risk because the tendency was for violence to reoccur throughout the life span. This violence compounded already existing social, educational and economic marginalisation, thus limiting the lives and opportunities of these children. CWDs were far less likely than the others to be included in the social, economic and cultural life of their communities and only a small percentage of them attended school.

CWDs were likely to be killed either immediately at birth or at some point after; and sometimes years after. Parents were often exhausted and lacked support and encouragement, given the challenges of caring for and raising a CWD. In many cases, the parent or caretaker justified withholding the basic life-sustaining necessities (usually food, water and/or medication) or suffocating or strangling them or some other means, with the intention of "ending the suffering".

The decision to end the life of a CWD may be prompted directly with advice and counsel of medical, social, and or religious leaders or family members. It may also be prompted indirectly through lack of social, economic and medical support networks that leave parents feeling isolated, depressed and desperate. There were cases where parents decided to end the lives of CWDs because they themselves were ill or aging, fearing that if they died, their children would be subjected to abuse or neglect. The Commission noted that the communities often did not report such forms of homicide due to its acceptance as necessary.

From the Commission monitoring in Kiruhura district in which some religious leaders, community development officers, community elders and the District Probation and Social Welfare Officer were interviewed, it was established that mercy killing was secretly practised among the Bahima sub-tribe. This was because they believed that PWDs were a shame to the family and community.

The Commission further established that the main perpetrators of mercy killing were mostly parents or relatives of the CWDs. Some appeared to have acted out of desperation, overwhelmed by childcare responsibilities. Some of the mothers interviewed indicated that they had left the hospitals without being told that their children had disabilities. Mothers were often sent home without any information or care plan as doctors felt that the CWDs were "not worth it" or were "not going to make it." The mothers also raised concern that some doctors and nurses did not want to treat them or their CWDs because they believed disability was dangerous or even "contagious."

One mother stated that she was pressured by her husband to eliminate their child because it apparently "brought shame to our family and community" and that they would not be able to afford medical expenses, or that their child "would not live a good life". The Commission was informed that in Kiruhura district, disability was linked to witchcraft, family planning and myths like "a pregnant woman who sees a dead dog gives birth to a CWD". These were used to justify that a CWD did not deserve to live.

The majority of mothers stated that other than the high medical costs of managing CWDs, they also lacked the necessary psychosocial support to enable them cope with the daily challenges of raising CWDs. Many felt isolated, alone, exhausted, stressed, abandoned and helpless. Majority had also been shunned by their fami-

433 *Ibid*.

lies and rejected by their husbands and in-laws. Some CWDs could not attend school and other parents would not let their children play with a CWD, claiming that they "might get sick by contagion". Many CWDs were hidden in homes. Some mothers indicated that they could not find anyone to take care of their CWDs so that they could work. Without government, charity, community or family support, it was very challenging for mothers of CWDs to raise and support their families. All this stigma and discrimination coupled with limited awareness often drove parents to killing their CWDs.

The Probation and Social Welfare Officer, Kiruhura district, Ms. Fortunate Abaho, informed the Commission that CWDs in the district, especially among the Bahima, were considered a curse and bad omen on the women's side. She further explained that the disability could either be physical or mental and that there was a cultural perception that CWDs were expensive to look after in terms of feeding, clothing, medical, etc. She revealed that the parents of CWDs locked them up in secret rooms; so, it was reportedly very difficult to find a CWD or an old PWD in public Kiruhura district.

Ms. Abaho further revealed that generally, CWDs and their mothers were discriminated against and that if CWDs were not killed secretly at an early age, they were either tortured or inhumanly treated by their parents, especially the mothers who were always accused of bringing shame to the clan. In most cases, CWDs were tied on trees with ropes and starved to death.

The Commission noted that most of the cases of mercy killing were never reported. In Ngora, Soroti and Kiruhura districts which the Commission monitored, none had any such report because the parents, who would have otherwise reported, were the culprits. Besides, mercy killing was committed in secrecy and always justified. Another reason was because communities believed that the CWDs were better off dead than alive and many regarded mercy killing as a burden lifted off the parents' shoulders.



The Commission officials interacting with the Probation and Social Welfare Officer of Kiruhura district Fortunate Abaho (left) on issues of children with disabilities in the district

10.4.4 Causes of mercy killing of children with disabilities in selected districts in uganda

Children with disabilities are the most marginalised and vulnerable persons in Uganda. They are abused, discriminated, exploited and excluded by the societies they live in, hence denying them their inalienable rights. They are generally susceptible to negative societal perceptions that emerge from fear, ignorance, cultural superstitions, neglect and lack of awareness. The Commission established that the reasons why CWDs were sometimes dumped included the following:

10.4.4.1 Stigma and discrimination

The Commission established that stigma and discrimination were the lead causes of mercy killing. Parents who were interviewed by staff members of Angel's Centre for Children with Special Needs in February 2018 confessed to have participated in 'mercy killing' essentially because they wanted to save themselves from the burden of raising a CWD and the social stigma and discrimination they were experiencing from their families and communities.

A parent stated that while pregnant, she was looking forward to giving birth to a healthy baby like others she had had before but she later realised that the child had a disability and she was not happy. Even when she returned home from the hospital, other people at home were not happy either. The mother described the baby as follows: *"The legs of my baby were facing backwards (clubfeet), his eyes were not in the proper position, and they were too high on his forehead. It was not normal for a human being. His head was swollen and it looked as if he had two heads conjoined together. Even his arms were short. The way the baby was formed from the stomach upwards was not normal. It looked like an animal."*

Parents of the CWDs revealed that clans and extended families usually put mothers under too much pressure to explain how they gave birth to CWDs, hence shaming them and casting blame on them. In some cases, mothers were expelled from their husbands' households with accusation of bringing "shame and a curse to the home". In the case of Iculet (not real name) who had a daughter with a clubfoot defect in the above-mentioned investigative documentary,[434] she was accused of bringing a problem to the home and was always isolated by family members. She felt ashamed of her child. She narrated: *"My people started looking at my child as a problem in the family. Whenever food was served, I had to sit with my child on the side. They did not even want her to share a cup. She could only drink from a separate bottle."*

Due to the social stigma another mother faced originating from her own home, clan members and the society at large, she decided to secretly commit mercy killing, as she narrated below: *"I looked at him and picked him up from the ground and threw him down… I grabbed his neck, twisted it and I strangled the baby. I then listened to his heartbeat and it was not beating; he was not turning, not breathing. I waited for two hours to be sure he was dead."*

The Gombolola Internal Security officer (GISO) of Mukula sub-county, Mr. David Osujo, reported that perpetrators who had participated in mercy killing of CWDs in the sub-county claimed they were ashamed of them. He said this was because people in the community kept laughing at them, discriminating them and regarding them as the cause of all the misfortunes around.

10.4.4.2 Poverty and lack of support in maintaining the children

The Commission established that the caretakers of CWDs, who are mostly mothers, were often unable to afford the maintenance and care of the children. Parents who carried out mercy killing were poor and living in old traditional societies. Poverty drove most of the hopeless mothers into mercy killing to get relieved of the long-lasting burden of maintaining and caring for the children. Mothers told the Commission that their husbands and other close relatives did not provide support in maintenance and care of the CWDs. They reported this as a very big financial challenge which they could not manage alone and, therefore, secretly ended the lives of their innocent children.

In Mukula sub-county, the Commission noted that some mothers who had participated in mercy killing blamed it on their husbands for abandoning them. They also blamed their community, claiming that they were socially, politically and economically discriminated. One of the culprits in the documentary revealed that when she told her neighbours that the baby had died, no one bothered to ask how he had died. To her, this implied that her child was seen as a burden that needed to be eliminated as she narrated below: *"I told one of my neighbours and a few people gathered but they did not care at all. They did not even mourn. They just laughed at me."*[435]

10.4.4.3 Lack of awareness of rights

The Commission findings indicated that the societies perpetuated this practice without knowing that they were depriving the CWDs of their rights. The children's rights were violated by their dear ones who believed they were getting rid of a life-long burden.

10.4.4.4 Medical negligence and lack of information for parents of CWDs

Many mothers were not informed about their children's disabilities at birth. Once they realised disabilities, they developed mixed feelings and reacted accordingly. In most cases, these mothers faced a challenge of lack of information, guidance and treatment from the health workers. As a result, many did not know how to best take care of their CWDs, resulting into frustration and resentment towards the children.

434 Bareebe, G & Dewulf, L. (2018). The untold story of 'mercy killing' of disabled children in Uganda. *Daily Monitor*, 26th February, 2018. Available at https://www.monitor.co.ug/SpecialReports/Untold-story-mercy-killing-disabled-children/688342-4320562-7p6gsdz/index.html
435 https://www.monitor.co.ug/SpecialReports/Untold-story-mercy-killing-disabled-children/ 688342-4320562-7p6gsdz/index.html

10.4.4.5 Lack of access to adequate healthcare

By denying CWDs medical care and attention, the practitioners also denied them the right to access good health services that could even correct some disabilities. It is important to note that good healthcare can prevent many disabilities. A difficult labour, for example, can cause a baby to be born with a disability such as cerebral palsy.

However, trained birth attendants who can identify such risks and handle emergencies can prevent babies from being born with many disabilities. It should also be noted that it is not an assurance that all disabilities can be corrected but at least there is a possibility that some can and the child can have a normal life. Therefore, the act of mercy killing denied the victims the opportunity to utilise the available options that could have made their lives better.

10.4.4.6 Social exclusion

Social exclusion is a form of discrimination that occurs when people are wholly or partially excluded from participating in the economic, *social* and political life of their community, based on their belonging to a certain *social* class, category or group.[436] The Commission established that PWDs faced oppression and marginalisation in societies where they lived. Evidence in the investigative documentary showed that Mary Iculet was excluded and stigmatised for having CWDs. It was such entrenched social barriers, coupled with inadequate support, that forced some mothers to take extreme measures.

It was reported by Mr. Charles Aoja, the LC 1 Chairperson, Mukula sub-county in Ngora district, that the problem of mercy killing had been exacerbated by social attitudes that link disability with weak masculinity. He reported that one of the residents in the sub-county had told him that : "*A man like me cannot take all my time carrying a child with disability. If a man cannot even carry the normal ones, how can he do it to that one who needs more time? You see, it becomes a shame to me.*" It is important to note that disability placed families, and more especially mothers, in an undervalued social status as they were denied full participation in different activities in society.

10.4.5 Human rights implications arising from mercy killing of children with disabilities

10.4.5.1 Discrimination and stigmatisation

Non-discrimination and equality are core elements of the international human rights normative framework. Article 21 of the Constitution of Uganda states that every human being is entitled to all rights and freedoms "without discrimination of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Mercy killings often occurred due to discrimination and stigma meted out on the children and their parents within the families and communities. The continued discrimination and stigmatisation led to exclusion of parents of CWDs from participation in decision-making in the society, social services and many others that affected their welfare. The National Council for Disabilities is mandated to monitor institutions and families specifically of CWDs. However, inadequate resources continued to be a constraint in regularly doing this.

10.4.5.2 Torture and ill-treatment

Mercy killing violates the right to human dignity of the CWDs. In all testimonies by the perpetrators, harsh and cruel means were always used to end the lives of the innocent children. The testimonies by perpetrators revealed that victims were denied food or medical care till they died. In other instances, the victims were strangled, battered, kicked, or stoned to death. This caused suffering and immense pain to the CWDs due to the torture inflicted on them.

10.4.5.3 Deprivation of the right to life

Mercy killing is illegal and violates the right to life of CWDs who are denied a chance to live under the guise of helping them. Article 22 of the Constitution of Uganda provides for protection of the right to life and stipulates that no person shall be deprived of the right to life intentionally except in the execution of a court sentence. Since the act was reported to be done in secrecy, the Commission was not able to get from different stations in Ngora, Soroti and Kiruhura districts,

436 PACS. What is social exclusion? Available at http://www.pacsindia.org/about_pacs/what-is-social-exclusion

the details of specific CWDs that had been subjected to mercy killing.

10.4.6 Recommendations

1. The Ministry of Gender, Labour and Social Development should create awareness and sensitise the people across Uganda, especially the traditional societies, about the rights of PWDs and the existing legal protection for them to ensure that the Persons with Disabilities Act is effectively enforced.
2. The Ministry of Finance, Planning and Economic Development should provide funds for medical research to the Ministry of Health to carry out a thorough research on disabilities in children to inform appropriate interventions.
3. The Ministry of Finance, Planning and Economic Development should establish a Disability Trust Fund to support PWDs, particularly parents of CWDs, to enable the children access the expensive healthcare and psycho-social services.
4. Community leaders and members should report to the relevant authorities like Uganda Police Force, any cases of mercy killing and other atrocities committed on CWDs that occur in their localities.
5. The Uganda Police Force should investigate the mercy killing reports in the television documentary and in the interviews district officials had with the Commission, in order to ensure justice is done and to institute preventive measures.
6. Parents of CWDs should desist from discriminating them and facilitate them to access equal opportunities in all aspects of their lives within the communities
7. Parents should be supported by families, communities and peers to accept their CWDs as human beings who deserve respect of their dignity so that they can address their unique needs.

10.4.7 Conclusion

In conclusion, Uganda has many enabling policies and laws aimed at protecting the interests of children and creating equal opportunities for PWDs. Mercy killing of CWDs, as already highlighted, violates human rights, especially the right to life of children, mainly because they are vulnerable and unable to protect themselves. Besides, it is perpetuated by parents themselves who should be the protectors of the CWDs. Awareness creation strategies should be intensified in the various communities in Uganda and parents assisted in any way possible so as to end the despicable practice.

10.5 SCARCITY OF BLOOD IN GOVERNMENT HOSPITALS AND ITS HUMAN RIGHTS IMPLICATIONS

10.5.1 Introduction

Blood and its components are essential for the human body to keep active and by extension the right to life. Scarcity of blood refers to a relative deficiency in the supply of blood and blood products available for transfusion in a particular region.[437] Uganda has for the last years been struggling to resolve a countrywide shortage of blood in both Government and private hospitals that resulted into the cancellation of operations and loss of lives especially for anaemic children, injured casualties, pregnant mothers and all patients in need of blood.

On 6th September, 2019 during a plenary sitting, Members of Parliament (MPs), complained of constant blood shortage in their constituencies and that the patients were facing challenges of travelling long distances to access blood which was in short supply.[438] In January 2019, the Director of Uganda Blood Transfusion Services (UBTS), Dr. Dorothy Kyeyune, had admitted in the *New Vision* newspaper that they had been unable to supply blood to health facilities across the country for half a month, mainly due to lack of reagents for testing several infections.[439] The concerns raised in Parliament and by patients over scarcity of blood prompted the Commission to assess the extent to which different hospitals were affected and how this impacted on the rights of patients.

10.5.2 Legal framework

Uganda has ratified a wide range of human rights treaties related to the enjoyment of the right to health to which availability of blood in hospitals is critical.

10.5.2.1 International legal framework

Article 25 of the UDHR provides for the right of all persons to an adequate standard of living,[440] including guarantees for health and well-being.

Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) requires state parties to recognise "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."[441]

Articles 23 and 24 of the CRC recognise the right to health for all children. Similarly, CEDAW establishes the obligation to adopt adequate measures to guarantee women access to health and medical care, with no discrimination whatsoever; thus pregnant women are entitled to blood transfusion in case of need. Numerous other instruments also provide for the right to health. These include The International Convention on the Elimination of All Forms of Racial Discrimination and the Convention relating to the Status of Refugees, among others.

10.5.2.2 Regional legal framework

Article 16 of the African Charter on Human and Peoples' Rights guarantees the right to the highest possible level of health, to which end "necessary measures" have to be taken, while also guaranteeing medical services in case of illness. Article 14 of the African Charter on the Rights and Welfare of the Child also includes recognition of the right to health.[442]

10.5.2.3 National legal and policy framework

The Constitution of Uganda under the National Objectives and Directive Principles of State Policy provides for medical services. Objective XX requires that the state shall take all practical measures to ensure the provision of basic medical services to the population.[443]The Constitution also protects the right to a clean and healthy environment under Article 39 which is an underlying determinant of health.[444]

437 Medical Dictionary.
438 Karugaba, M. (2019). MPs complain of constant blood shortage. *New Vision 6th September, 2019*.
439 Kasujja, C. Blood bank stuck with blood despite scarcity in health centres. *New Vision, 24th January, 2019.*
440 Article 25 of the Universal Declaration of Human Rights.
441 Article 12 of the International Convenant on Economic, Social and Cultural Rights.
442 The African Charter on the Rights and Welfare of the Child, Article 14.
443 The Constitution of Uganda, 1995.
444 *Ibid*

Uganda has also put in place policies that elaborate on the right to health and provide a framework for realising the right to health, which include the second National Development Plan (NDPII, 2015/16 – 2019/20) which will be replaced with NDP III, the National Health Policy (2010) with a goal to attain "a good standard of health for the people of Uganda" and the Health Sector Development Plan (2015/16 - 2019/20).[445]

10.5.3 Situation analysis of scarcity of blood

The Commission noted from its monitoring activities that majority of the health facilities had no blood in stock, thus putting at stake the right to health of patients that sought medical care from there.

Some cases of deaths due to lack of blood were reported in 2019 in Nebbi Hospital where the Commission was informed that one child died in the paediatric ward; Angal Hospital where more than 20 patients died; and Nyapea Hospital where one mother died in April. Blood scarcity has become a persistent issue since 2017. The consequent deaths and the public outcry over scarcity of blood in the hospitals triggered the Commission to assess the extent to which the different Government hospitals were affected. The Commission also noted that the blood shortage challenge later culminated into a street protest in Gulu.[446]

Uganda has a total of 155 hospitals (public and private) with two National Referral Hospitals at Mulago and Butabika, 14 Regional Referral Hospitals (RRHs), and 139 General Hospitals (GHs). Of these, 65 are government-owned, 27 are private and 63 are private-not-for-profit hospitals (PNFP).[447]

In January 2003, the Uganda Blood Transfusion Services (UBTS) was established with a Board of Directors as an autonomous institution[448] responsible for blood donation, collection and supply and also provision of critical technical assistance to the health facilities countrywide. Hospitals collect blood from the blood banks at no cost, though in most cases private facilities end up charging patients for a blood 'handling fee' like for blood group cross-matching and blood giving set.[449] It was established, for example, that Bamu Hospital Mateete in Sembabule district is a private medical facility that offers blood transfusion services to patients at a fee.

According to UBTS, blood is supplied upon request by a respective entity on a regular basis. This may be daily for nearby healthcare facilities or weekly for distant ones that are required to estimate their monthly blood needs and to pick blood from the nearby regional blood bank or blood collection centre or blood distribution centre. They are later required to provide accountability for the previous blood use, for better planning.[450] The main blood recipients are largely children suffering from malaria who contribute 60%, mothers with pregnancy complications (30%) and accident victims, cancer and surgical patients at 10%.[451]

10.5.3.1 Blood processes from donation to transfusion

Uganda needs about 400,000 units of safe blood annually but practically collects about 200,000 units, thus the scarcity. The low collection could be attributed to perceptions and fear that make people shy away from donating blood. Some people fear the revelation that their blood might have some viruses, and there are some myths about blood donation such as that one's blood levels may drop or that one becomes prone to sickness after donating blood.

Blood donations are entirely voluntary though not everyone is eligible to donate. The categories of people who are eligible to donate blood include, among others, persons aged between 17 and 60 years (up to 65 years for a regular donor); those that have a weight of 50 kilogrammes and above; those that are free from chronic diseases such as diabetes, cancer and heart disease, among others. In addition, one must not belong to a risky group such as sex workers, long-

445 ISER. (No date). Introduction to the Right to Health in Uganda: A Handbook for Community Health Advocates.
446 While still compiling this report, residents of Gulu district took to the streets on 7th February, 2020 to protest over blood shortage and called upon the government to increase the budget for UBTS so as to improve the health situation.
447 Statistics by Ministry of Health. Available at https://health.go.ug/affiliated-institutions/hospitals
448 Uganda Blood Transfusion Services Strategic Plan 2010 – 2015. Page 1.
449 Dr. Dorothy Kyeyune Byabagaire, Scarcity of blood in government hospitals, 29th January 2020 in a consultative meeting at UHRC.
450 *Ibid.*
451 Nduhukire, S. (2018). Agony as blood shortage hits crisis levels. *Daily Monitor, 5th February, 2018*.

distance drivers, fishing groups, and must not be a woman who is menstruating or who has just given birth. In order to eliminate scarcity of blood in the country, UBTS has established partnerships with government bodies, NGOs and corporate entities in organising blood donation campaigns, such as those done with the NSSF, Police and Goldstar Insurance Company.

The Commission was informed that secondary school students were the principal source of blood donations since they are many and their blood is free from many infections. The Uganda Red Cross Society established a good relationship with many school authorities to ease the process of donation. The Red Cross recruiters always visit schools to deliver an informative talk about the need for blood by the different categories of patients, and a week later, the Blood Bank visits the school where students are asked to volunteer and donate blood. Similar programmes are organised for office staff, factory workers, religious and other groups. The Commission also organised a blood donation drive in 2019 at the UHRC head office in Kampala.

a) Blood collected and issued from FY 2012-2013 to 2018-2019

From the 400,000 units of safe blood that the country needs annually based on demand by all health facilities, UBTS lowered its target to 300,000 owing to the different challenges with blood processes. This amount only meets 85% of hospital requirements. Even then, from a practical perspective, UBTS collects about 200,000 units only, which is lower than the existing demand, as shown in Figure 36.



Donating blood during the countrywide NSSF blood donation drive in 2019.



Students at Bishop Cyprian Kihangire Schools donating blood.



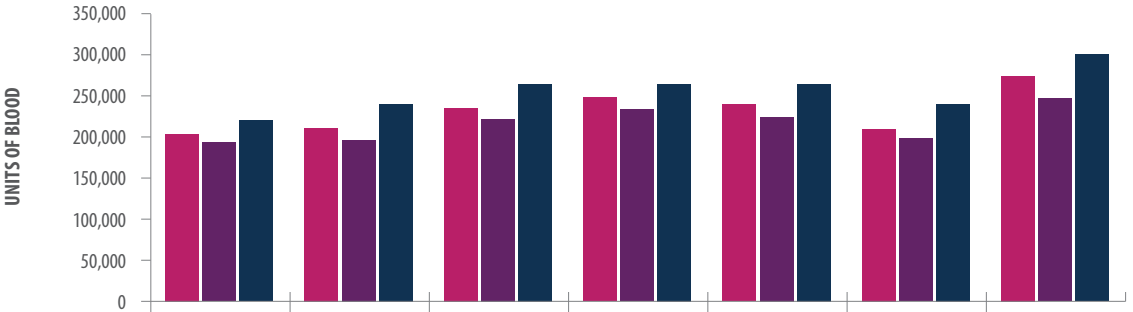
Students and teachers of Adjumani Model School donating blood.



The Commission staff donating blood at UHRC head office in Kampala.

FIGURE 36:

Blood collected and issued in the period 2012-2018



	2012 - 2013	2013 - 2014	2014 - 2015	2015 -2016	2016 - 2017	2017 - 2018	2018 - 2019
Blood units	203,286	210,502	235,407	247,711	239,260	209,633	274,308
Blood issued	192,975	196,331	221,666	233,135	224,176	197,885	246,678
Target	220,000	240,000	264,000	264,000	264,000	240,000	300,000

Source: Uganda Blood Transiffusion Services(UBTS)

b) Blood testing and processing

Blood testing and screening is the process that begins with the recruitment of safe blood donors. The donated blood is then mandatorily screened for five transfusion transmissible infections (TTIs), that is, HIV, hepatitis B, hepatitis C, syphilis and malaria. The objective of screening is to detect markers of infection and prevent the release of infected blood and blood components for clinical use.

After screening, the blood is taken to a processing centre where information about the donated blood is scanned into a computer database and spun in centrifuges to separate it into red cells, platelets and plasma which are the transfusable components.[452] After the separation, plasma is made into different components such as cryoprecipitate, which helps to control the risk of bleeding by helping blood to clot; the red cells and platelets are leuko-reduced, meaning the white cells are removed in order to reduce the possibility of the recipient having a reaction to the transfusion.



A centrifuge that separates blood into the different components for transfusion. ©AMERICAN RED CROSS SOCIETY

c) Blood transfusion

Blood transfusion is a technique of adding blood to a person's body after an illness or injury. In order to determine a person who needs blood, the laboratory technician clinically checks the haemoglobin level (HB), and the clinician gives the final order on whether to do transfusion or not. Patients are always consulted and counselled before giving them blood and parents or guardians always consent for the children.

Transfusion is done when a person's body is missing one or more of the components that make up healthy blood such as red cells, white cells, plasma and platelets. "Whole blood" refers to blood that has all the components. In some

452 American Red Cross. What happens to donated blood. https://www.redcrossblood.org/donate-blood/blood-donation-process/what-happens-to-donated-blood.html Accessed on 6th February, 2020.

cases, one may need to have a transfusion of whole blood or a specific component that is lacking in their blood. The common kinds of blood cell transfusion include the red blood cell transfusion which is done for anaemic persons; transfusion of platelets which helps to stop bleeding; and a plasma transfusion which helps to replace the proteins in the recipient's blood to help it clot.

Transfusion is always done in the hospital where blood is administered to the patient by using a needle to insert an intravenous (IV) line into one of the blood vessels. The procedure usually takes one to four hours.

10.5.3.2 Scarcity of blood in Uganda per region

a) Northern Uganda

The Regional Blood Banks for Northern Uganda are located in Gulu and Arua districts with collection centres in Lira district and Nebbi district (at Angal Hospital). The different hospitals and health centres in the region collect blood from these facilities and make referrals in case of emergencies.[453] In January 2018, Arua Regional Referral Hospital reported a death that had occurred due to blood shortage. Dr Emmanuel Odar, the officer-in-charge of the maternity ward, said they lost a woman on 11th January, 2018 who bled to death since there was no blood to save her life.[454]

In Gulu district, some deaths were recorded and a number of operations cancelled due to blood shortage. On 29th January, 2019, Dr. Odong Emintone of St. Mary's Hospital Lacor expressed the health workers' frustration as they watched patients die due to shortage of blood, with no immediate solutions.

On the same day, scarcity of blood was reported at Gulu Regional Referral Hospital and the little available was strictly reserved for expectant mothers, thus putting the lives of anaemic children and injured patients at risk.[455] A 22-year-old mother was also reported to have lost her life at Apac Hospital due to lack of blood,[456] while at Anaka Hospital in Nwoya district, major operations were halted and emergency cases referred to Gulu Regional Referral Hospital or St. Mary's Lacor Hospital which were also experiencing scarcity of blood.[457]

Kitgum Hospital reported receiving 15 to 20 units of blood from the Gulu Regional Blood Bank, compared to over 70 units of blood required weekly, thus putting at risk the lives of children, pregnant mothers, sickle cell patients, accident survivors and other patients.[458] The Commission learnt that due to lack of blood, more than 20 patients died at Angal Hospital, Nebbi district in 2019; a child died at Nebbi Hospital, and one mother died early in April 2019 at Nyapea Hospital. The consequent escalation of maternal deaths in the different health facilities prompted some people in Gulu town to protest over blood shortage, calling upon government to increase the budget for UBTS to ensure availability of safe blood in health facilities across the country to address the health situation.



Gulu residents march to protest the shortage of blood in February 2020. ©MONITOR NEWSPAPER

b) Eastern Uganda

The Regional Blood Bank located in Mbale district serves Eastern Uganda in addition to a collection centre in Soroti district. The limited collection centres and long distances to the blood bank and the collection centre were blamed for the scarcity of blood in the region.

453 Monitor Team. (2019). Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*
454 Draku, F & Tumushabe, A. (2018). Patients at risk as referral hospitals run out of blood. *Daily Monitor, 12th January, 2018.*
455 Monitor Team. Blood shortage hits health facilities. Daily Monitor, 29th January 2019.
456 Uganda Radio Network (URN). 22-year-old mother dies as blood shortage hits Apac Hospital. *Daily Monitor, 11th January, 2020.*
457 Monitor Team. Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*
458 Komakech, D. M. (2019). Blood shortage hits Kitgum Hospital. URN, 23rd July, 2019. Available at https://ugandaradionetwork.net/story/blood-shortage-hits-kitgum-hospital Accessed on 10th February, 2020.

The Jinja Regional Referral Hospital had reportedly not received enough blood since December 2018. Therefore, in times of emergencies, blood has to be picked from Nakasero Blood Bank in Kampala which is far.[459] In January 2019, the situation at Budaka Health Centre IV was alarming and so emergencies were referred to Mbale Regional Referral Hospital which was also experiencing shortage of blood.[460] The Director, Mbale Regional Referral Hospital, Dr. Emmanuel Tugaineyo Ituuzo, reported on 29th January, 2019 that the number of patients in need of blood including those referred was overwhelming since the available blood was inadequate. One death had been recorded at Pallisa Hospital on 28th January, 2019 due to blood shortage because the 25 to 30 units of blood the hospital was supposed to get daily from Mbale Regional Referral Hospital were not forthcoming.[461]

The Commission also learnt that Karamoja sub-region experienced a high incidence of anaemia due to poor feeding and malaria, which required blood transfusion. Malaria and the associated anaemia were rampant during the rainy season, as most people slept outdoors under trees, thus the high demand for blood which was scarce.

c) Central Uganda

The only Regional Blood Bank in Central Uganda is the Nakasero Blood Bank which is served by Masaka/Kitovu and Mengo Rotary blood collection centres. Despite being near the major blood bank, the hospitals in central region experienced severe shortage of blood.

Dr Peace Bahashe of the Renal Unit in Mulago Hospital reported that only 10 out of the required 15 units of blood daily were available. This was a serious challenge for the unit that was receiving 130 patients daily.[462] On 30th January, 2018, a leukaemia patient, a senior six leaver of



The only two units of blood that were available at Kawempe General Hospital on 5th January, 2018. ©THE OBSERVER

Busoga High School, Stuart Tabusibwa, died at Kiruddu General Referral Hospital as a result of an acute blood shortage. He had been hospitalised for three days when his attendants were requested to look for blood donors in order to save his life. By the time blood was secured, it was too late.[463]

At Kawempe General Referral Hospital for women, it was said that the maternal death rate had increased as ambulances brought in patients, some of whom were bleeding, but no blood was available. The respondent did not provide the specific numbers. However, media reports indicated that three anaemic children who had been referred to the hospital reportedly died in January 2018.[464]

Dr. Steven Kawooya of Mityana General Hospital reported in January 2019 that due to the blood shortage in the different parts of the country, the hospital had tried by all means to use the available blood sparingly to avoid critical scarcity.[465] Masaka Regional Referral Hospital did not experience any scarcity of blood since they had a collection centre and had stocked testing kits. Blood was available on request.[466] For Rakai district, cases of blood transfusion were referred to Kitovu Hospital in Masaka district.

459 Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*
460 *Ibid*.
461 *Ibid*.
462 Nassaka, F. (2019). Hospitals raise concerns of looming blood shortage. URN, 26th June 2019. Available at https://ugandaradionetwork.com/story/hospitals-raise-concerns-of-looming-blood-shortage- Accessed on 11th February, 2020.
463 Nduhukire, S. (2018). Agony as blood shortage hits crisis levels. *Daily Monitor, 5th February, 2018*.
464 Nakabugo, Z. (2018). Death traps in hospitals as blood runs out again. The Observer, 23rd January, 2018. https://observer.ug/news/headlines/56700-death-traps-in-hospitals-as-blood-runs-out-again.html Accessed on 11th February, 2020,
465 Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*
466 Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*

d) Western Uganda

Two regional blood banks in Mbarara and Fort Portal districts serve the western region which also has three collection centres in Hoima, Kabale and Rukungiri districts. No blood crisis was reported at Mbarara Regional Referral Hospital which was operating normally unaffected by the reported general scarcity.[467]

Mubende Regional Referral Hospital had reportedly received less than the required 30 to 50 units of blood, which was their bi-weekly order, leading to loss of lives. At Kibiito Health Centre IV in Bunyangabu district, expectant mothers who needed blood would be referred to Buhinga Regional Referral Hospital in Kabarole district but the blood was still insufficient. Media reports cited a mother who had over-bled after delivery at Kibiito Health Centre IV and had been referred to Buhinga Regional Referral Hospital where she found only one unit of blood. The explanation was that the available blood could not be screened because their machine was down.[468]

In Bundibugyo district, it was reported that due to scarcity of blood in the Fort Portal (Buhinga) Regional Referral Hospital, the residents took the risky option where the patients are fed on guinea pig blood mixed with soda as an alternative thus putting their lives at a risk.[469]

10.5.3.3 Storage of blood

Storage of blood refers to the processes and conditions under which it is kept for future use. Blood can survive for up to 12 hours under room temperature and up to 35 days under refrigeration. Blood is collected in plastic bags and later separated into different components for storage in the blood banks. Red cells are stored in refrigerators at sic degrees centigrade (6oC) for up to 35 days. Platelets are stored at room temperature in agitators for up to five days, which implies that the blood bank must refill its stock very frequently.[470]

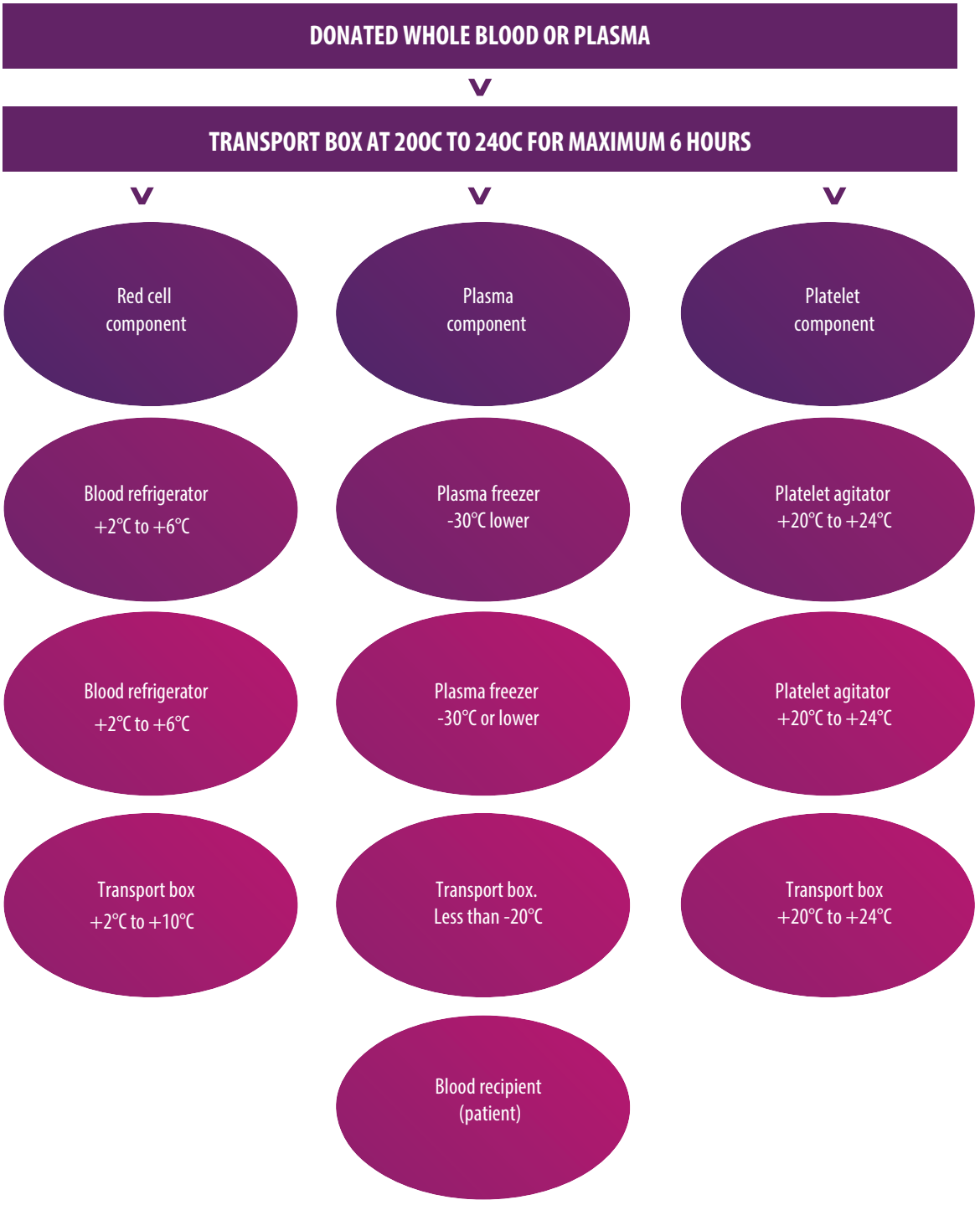
a) The blood cold chain from collection to transfusion

This chain basically explains how blood is stored right from collection to the final stage of transfusion. It entails the system of storing and transporting blood and its components so that they are kept at the correct temperature at all times from collection to administration to the patient. Any break in the blood cold chain increases the dangers for the recipients of the blood products. Blood bank refrigerators, plasma freezers, platelet agitators cum incubators and blood transport boxes constitute the cold chain equipment used for storage of blood and its components.[471]

467 *Ibid.*
468 Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*
469 Agony as blood shortage hits crisis level, *Daily Monitor, 5th February, 2018.*
470 Kasujja, C. (2019). Blood now available in hospitals. *New Vision, 29th January 2019.*
471 WHO. Clinical transfusion practice: Guidelines for medical interns, page 16.

FIGURE 37:

The blood cold chain from collection to transfusion[472]



Source: World Health Organisation

472 WHO. (No date). Clinical transfusion practice: Guidelines for medical interns, page16.



The plastic bags in which blood is collected. ©RED CROSS

b) Blood banks and collection centres

A blood bank is a place where blood is stored as well as preserved for future use since it lasts for a maximum of 35 days under refrigeration. All hospitals have a blood laboratory where testing and giving of blood is done. Before administering blood to patients, their blood type must be established in the laboratory so each can be given the most appropriate type (group).

There are six regional blood banks in the country located in Arua, Fort Portal, Gulu, Mbale, Mbarara and Nakasero. The nine collection centres are: Hoima, Masaka/Kitovu, Kabale, Rukungiri, Jinja, Lira, Angal/Nebbi, Soroti and Mengo Rotary Blood Collection Centre. The UBTS has 25 mobile blood collection teams.[473]

10.5.4 Underlying causes of blood shortage in Uuganda

10.5.4.1 Non-matching blood group

For blood transfusion to take place, a recipient's blood must match with that which is available for transfusion. Blood has to be screened at the blood banks in order to prevent a situation where the recipient's antibodies would attack the transfused blood.

About 40% of people have blood type O, which is safe to give almost anyone in a transfusion. Type O blood donors are referred to as universal donors. Those with type AB blood can receive any type of blood and are referred to as universal recipients. However, when one has Rh-negative blood, they can only receive Rh-negative blood. One cause of scarcity of blood was where what was available was not matching the required type according to the needs of the patients. The Director of Mbarara Regional Referral Hospital Dr. Celestine Barigye explained: *"We have had no crisis, we are operating normally. Sometimes people with a unique blood group may fail to get blood. When such a person doesn't get, they say there is no blood in hospital."*[474]

10.5.4.2 Low levels of donation

Only a small number of Ugandans were willing to donate blood, with most donors being students. Consequently, a shortage of blood would be experienced during school holidays. Blood donated by students was said to generally be free from infections compared to other donors. Therefore, when the donors were not students, the blood issued out after screening would be much less that what was donated.

The Acting Regional Director of Arua Regional Blood Bank, Mr. Gilbert Anguyo, attributed the scarcity to the long school holidays. He also singled out parts of Arua and Maracha districts for having poor attitude towards blood donation, hence the scarcity of blood. However, he applauded the residents of Nebbi district for being the largest blood donors in Northern region.

10.5.4.3 Inadequate staff

In all the health facilities monitored by the Commission, the issue of inadequate staffing was still a big challenge affecting services including blood transfusion processes. The UBTS that is responsible for blood donations and donor recruitment has only 25 blood collection teams instead of the ideal 30, thus leading to scarcity of blood, since only some parts of the country have been involved in the donations.

10.5.4.4 Limited testing reagents

Testing reagents as well as equipment such as syringes and testing kits are critical in the collection, testing and screening of blood to ascertain if it is free from infections.

The Director of UBTS reported in January 2019 that blood was available in stock but could not be issued out since there were no reagents for

473 Dr. Dorothy Kyeyune Byabagaire. Scarcity of blood in government hospitals. 29th January 2020 during a consultative meeting at UHRC.
474 Blood shortage hits health facilities. *Daily Monitor, 29th January, 2019.*

testing it, thus leading to the scarcity.[475] She said: *"It is not true that we do not have blood; we have blood in stock but we cannot issue it because it has not been tested for HIV, hepatitis B and blood grouping. Our policy is that all blood must be tested before it is issued to hospitals."* She added: *"We get reagents from National Medical Stores. If they do not supply us, we do not have any alternative to test blood. Blood is not like drugs; if drugs run out in hospitals, patients can go and get some from pharmacies, but if blood has run out, there is no alternative."*[476]

10.5.4.5 Corruption and scarcity of blood in government hospitals

Corruption is a serious threat to good governance in the country and all countries around the world. It affects the health sector as much as other social services. In the period under review, the Commission learnt that some hospitals were reportedly selling off blood to patients due to corruption even when it was collected at no cost. This was contributing to the scarcity since the available blood could not be issued before payments were made.

During a blood donation drive at Constitution Square in Kampala on 2nd September, 2018, organised by the East India Cultural Association (EICA), the Medical Officer at Nakasero Blood Bank, Janepher Draleru, said they had "*received several complaints from some patients that health workers sell them units of blood".*[477] The complaints had been about both Government and private hospitals**.**

At the time of compiling this report, NBS Television, a national media channel, ran an expose on how patients were made to pay for blood. A case in point was a one Mr. Raphael Umony who lost his wife after paying UGX 400,000 for blood and its transportation from the blood bank. This was a challenge for especially the poor patients who were unable to purchase the blood.[478]

10.5.5 Challenges faced by health facilities carrying out blood transfusion processes

10.5.5.1 Small pool of blood donors

Blood donors were usually few and the response to voluntary blood donation poor. The hospitals could not meet their blood needs 100%. In some parts of Arua and Maracha districts, it was reported that people had a poor attitude towards blood donation which was partly attributed to fear of the unknown; of what virus one's blood might be carrying and the different myths about blood donation.[479]

10.5.5.2 Failure of hospitals and other health facilities to pick blood from blood banks

Inadequate vehicles and sometimes lack of money for fuel limited the ability of the hospitals to pick blood from the different blood banks, thus putting at stake the lives of the patients.[480] The Commission found at Kotido Health Centre IV, that for over five months, there was no blood and this was attributed to the high cost of transporting it from Gulu Blood Bank.

10.5.5.3 Reported sale of blood to patients

As earlier stated, officials from Nakasero Blood Bank reported to have on several cases received information from patients regarding sale of blood which is prohibited[481] and this was putting at a disadvantage poor individuals unable to pay.

10.5.5.4 Poor returns on blood utilisation by hospitals

The Director of UBTS Dr. Dorothy Byabagaire told the Commission that some hospitals had failed to file returns on how they had utilised the units of blood supplied to them. This affected the planning process, leading to repeated scarcity of blood in the hospitals.

475 *New Vision*, 2nd September. 2018.
476 *Ibid.*
477 Nabatanzi, V. (2018). Hospitals warned against selling blood to patients. *New Vision*, 2nd September 2018.
478 *NBS special report*. Blood for sale.10th February 2020.
479 Aluma, C. (2017). Blood shortage hits health facilities. *Daily Monitor*, 19th January, 2017.
480 Dr. Dorothy Kyeyune Byabagaire, Scarcity of blood in government hospitals, 29th January 2020 during a consultative meeting at UHRC.
481 *Ibid*.

10.5.5.5 Inadequate funding for UBTS blood supply chain

The process of blood collection up to the final stage of transfusion in Uganda is very expensive. It costs about 40 US dollars (about UGX 145,000) to make a unit of blood safe and delivered to the hospital. For this reason, the limited Government and donor funding available to the sector remained a pertinent challenge.[482] As earlier quoted, the UBTS Director had pointed to the lack of reagents for blood testing which meant that blood in stock could not be issued because it had not been tested.

10.5.5.6 Inadequate infrastructure

Blood transfusion infrastructure was still inadequate, with some of the centres operating from small rooms borrowed from the referral hospitals. Only Mbale and Mbarara Regional Blood Banks were purposely built and furnished as such. The rest; Fort Portal, Gulu, Arua and five smaller centres at Hoima, Kabale, Jinja, Soroti and Masaka, were inadequately furnished even though they continued to collect and distribute blood.[483]

10.5.6 Human rights concerns over scarcity of blood

in assessing the situation of scarcity of blood in the Government hospitals, the Commission considered the human rights concerns and the rights at stake, including loss of lives and discrimination.

10.5.6.1 Deprivation of right to life

The right to life has a crucial importance both for individuals and for society as a whole. It is most precious for its own sake as an inherent right in every human being, and is a fundamental right whose effective protection is the prerequisite for the enjoyment of all other human rights.[484] It is guaranteed under Article 22 of the 1995 Constitution of Uganda.

In some instances, the scarcity of blood in hospitals resulted in loss of lives. A case in point was Arua Hospital, which according to the Director, was forced to suspend blood transfusion operations for some categories of patients. This resulted in a crisis especially at the health centres leading to loss of lives of some patients. However, the director did not reveal the number of patients who had died as a result of lack of blood transfusion.[485] As earlier stated, at the General Referral Hospital for women, Kawempe, the maternal mortality and infant mortality increased due to blood shortage, thus deprivation of the right to life.[486]

10.5.6.2 Deprivation of the right to health

Respect for the right to health is a fundamental part of a life of dignity. The scarcity of blood in the hospitals resulted in cancellation of operations, thus putting at risk the right to health for patients, who returned home with no hope of recovery and some resorted to non-scientific remedies that could have been harmful to their health. In Bundibugyo district, a mother gave his son guinea pig blood mixed with soda as a substitute for blood since on several cases she had not found blood at the Fort Portal Regional Referral Hospital.[487]

10.5.6.3 Freedom from discrimination

Freedom from discrimination is provided for by Article 21 of the Constitution which states that all persons are equal before and under the law in all spheres of political, economic, social and cultural life. However, NBS Television reported that some hospitals issued out blood to patients at a cost, which was discriminatory to the poor patients unable to afford the cost.[488] UBTS confirmed having heard of such claims. Aruu County MP, Hon. Odonga Otto, was quoted by the media on 6th September, 2019, claiming that blood was being sold.[489] He said it was sad that blood that was donated free of charge was being sold. Otto added that scarcity of blood could have been partly due to exorbitant cost since some patients were made to pay as high as UGX 3 million.[490]

482 Dr. Dorothy Kyeyune Byabagaire, Scarcity of blood in government hospitals, 29th January 2020 during a consultative meeting at UHRC.
483 UBTS. *Uganda Blood Transfusion Services Strategic Plan 2010 – 2015*.
484 UN Human Rights Committee. (2018). General Comment No. 36 on Article 6 of the International Covenant on Civil and Political Rights - Right to life. Doc. No. CCPR/C/GC/36
485 Aluma, C. (2017). Blood shortage hits health facilities. *Daily Monitor*, 19th January, 2017.
486 Nakabugo, Z. (2018). Death traps in hospitals as blood runs out again. T*he Observer*, 23rd January, 2018.
487 Nduhukire, S. (2018). Agony as blood shortage hits crisis levels. *Daily Monitor*, 5th February, 2018.
488 Dr. Dorothy Kyeyune Byabagaire, Scarcity of blood in government hospitals,29th January 2020 during a consultative meeting at UHRC
489 This was reported on 10th February, 2020 in the news bulletin of *NBS Live at 9pm* that private facilities were selling blood to patients in some hospitals in Kampala.
490 Karugaba, M. (2019). MPs complain of constant blood shortage. *New Vision*, 6th September, 2019.

10.5.7 Recommendations

1. The Ministry of Finance, Planning and Economic Development should increase funding to the UBTS to address the challenges raised and eliminate scarcity of blood since the cost of delivering one unit of blood is very high.
2. UBTS should continue strengthening partnerships with Government agencies, corporate bodies, cultural and religious institutions with a view of increasing the pool of donors to raise the units of blood collected.
3. The Ministry of Health should further decentralise blood collection centres to all regional referral and district/general hospitals so as to improve on availability of blood.
4. The Ministry of Health should increase human resources at the Health Centre IVs and adequately equip them all so that they are in position to carry out blood transfusion processes.
5. The Ministry of Health should approve Health Centre IIIs to transfuse blood since they have maternity wards.
6. The Ministry of Health should always carry out monitoring visists to all health facilities in order to monitor the situation on the ground on issues related to sale of blood and proper records of hospitals' filing returns for blood supplied.

10.5.8 Conclusion

In conclusion, the blood-donating community in Uganda has done a commendable job due to their willingness to donate freely, leading to an increase in blood collections by the UBTS from 209,633 units in 2017/2018 to 274,308 units in 2018/2019. However, the Commission continues to urge many Ugandans to always participate in the different donation drives since blood is still inadequate despite the improvements.

10.6 HUMAN RIGHTS CONCERNS ARISING FROM NATURAL DISASTERS THAT OCCURRED IN 2019

10.6.1 Introduction

In 2019, Uganda experienced natural disasters like floods and landslides which affected areas of Sironko, Nwoya, Pakwach, Bundibugyo, Kampala, Bukedi sub-region and Bududa. Other catastrophic threats were the threats of a measles outbreak, locust invasion and the 2019 novel coronavirus disease (COVID-19)[491] that emerged at the close of the year. These disasters had consequences such as loss of lives, destruction of property and deprivation of the right to education, among others. This section presents an analysis of the disasters and government's preparedness and response in light of international and regional human rights standards and the impacts on human rights. The challenges in disaster management and response are outlined as well as recommendations to address the situation.

10.6.2 Legal framework

Human rights ought to be protected at all times even during and in the aftermath of emergencies such as natural disasters. The international, regional and national legal framework that provides such protection is discussed below.

10.6.2.1 International legal framework

The UDHR, the International Covenant on Economic, Social and Cultural Rights, the CEDAW, the UNCRPD and the CRC all guarantee the right to life, liberty, health, food and social services, among others. In 2006, Uganda adopted the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, the Humanitarian Charter and Minimum Standards in Disaster Response which lay out the principles that ensure the lives, dignity and security of victims of disasters are protected.

10.6.2.2 Regional legal framework

Uganda is a state party to the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa and the African Charter on the Rights and Welfare of the Child (ACRWC) which provide for protection of rights even in disaster situations. Uganda is also party to the Kampala Convention formally known as African Union Convention for the Protection and Assistance of Internally Displaced Persons which establishes state responsibility for the protection and assistance of internally displaced persons whose displacement is the result of natural or human-made disasters.[492]

10.6.2.3 National legal and policy framework

Objective XXIII of the National Objectives and Directive Principles of State Policy in the 1995 Constitution empowers the State to establish an effective machinery to deal with any hazards or disasters arising from natural calamities or any other situations. Article 249(1) of the Constitution provides for the establishment of a National Disaster Preparedness and Management Commission to deal with natural disasters.

The Government of Uganda has adopted the National Disaster Preparedness and Management Policy which is aimed at guiding vulnerability assessment, disaster risk management and mitigation. However, Parliament which is mandated to enact a law establishing the Disaster Commission[493], has not yet done so and the issues of disaster are currently handled by the Office of the Prime Minister (OPM).

491 World Health Organisation (WHO). Naming the coronavirus disease (COVID-2019) and the virus that causes it. Available at https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance/naming-the-coronavirus-disease-(covid-2019)-and-the-virus-that-causes-it. Accessed on 24th February, 2020.
492 Article 5(4) the Kampala Convention.
493 Article 249 (2) of the 1995 Constitution of the Republic of Uganda as amended.

10.6.3 Situation analysis of natural disasters

A natural disaster is defined by the United Nations as "the consequences of events triggered by natural hazards that overwhelm local response capacity and seriously affect the social and economic development of a region".[494] In Uganda, natural disasters, especially floods caused by heavy rainfall and the land/mudslides, are recurrent annually. Landslides have occurred in Bududa district in Eastern Uganda since 2010 with the attendant lose of life and property as well as displacement of communities.

The United Nations Office for Disaster Risk Reduction encourages governments to engage in disaster risk management, which is a systematic process of using administrative directives, organisations and operational skills/capacities to implement strategies, policies and improve coping capacities; in order to lessen the adverse impacts of hazards and the possibility of disaster.[495] Disaster risk management efforts succeed when they reduce the effects of hazards, through activities and measures related to prevention, mitigation and preparedness. The disasters that Uganda experienced in 2019 are highlighted below.

10.6.3.1 Landslides and mudslides

Landslides and mudslides are rapid movements of loose uncemented mixture of soil and rock particles by the force of gravity with the aid of a transporting medium such as water.[496] They usually follow heavy rainfall and high groundwater flowing through cracked bed rocks which leads to movement of soils or sediments. Landslides and mudslides are very difficult to predict but their frequency and extent can be estimated by use of information on the area's geology, geomorphology, hydrology, climate, vegetation cover and traditional knowledge. Community settlement on steep slopes and other uncontrolled land use practices increase the likelihood of landslides and mudslides prevalence. The areas frequently affected by landslides are Mt. Elgon, Mt. Rwenzori and Kigezi sub-regions.[497]

In 2019, many parts in the country experienced heavy rains from August to December as predicted by the Uganda National Meteorological Authority (UNMA). This rain caused destructive flooding in several low-lying parts and land/mudslides in the mountainous parts of the country. Destructive wind and hailstorms ravaged plantations and crops across the whole country. Rains began to fall from August and intensified in early December especially in the Mt Elgon sub-region and other parts of the country. This unusually too heavy rainfall followed a near daily rainfall which caused multiple landslides in the villages of Namasa, Naposhi and Shukururu in Bushika sub-county, Bududa district, killing four people, injuring five and displacing over 6,000 people in 750 households. In neighbouring Sironko district, landslides killed two adults and two children in Nabodi village, Bumumulo parish of Zesui sub-county. The Government established that over 4,000 people in 500 households were affected and they lost hundreds of acres of plantations, crops and livestock.[498]

Multiple mudslides also occurred in Bukise, Bumasifwa, Masaba and Bumalimba sub-counties and Budadiri town council of Sironko district. No deaths or injuries were recorded as most people had earlier shifted to safer locations. The OPM recorded only eight deaths in the area but the Commission's findings, media reports and Uganda Red Cross Society indicated a death toll of between 37 and 50 people in the Elgon sub-region.[499]

10.6.3.2 Floods

A flood occurs when large amounts of water cover a place that is meant to be dry. Floods are seasonal and usually occur in periods of intense rainfall. Uganda experiences both flash and slow onset floods. Flash floods occur within a very

494 International Alert. (2015). Compounding Risk: Disasters, Fragility and Conflict. Policy Brief May 2015. Available at https://reliefweb.int/sites/reliefweb.int/files/resources/ClimateChange_DisastersFragilityConflict_EN_2015.pdf
495 Ibid page 2.
496 Prof. Stephen A. Nelson. Mass movement. Available at https://www.tulane.edu/~sanelson/eens1110/massmovements.htm Accessed on 24th February, 2020.
497 The National Policy for Disaster Preparedness and Management Policy, 2011, on page 8.
498 OPM. Musa Ecweru, Minister). (2019). Government Statement on the Current Floods, Landslides and Windstorms Disaster Situation in the Country. Available at https://opm.go.ug/wp-content/uploads/2019/12/Statement-to-MEDIA-on-floods-and-landslides-in-the-country-5th-December-2019.pdf Accessed on 18th February, 2020.
499 Petley, D. (2019). Bududa, Uganda: Planet Labs images of the landslides in December that killed more than 50 people. *The Landslide Blog*, 8th January, 2020. Available at https://blogs.agu.org/landslideblog/2020/01/08/bududa-landslides/ Accessed on 18th February, 2020.

short time and are usually as a result of heavy rain often in mountains and highlands which lead to the rise of water which turns dry rivers or plains into ranging torrents. These are the kind that was experienced in Bundibugyo, Sironko, Manafwa and Bududa districts. Slow onset floods result from water bodies overflooding their banks, and they build up over time. Such floods occurred in Butaleja district, West Nile and Northern Uganda regions. Besides causing death due to drowning, floods also destroy people's property such as houses, crops, livestock, water sources and sanitation facilities, and they block movement. They can trigger outbreaks of water-borne diseases and malaria which compounds the community vulnerability to health hazards.

In 2019, floods affected some areas of Kampala City, Eastern, Northern, West Nile and Rwenzori regions. These have had a history of flooding. In Eastern Uganda, floods affected Manafwa, Sironko, Bukedea, Serere, Ngora, Katakwi, Amuria, Tororo and Otuke districts. Following the heavy rainfall in November 2019, River Manafwa, a major river draining Mt Elgon, burst its banks and washed away 25 houses downstream whose occupants had earlier heeded the OPM alert messages and shifted to safer areas. In Butaleja district, the bursting of the river banks displaced families particularly in Himutu and Mazimasa sub-counties. The Commission established that over 1,000 houses were submerged and household items washed away, resulting in displacement of many people who then sought refuge in schools and churches. No death was recorded. Sironko district also experienced heavy rains leading to flooding of Sironko town where water was flowing along all streets into houses. No person within the town council was injured.

In North-western Uganda, the heavy rains increased the water levels in River Nile which eventually burst its banks. This paralysed water and road transport systems in the area due to the consequent submerging of roads, ferry routes and collapsed bridges. The ferry docking pier at Paraa in Murchison Falls National Park, which is a connecting area to the various tourist centres, was submerged, making it difficult for vehicles to enter the ferry.



Floods in Bunanggako village, Bududa district following heavy rainfall



A tourist vehicle that was nearly submerged by the floods. ©THE OBSERVER NEWSPAPER



Heavy traffic along Karuma - Pakwach highway caused by the floods that blocked the road

The traffic flow was paralysed along Karuma - Pakwach highway which is a gateway to North-eastern Democratic Republic of Congo and South Sudan. Many transboundary trailers of goods were cut off by the gushing water that blocked the highway. This prompted the Uganda National Roads Authority (UNRA) to temporarily close the Pakwach Bridge on the Karuma - Pakwach highway to enable their engineers clear the road for traffic to resume. Travellers to and from West Nile were inconvenienced as they were advised to use alternative routes like the Gulu-Adjumani-Leropi ferry, Gulu-Adjumani-Obongi ferry or the Masindi-Wanseko ferry.

In Rwenzori sub-region, heavy rains hit Bundibugyo on the 9th of December, 2019, causing floods that devastated the area, leading to loss of life; displacement of people; destruction of houses, livestock, places of worship, food and cash crops; and suffering among the people. The Commission established that 12 sub-counties; namely Halugare, Busaru, Ngite, Bubukwanga, Kirumya, Ntotoro, Tokwe, Bukonzo, Busunga, Kisuuba, Sindila and Bundibugyo Town Council were adversely affected. The LC III Chairperson, Harugale sub-county informed the Commission that more than 16 people had lost their lives in his area, and of those, 10 were from one family in Kibale II village, Bumpopoli parish.

The Commission noted that more than 4,000 people in 700 homesteads were affected, roads cut off and several bridges destroyed, thus causing disruption to the transport network. Many people were displaced and were living in churches and schools while others were hosted by relatives in the neighbourhood.



The Commission and Red Cross staff interacting with Jemimah Muhindo of Kibale II village, Bumpopoli parish, Harugale sub-county who lost her husband and nine children to floods in December 2019.



A section of the Bundibugyo-Nyahuka Road that was cut off by the floods in December 2019.

10.6.3.3 Threats of the novel coronavirus in 2019

in December 2019, a new strain of coronaviruses that had not been previously identified in humans emerged in the world with its epicentre in Wuhan, China. The coronavirus became a looming external threat to Uganda as it quickly spread like a wildfire across the globe aided by infected travellers leaving China by air, water and railway transport. Uganda was likely to be affected because China is a major business destination for the business community in Uganda. According to the Ministry of Trade, Industry and Cooperatives, China ranked second after India as Uganda's top trading partner. The Ministry valued Uganda's imports from China at UGX 3.3 trillion.[500] Once the traders travelled to China, they were at a higher risk of contracting the deadly virus and eventually bringing it to Uganda.

The novel coronavirus still had no cure or vaccine and had a toll on the vulnerable persons like the elderly and those with underlying health conditions. The symptoms were like fever, cough and shortness of breath while in more severe cases, the infection could cause pneumonia and even death.

500 Ladu, I. M., & Kasemiire, C. (2019). Why China is in our faces. Daily Monitor, 19th March, 2019. Available at https://www.monitor.co.ug/Business/Prosper/China-Uganda-trade-faces/688616-5030332-view-asAMP-5ug4frz/index.html Accessed on 2nd April 2020.

Since the outbreak of the virus, Uganda had not taken any steps to evacuate its citizens from China especially students, like other countries had done. Some desperate students had sent their distress calls to their Members of Parliament to present their plight on the floor of Parliament. By the time of compiling this report, Hon. Latif Sebaggala of Kawempe North had told Parliament in February 2020 that he had received messages from stranded Ugandan students in China who were unable to purchase bare necessities like groceries, toiletries and masks. Pharmacies had closed and the prices of groceries had been hiked, making them unaffordable to the students. They had also complained that they had not been helped by the Ugandan Mission in Beijing.[501]

In response, the Government Chief Whip assured the House that Government was handling the matter and noted that cabinet had tasked the Health ministers and Uganda's Ambassador to China to ensure that Ugandans, especially students, were helped to return and be isolated upon arrival for 14 days. From the goings-on, the situation of the coronavirus was likely to get worse for Ugandans abroad and even at home as returning Ugandans from China and other affected countries posed a risk of importing it into the country. The OPM was expected to act expeditiously to evacuate Ugandans in order to reduce the risks of contracting the virus because the longer they stayed there, the more they were likely to be exposed.

10.6.3.3 Threat of locust invasion in Uganda

On 25th July, 2019 in Rome, the United Nations Food and Agriculture Organisation (FAO) predicted an outbreak of the desert locust in Yemen which would eventually move to the Horn of Africa and finally end up in Kenya by the close of 2019. These predictions came to pass and the locusts invaded Kenya, Uganda's neighbour, having been blown by the monsoon winds from Yemen to East Africa.[502] In December 2019, Uganda was warned about the invasion of desert locusts which had affected some parts of Kenya. The desert locusts had devastated food supplies in Kenya, Ethiopia and Somalia, which FAO described as the worst devastation in 25 years.

The agency noted that the invasion posed unprecedented threats to food security in the entire East African region, where more than 19 million people were already experiencing high degrees of food insecurity.[503] By the time of compiling this report, media reports indicated that swarms of the desert locusts had invaded Uganda in February 2020 from Kenya through Amudat district.

10.6.3.4 Threat of measles outbreak in 2019

in response to the measles and rubella outbreaks in Uganda of 2018, the Ministry of Health implemented a vaccination campaign in 2019 to immunise all children aged 15 years and below. Following the spate of the disease, 300,000 suspected measles cases were reported, 46,000 patients admitted with symptoms of measles-rubella disease and 586 measles-related deaths recorded in the three-year period of the outbreak. This national measles-rubella and polio immunisation campaign was launched in Mayuge district on 15th October, 2019 and implemented countrywide from 16th to 20th October, 2019. An extension of one day nationwide and two days specifically for Kampala, Wakiso and Mukono districts and in the Karamoja sub-region was made.

A number of parents were reluctant to take their children to be vaccinated because they had fears that the vaccines were substandard, hence not safe for them. This prompted the Minister of Health Dr. Ruth Aceng to vaccinate her daughter publicly at G Greenhill Academy in Kampala to allay the fears of the doubting parents and encourage them to comply. However, some parents still objected and the Ministry officials proceeded to immunise the children forcefully and on some occasions arrest the parents for obstructing Government programmes.

501 Kibisi, S. A. (2020). Evacuate Ugandans from China! MPs tell government. PML Daily, 12th February, 2020. Available at https://www.pmldaily.com/news/2020/02/evacuate-ugandans-from-china-mps-tell-government.html Accessed on 12th February, 2020.
502 FAO. (2019). FAO warns of desert locust outbreak in Yemen and the Horn of Africa. Fao.org News, 25th July, 2019. Available at http://www.fao.org/news/story/en/item/1203003/icode/ Accessed on 19th February, 2020.
503 *Ibid*.

10.6.4 Government response to the disasters in terms of mitigation and preparedness

10.6.4.1 Government's response to floods and landslides

1. Disaster preparedness

Uganda is a member of the Intergovernmental Authority on Development (IGAD) Climate Outlook, a forum that brings together regional and international climate scientists. During the IGAD Climate Outlook 53rd Forum held in Tanzania, the meteorologists predicted heavy rainfall in the months of September and December 2019. The OPM, thereafter, ran early warning messages on television, radios, in newspapers and short messages on phones to notify the responsible persons and areas that were at high risk of being affected by the heavy rainfall. Furthermore, the Department of Disaster Preparedness and Management in the OPM reviewed satellite images of landslide-prone areas of the hilly Mt. Elgon sub-region and made visits there to create awareness and identify safe homes in the neighbourhood. The department requested and engaged neighbours with safe homes to host households that were at risk of being affected by the landslides.

2. Rapid response

- ***Provision of food and non-food items***

  The OPM acquired and stocked for rapid response, 100 rolls of tarpaulins, 5,000 blankets, 5,000 sleeping mats, 15,000 jerricans, 500 cartons of soap, 2,000 buckets and 2,000 spades. The Government provided 200kg of rice which was a donation from China, 100kg of beans, five pieces of tarpaulins and five mosquito nets to the safe homes that were identified. The OPM interventions were mainly in Eastern Uganda while other areas facing similar disasters were helped by Uganda Red Cross Society and other well-wishers.

- ***Establishment of National Emergency Coordination and Operations Centre (NECOC)***

  The Commission noted that the National Emergency Coordination and Operations Centre (NECOC) had been activated to operate 24 hours a day for a week as the central facility for early warning and coordination of emergency and crisis response and recovery action in order to coordinate emergencies. The NECOC introduced a toll-free line on 0800177777 for the public to obtain the necessary information on the disasters.

3. Mitigation

The Government secured 2,800 hectares of land on Blocks 93 and 94 in Bunambutye sub-county, Bulambuli district to settle persons that were affected by landslides in Bududa district. This was a measure to reduce the impact of the landslides in Bududa district; however, concerns arose with ownership disputes over some blocks of the land, the inadequate water availability and the long distances to schools, among others.

10.6.4.2 Uganda's preparedness to fight the coronavirus and locusts

By the end of 2019, the respective Government ministries of health and agriculture had not taken any steps to avert the outbreak of the 2019 coronavirus and the desert locusts respectively. However, at the time of compiling this report in 2020, the Ministry of Agriculture, Animal Industry and Fisheries solicited a supplementary budget when the locusts had already affected the farmlands in the Pokot region of Kenya that neighbours Uganda's Karamoja sub-region. FAO had sounded the warming in July 2019 that locusts would affect the Horn of Africa and East Africa.

The MoH established a task force (inter-ministerial committee) in 2020 comprising the Ministries of Health, Trade, Defence, Foreign Affairs, ICT & National Guidance, Internal Affairs, Tourism and Works whose major role was to oversee coordination of preparedness activities against the spread of the novel coronavirus. The MoH developed a UGX 25 billion preparedness plan to contain the threat. The fight against the pandemic was to be funded by the Government of Uganda and partners.

10.6.5 Human rights concerns arising from the natural disasters

The Commission assessed the extent to which the natural disasters had impacted on the human rights of the affected communities, focusing on civil and political rights as well as the economic, social and cultural rights, in line with international standards on protecting people in such situations. The Commission noted that various human rights such as the right to life, food, property and education were infringed upon, as discussed below.

10.6.5.1 Deprivation of the right to life

A number of people lost their lives as a result of the natural disasters in spite of the disparity in numbers, with OPM establishing eight deaths in Bududa district[504] while the Commission findings and media reports put the death toll at over 37 people and 48 others still missing at the time of the monitoring. In Bundibugyo district, it was established that more than 16 persons lost their lives and an unknown number was said to be missing.

10.6.5.2 Deprivation of the right to food

The Commission established that crops were destroyed by the mudslides and floods, which exposed majority of the affected communities in Bududa and Bundibugyo districts to hunger and starvation. In the interim, the immediate food needs were addressed by the OPM and various humanitarian actors like Uganda Red Cross Society. However in the long run, sustainable mechanisms are required to ensure effective mitigation of the reoccurrence of the natural disasters in affected communities and increased access to adequate quality food to avert starvation, malnutrition and resultant diseases.

The threat of locusts in Uganda spelled doom for food security if it was not addressed, considering that an adult desert locust can consume roughly its own weight in fresh food per day which is about two grams every day, while a very small part of an average swarm (or about one tonne of locusts) eats the same amount of food in one day for about 2,500 people or 10 elephants or 25 camels.[505]

10.6.5.3 Deprivation of the right to housing

Following the mudslides and floods, several homes were destroyed leaving many homeless. The Commission established that over 100 houses were destroyed, 70 of them partially, and 30 were totally destroyed by the landslides in Bududa District displacing many. In Bundibugyo District, over 700 households were destroyed by the floods putting the people's right to decent housing at stake. Several displaced persons sought shelter in nearby institutions like schools, health centres for those injured and churches, while others were hosted by relatives in the neighbourhoods that had not been affected by the disasters.

10.6.5.4 Deprivation of the right to education

The Commission found that as a result of the mudslides and floods, children were unable to attend school partly because the roads had flooded but also because their classrooms were being used as alternative shelters for displaced persons. Some Ugandan students in China faced a threat of having their scholarships cancelled and because of the restriction on movement within China cities many may end up not completing their education within the education cycle or not complete at all if the Coronavirus is not curtailed. This in a way affected the realisation of the right to education.

10.6.5.5 Deprivation of the right to property

The right to own property is guaranteed under Article 26 of the Constitution of Uganda. Owing to mudslides and floods, many Ugandans lost their property such as land, houses, livestock, cash and food crops, all of which exposed the affected persons to the threat of poverty. The Commission established that over 700 homesteads had been affected by the floods in Bundibugyo district with most of them losing all their property or household items, in addition to

504 OPM (Musa Ecweru, Minister). (2019). Government Statement on Floods, Landslides and Windstorms Disaster Situation in the Country. Presented on 5th December, 2019. Available at https://opm.go.ug/wp-content/uploads/2019/12/Statement-to-MEDIA-on-floods-and-landslides-in-the-country-5th-December-2019.pdf

505 FAO (Desert Locust Information Service). Frequently Asked Questions (FAQs). Available at http://www.fao.org/ag/locusts/oldsite/LOCFAQ.htm#q9

crops, mainly cocoa trees. In Bududa district, it was established that 100 houses were destroyed, 70 of them partially and 30 totally destroyed, 62 households displaced and an unknown number of livestock were destroyed.

10.6.5.6 Violation of the right to health

Owing to the floods and landslides, several people were exposed to waterborne diseases such as cholera and typhoid fever. Toilets and latrines were among the properties destroyed, which resulted into contamination of water sources, exposing many to the risk of contracting cholera and dysentery, among others. In Bundibugyo, the floods contaminated the water and cut off the district water supply which caused a public outcry because the affected persons and local leaders were worried about a cholera outbreak. The Uganda Red Cross Society erected an emergency water treatment plant at Nyahuka Bridge on River Nyalulu to address the issue of water contamination that had persisted in the 12 sub-counties.

10.6.5.7 Deprivation of the right to personal liberty

Movement of individuals was curtailed in the flood-affected areas of Bududa, Pakwach and Bundibugyo districts as water cut off roads and destroyed bridges. The floods paralysed the traffic flow along the Karuma - Pakwach highway and sections were cut off, resulting into diversions to the inconvenience of travellers to and from West Nile.



The ruins of a house destroyed by floods in Namasa village, Bududa district



Cocoa plants submerged in water in Bundibugyo district. ©UHRC



A goat that died during the landslides in Bududa district. ©UHRC

10.6.6 Challenges encountered by the authorities during the disaster response

The Commission established that there were inadequate funds by the local authorities to effectively respond to the disasters. The local authorities informed the Commission that they lacked budget allocations to sensitise communities on managing and mitigating the effects of disasters within their communities. Furthermore, the Commission team noted the inadequate manpower and insufficient data collection which affected the planning process. Disparities were noted in the data collected regarding the number of deaths attributable to disasters, the people in need of emergency assistance and the nature of the emergency assistance required.

10.6.7 Recommendations

1. As previously recommended in the 13th, 15th, 16th and 21st Annual Reports, Parliament should enact an enabling law establishing the Disaster Management Commission to effectively prepare and respond to natural disasters within the country.
2. The OPM should expedite the process of resettling all other people that are prone to being affected by landslides.
3. The OPM should regularly report to Parliament on the resettlement programme.
4. The Government should put in place strategies to prevent the escalation of the outbreak of the novel coronavirus and the locust invasion.
5. The Ministry of Water and Environment should support District Local Governments to enact and enforce ordinances and bye-laws regulating commercial charcoal burning and providing for mandatory tree planting in order to reduce the effects of environmental degradation on climate change.

10.6.8 Conclusion

The Ministry of Disaster Preparedness and Refugees should endeavor to have an updated subscription to regional and international organizations with which it coordinates in averting disasters or disaster threats.

Chapter 11

Highlights of the commission's interventions in 2019



11.0 INTRODUCTION

This chapter presents highlights of the Commission's activities in implementing the functions of its constitutional mandate as stipulated in Article 52. It covers complaints management; inspections of places of detention; civic/human rights education; and finance and administration. The Commission's challenges in implementing these interventions are also highlighted as well as recommendations for addressing them.

11.1 COMPLAINTS MANAGEMENT

Article 52 (1) (a) of the 1995 Constitution of Uganda mandates the Commission 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". Article 53(1) gives the Commission powers of a court 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; to question any person in respect of any subject matter under investigation before the Commission; to require any person to disclose any information within his or her knowledge relevant to any investigation by the Commission; and to commit persons for contempt of its orders.

The Constitution also gives the Commission powers to order payment for compensation or order for any other legal remedy or redress in the event of a human rights violation. This section provides the highlights of complaints management by the Commission in 2019.

11.1.1 Complaints received and registered

The Commission received[506] a total number of **4,083** complaints in 2019. Out of these, **781** were registered as complaints raising alleged human rights violations as guided by the Commission's admissibility criteria. This was a 5% increase from the 746 complaints that were registered in 2018. The Central Regional Office registered the highest number of complaints at 175 (22%) followed by Gulu Regional Office with 114 (14%) and Moroto Regional Office with 99 (12%). The high number registered by the Central Regional Office was attributed to the area of coverage which is composed of mostly urban centres where incidents that lead to human rights violations are rife. Furthermore, it is easier for complainants in urban areas to report alleged human rights violations than those in rural settings.

Table 24 below shows the number of complaints received[507] in 2019, while Table 25 shows the number of complaints registered[508] by the Commission's various regional offices in 2019.

TABLE 24:

Number of complaints received in 2019

ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	MASAKA	MBARARA	MOROTO	SOROTI	HEAD OFFICE	TOTAL
242	277	616	519	270	124	405	535	195	473	427	**4,083**

TABLE 25:

Number of complaints registered by the Regional Offices in 2019

ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
57	175	69	114	61	21	61	56	99	68	781

506 The complaints received represent all matters reported to the the Commission whether admissible or not.
507 *Ibid.*
508 Complaints registered are those that meet the admissibility criteria of human rights violations handled by the the Commission.

FIGURE 38:

Trend of complaints received by the Commission since 1997



Figure 38 above shows that the number of complaints received by the Commission has increased progressively since 1997. The Commission has increased its Regional Office and Field Office network to ten and twelve respectively, and this has made its services more accessible. Furthermore, the Commission's human rights education programmes have increased people's awareness about the Commission's services.

11.1.1.1 Complainants disaggregated by gender

The Commission registered complaints from a total of **813** complainants, **511** (63%) of whom were male and **302** (37%) women.[509] This has been the trend in previous years for the majority of the complainants to be male. Nonetheless, there was a 27% increase in the number of women complainants with registered cases from 238 in 2018 to 302 in 2019. This can be attributed to the mobile complaints handling clinics that the Commission conducted which ensured that more women were reached and enabled them to register their complaints.

TABLE 26:

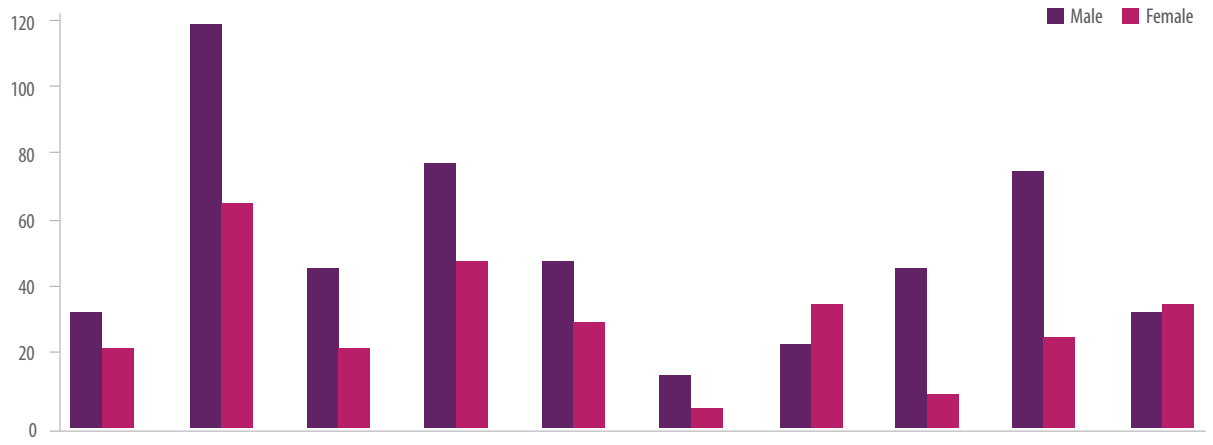
Number of complainants disaggregated by gender per regional office

	Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	Total
Male	34	115	46	76	47	16	25	46	73	33	511
Female	23	64	23	48	31	6	36	10	26	35	302
Total	57	179	69	124	78	22	61	56	99	68	813

509 The number of complainants is more than the number of complaints registered because one complaint may have multiple complainants.

FIGURE 39:

Complainants disaggregated by gender per regional office



According to Table 26 and Figure 39, Central Regional Office registered the highest number of both male and female complainants, followed by and Gulu Regional Office. Central Regional Office registered complaints from 115 male and 64 female complainants while Gulu Regional Office registered complaints from 76 male and 48 female complainants.

FIGURE 40:

Trend of the gender disaggregated complainants since 2015

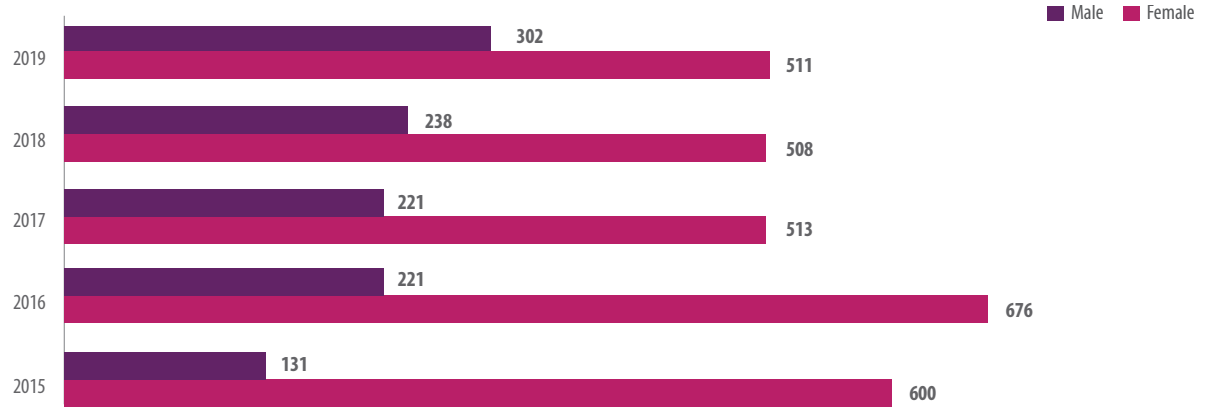


Figure 40 above shows that although the Commission has registered more complaints from male complainants, the number of female complainants has steadily increased in the past five years.

11.1.1.2 Complainants disaggregated by age

Majority of complainants who had their complaints registered with the Commission were in the age category of 18 to 30 years as shown in Table 27 below.

TABLE 27:

Registered complainants disaggregated by age

	AGE CATEGORY (YEARS)	TOTAL NO. OF COMPLAINANTS
1.	0 – 17	29
2.	18 – 30	391
3.	31 – 59	358
4.	60+	35
Total		813

Table 27 indicates that that majority, 391 complainants, were in the 18-30 years' age category and this was an 8% increase from the 361 whose complaints were registered in 2018. The age category of 18-30 years encompasses the the

youth who are often vigilant about claiming their rights through and, therefore, report complaints involving human rights violations allegedly committed against them. Furthermore, the youth are most often in conflict with the law and thus as suspects, more susceptible to human rights violations. The fewest complainants, 29, were in the age category of 0-17 years. This could be attributed to the fact that this is the age category of children who rarely report complaints on their own and most times complaints involving children are reported by their parents or guardians.

TABLE 28:

Registered complainants disaggregated by age per regional office

Age category	Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	Total
0 – 17	02	00	02	08	04	00	03	01	08	01	29
18 – 30	24	59	52	82	21	05	22	25	71	30	391
31 – 59	27	61	36	49	35	17	35	34	34	30	358
60+	05	03	03	07	02	02	00	01	06	06	35
Total	**58**	**123**	**93**	**146**	**62**	**24**	**60**	**61**	**119**	**67**	**813**

FIGURE 41:

Registered complainants disaggregated by age per regional office

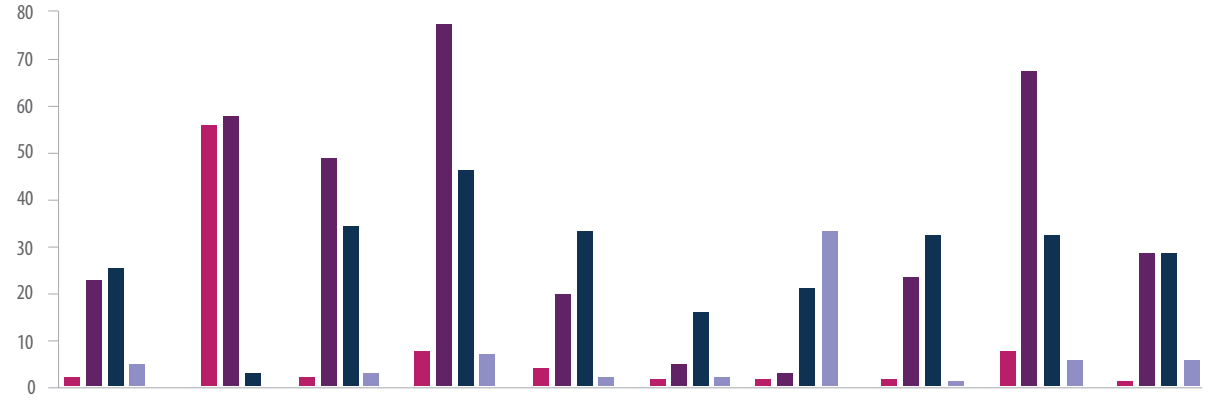


Table 28 and Figure 41 indicate that Gulu Regional Office had the highest number, 82 complainants, in the age category of 18-30 years, followed by Moroto Regional Office with 71 complainants. Central Regional Office had the highest number of complainants in the age category of 31-59 years at 61, followed by Gulu Regional Office with 49.

11.1.2 Nature of alleged human rights violations registered

The alleged torture or cruel or degrading treatment or punishment ranked highest violation at **299** (35%) among the complaints registered. This was followed by complaints involving the alleged deprivation of personal liberty through detention beyond 48 hours at **222** (26%) complaints. Complaints involving the alleged denial of child maintenance followed at **171** (20%).

Gulu Regional Office registered 80 complaints, the highest violation of alleged torture, or cruel or degrading treatment or punishment followed by Central Regional Office with 48. Gulu Regional Office also registered the highest number, 38 complaints, on alleged violation of the right to personal liberty (detention beyond 48 hours), followed by Central Regional Office with 33. Gulu Regional Office again topped the complaints on alleged violation of the right to child maintenance with 36. Table 29 below shows the nature of human rights violations registered per regional offices in 2019.[510]

510 The totals in Table 25 vary from those in Table 29 because a single complaint registered may have two or more alleged human rights violations.

TABLE 29:

Violations registered at the Commission regional offices in 2019

Alleged violation	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	Total
Torture, cruel, inhuman or degrading treatment or punishment	16	48	29	80	22	08	16	29	36	15	**299**
Detention beyond 48 hours	18	33	32	38	30	05	09	28	18	11	**222**
Denial of child maintenance	14	15	17	36	08	05	29	04	19	24	**171**
Deprivation of property	03	14	02	11	04	02	03	07	16	14	**76**
Deprivation of life	01	04	03	04	01	02	02	-	08	02	**27**
Denial of basic education	08	03	-	01	02	-	-	02	-	07	**23**
Denial of remuneration	-	-	-	-	-	01	02	01	-	01	**05**
Violation of the right to a fair and speedy trial	-	03	-	-	-	01	02	-	06	-	**12**
Denial of social and economic life	-	02	-	-	01	01	-	-	02	-	**06**
Violation of the right to health	-	01	-	-	-	-	03	-	-	-	**04**
Denial of access to information	-	01	-	-	-	-	-	-	-	-	**01**
Violation of the right to a clean and healthy environment	-	02	-	-	-	-	-	-	-	-	**02**
Unlawful administrative decisions	-	-	-	-	-	-	-	-	01	-	**01**
Violation of the right to housing	-	01	-	-	-	-	-	-	-	-	**01**
Violation of freedom from forced labour	-	01	-	-	-	-	-	-	-	-	**01**
TOTAL	**60**	**128**	**83**	**170**	**68**	**25**	**66**	71	106	74	851

11.1.3 Respondents in human rights complaints registered

Most of the complaints registered were against the Uganda Police Force (UPF) with a total of 307. This was a 34% reduction from the 466 complaints registered against UPF in 2018. The UPF was followed by private individuals against whom a total of 255 complaints were made, mainly concerning the denial of child maintenance, deprivation of the right to property and violation of the right to freedom from cruel, inhuman and degrading treatment or punishment. Complaints registered against the Uganda People's Defence Forces (UPDF) were 85, which was a 28% increase from the 66 registered in 2018. The Uganda Prisons Service (UPS) had 30 complaints against them while those against Local Governments were 23.

The highest number of complaints registered against UPF was 225 regarding the alleged deprivation of the right to personal liberty (detention beyond 48 hours), followed by 134 complaints on alleged violation of the right to freedom from torture, cruel, inhuman and degrading treatment or punishment. The high number of complaints on deprivation of the right to personal liberty by Police is attributed to the tendency to first arrest and thereafter conduct investigations while the suspects are in custody, which has led to their over-detention. Police have the powers to arrest a person on suspicion that he or she has committed a crime or is about to commit a crime but Article 23 (4) of the Constitution requires that if a suspect has not been earlier released, they should be taken to court not later than 48 hours.

Central Regional Office registered the highest number of complaints of torture against UPF totalling 33, followed by Fort Portal and Gulu Regional Offices with 17 each. Moroto Regional Office registered 43, the highest number of complaints against the UPDF, comprising violation of the rights to freedom from torture (21),

personal liberty (8), property (8) and life (6). The torture complaints against UPDF rose by 91% from the 11 registered in 2018. This was attributed to the fact that in the Karamoja sub-region, the UPDF officers were involved in several disarmament operations that brought them into contact with the population from which civilians suspected to be in possession of illegal firearms were picked. Table 30 below shows the categorisation of respondents per regional office, while Tables 31, 32 and 33 illustrate the alleged violations registered against specific respondents.

TABLE 30:

Categorisation of respondents by regional office

RESPONDENT	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	Total
Uganda Police Force	26	46	40	47	35	07	14	37	35	20	**307**
Private individuals	27	15	19	52	22	08	32	14	28	38	**255**
Uganda Peoples' Defence Forces	04	09	11	11	-	-	04	-	44	02	**85**
Uganda Prisons Service	-	07	04	09	01	02	02	04	01	-	**30**
Local Governments	05	01	-	05	-	02	03	-	03	04	**23**
Statutory agencies	-	14	01	01	-	01	-	-	-	-	**17**
Private business companies	-	03	-	-	03	01	03	02	01	-	**13**
CMI	-	08	-	-	-	-	-	-	-	-	**08**
ISO	-	07	-	-	-	-	-	-	-	-	**07**
UWA	-	-	-	01	-	-	01	-	-	03	**05**
Education institutions	01	-	-	-	-	-	02	-	-	-	**03**
Cultural institutions	-	-	-	03	-	-	-	-	-	-	**03**
Health institutions (Hospitals and HC II & III)	-	-	-	-	-	-	-	-	01	01	**02**
Private security companies	-	-	-	01	-	-	-	-	-	-	**01**
Resident District Commissioners	-	-	-	01	-	-	-	-	-	-	**01**
Religious institutions	-	-	01	-	-	-	-	-	-	-	**01**
TOTAL	**63**	**110**	**76**	**131**	**61**	**21**	**61**	**57**	**113**	**68**	**761**

TABLE 31:

Some violations reported against Uganda Police Force

ALLEGED VIOLATION	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	Total
Deprivation of right to personal liberty (detention beyond 48 hours)	16	32	27	33	58	05	03	27	13	11	**225**
Freedom from torture, cruel, inhuman or degrading treatment or punishment	13	33	17	17	06	03	09	13	12	11	**134**
Deprivation of life	01	03	01	01	01	01	02	-	02	01	**13**
Deprivation of property	-	07	-	07	03	-	-	07	02	-	**26**

TABLE 32:

Some violations reported against Uganda People's Defence Forces

ALLEGED VIOLATION	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Deprivation of the right to personal liberty (detention beyond 48 hours)	02	-	04	04	-	-	01	-	08	-	**19**
Torture, cruel, inhuman or degrading treatment or punishment	02	09	07	07	-	-	02	-	21	02	**50**
Deprivation of property	-	02	01	-	-	-	02	-	08	-	**13**
Deprivation of life	-	-	02	-	-	-	01	-	06	-	**09**

TABLE 33:

Some of the violations reported against Uganda Prisons Service

ALLEGED VIOLATION	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBR	MRT	SRT	TOTAL
Deprivation of the right to personal liberty (detention beyond 48 hours)	-	-	01	-	-	-	-	01	-	-	**02**
Torture, cruel, inhuman or degrading treatment or punishment	-	-	03	06	02	02	02	03	01	-	**18**
Deprivation of property	-	-	-	-	-	-	-	-	-	-	**00**
Deprivation of life	-	01	-	03	-	01	-	-	-	-	**08**
Denial of the right to health		01									**01**
Denial of access to information		01									**01**
Denial of basic education								01			**01**

11.1.4 Investigations

In fulfilment of its constitutional mandate to investigate violations of human rights, the Commission investigated **1,303** complaints on human rights violations. This was a 10% reduction from the 1,444 complaints that were investigated by the Commission in 2018. The reduction is attributed to the inadequate resources at the Commission's disposal to facilitate the conducting of investigations.

Out of the 1,303 complaints investigated, **611** (47%) were investigated to completion, while **692** (53%) were partially investigated. For complaints where investigations were concluded, some were forwarded to the Commission Tribunal for hearing, while others were closed for various reasons including lack of merit and insufficient evidence to sustain the allegations.

TABLE 34:

Complaints investigated per regional office

Regional Office	Backlog (2018 backwards)		Fresh complaints received in 2019		TOTAL
	Fully investigated	Partially investigated	Fully investigated	Partially investigated	
Arua	14	01	25	01	**41**
Central	145	43	17	34	**239**
Fort Portal	26	44	04	65	**139**
Hoima	29	10	14	15	**68**
Gulu	53	84	29	66	**232**
Jinja	19	32	10	11	**72**
Masaka	37	32	38	23	**130**
Mbarara	43	49	09	47	**148**
Moroto	38	20	06	45	**109**
Soroti	50	30	05	40	**125**
Total	**454**	**345**	**157**	**347**	**1,303**

11.1.5 REFERRALS TO OTHER INSTITUTIONS

The Commission referred **3,382** complainants to other institutions better placed to handle their particular matters. Top on the referrals were **608** complaints related to land disputes, followed by 448 criminal matters. There was a 45% increase in referred land disputes matters from 420 in 2018 to 608 in 2019. This was a reflection of the increase in land-related conflicts countrywide. Criminal matters were continuously reported to the Commission because people could not easily differentiate between criminal matters and human rights violations.

TABLE 35:

Complaints referred in 2019 by regional office

Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	Head Office	TOTAL
185	178	547	409	209	103	344	479	96	405	427	**3,382**

11.1.6 Mediations

The Commission mediated **166** complaints in 2019, reflecting a 54% increase from the 108 of 2018. The increase was attributed to the Commission's deliberate efforts to use alternative dispute resolution mechanisms to resolve complaints. Most of the mediated complaints involved the denial of child maintenance, basic education, property and remuneration. In all matters successfully mediated, parties signed memoranda of understanding showing details on how they agreed to resolve their disputes. The number of complaints mediated by the Commission is shown in Table 36.

TABLE 36:

Complaints resolved through mediation in 2019 by regional office

Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti	Head Office	TOTAL
14	11	10	19	21	05	37	5	11	31	02	166

11.1.7 Resolution of complaints through the commission tribunal

The Commission Tribunal disposed of **129** complaints in 2019, which was a 37% increase from the **94** disposed of in 2018. The increase was as a result of the appointment of two more members of the Commission bringing the number of those conducting hearings and disposing of matters at the Tribunal to four. Out of the **129** complaints, the tribunal awarded compensation in **60** and dismissed or closed **58** while **11** were amicably settled by the parties. The majority of the complaints disposed of related to the violation of the right to freedom from torture and the right to personal liberty. Majority of the awards were against the Attorney General for violations perpetrated by UPF and UPDF.

11.1.7.1 Tribunal Awards

The Commission Tribunal awarded a total of **UGX 826,725,000** to victims of human rights violations in 2019. Out of this amount, **UGX 778,545,000** was awarded after full hearing of the complaints while **UGX 48,180,000** was agreed upon by the parties through amicable settlements.

11.1.7.2 Tribunal status as at 31st December 2019

As at 31st December 2019, the tribunal caseload stood at **1,098,** which was a 5% increase from the annual closing caseload of **1,039** in 2018. The increased caseload was as a result of low disposal rate of complaints at the Tribunal since the four hearing commissioners were few compared to the big caseload. Of the 1,098 complaint files, **397** were pending allocation to presiding commissioners for hearing, **279** were pending hearing while **422** were part-heard.[511] Part-heard complaints are those where evidence is still being adduced by the respective parties, while those pending hearing are the ones that are yet to be heard for the first time. Files pending allocation are those yet to be allocated to a specific hearing commissioner. The number of complaints pending at the Tribunal is summarised in the table below.

511 Includes cases being heard, those pending amicable settlement and those pending submissions and/or decision.

TABLE 37:

Summary of complaints pending at the Tribunal as at 31st December 2019

Status of complaints	ARU	CTR	FPT	GLU	HMA	JJA	MSK	MBA	MRT	SRT	TOTAL
Complaint files pending allocation	47	66	59	100	46	00	42	23	13	01	**397**
Complaints pending hearing	19	65	50	35	30	08	09	12	08	43	**279**
Complaints part-heard[512]	23	79	53	60	15	43	16	52	37	44	**422**
Total Tribunal caseload	**89**	**210**	**162**	**195**	**91**	**51**	**67**	**87**	**58**	**88**	**1,098**

11.1.8 Decentralisation of compensation awards

Government, through the Ministry of Justice and Constitutional Affairs (MoJCA), decentralised the payment of court/tribunal awards and compensation to line ministries, departments and agencies (MDAs) effective 1st July 2015. MDAs are now charged with payment of court/tribunal awards against them from their respective budgets.

In line with the decentralisation of payment of court/tribunal awards, the MoJCA referred a total of **165** complaint files to different Government MDAs to be paid a total of **UGX 38,000,000,000**. Out of the 165 complaint files, **104** were referred to the Uganda Police Force, **56** to the Ministry of Defence and Veteran Affairs, **04** to the Uganda Prisons Service and **01** to the Ministry of Health. The MoJCA, through the Office of the Solicitor General, was able to pay arrears of awards to the tune of **UGX 1,084,265,457** between January and July 2019. These arrears were for the period before the decentralisation of awards in June 2015.

11.1.9 Total number of complaints disposed of

In 2019, the Commission disposed of 906 complaints, out of which 166 were successfully mediated; 611 were fully investigated; and 129 were disposed of at Tribunal level. Table 38 below shows the number of cases disposed of by the Commission.

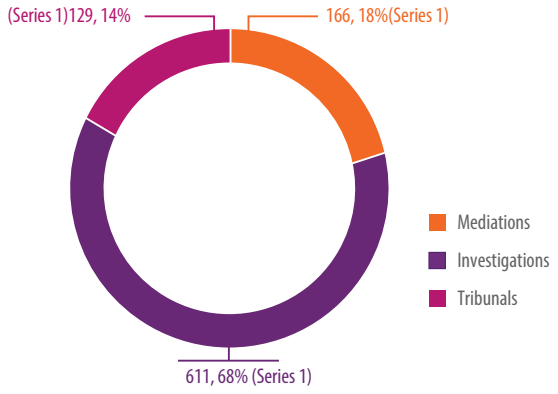
TABLE 38:

Complaints disposed of by the Commission

COMPLAINTS	TOTAL
Disposed of at mediation	166
Disposed of at investigation	611
Disposed of at the tribunal	129
TOTAL	**906**

FIGURE 42:

Percentage of complaints disposed of by the Commission



11.1.10 Challenges

1. Since the decentralisation of payment of court/tribunal awards, complainants are facing challenges in following up payments of the Commission Tribunal awards made against various MDAs. The MDAs claimed they did not allocate funds in their budgets for payment of compensation awards. This led to delays in access to justice by victims of human rights violations.

2. Delayed responses by respondents to the Commission's inquiries delayed the investigation process, ultimately affecting the disposal of complaints. Some respondents denied the Commission access to key documents during the course of investigations.

11.1.11 Recommendation

Government should, through the Ministry of Justice and Constitutional Affairs, streamline the process of decentralisation of payment of Tribunal awards by the MDAs. The ministry should act as a focal point to coordinate the process and follow up with the concerned MDAs to ensure that the payments are made to the victims of human rights violations.

512 Includes cases being heard, those pending amicable settlement and those pending submissions and/or decision.

11.2 HIGHLIGHTS OF CONDITIONS IN PLACES OF DETENTION

In line with its constitutional mandate, the Commission continued to monitor the human rights situation in the various places of detention, to assess the conditions of suspects and inmates. The inspection of places of detention was also done to assess Government's compliance with national, regional and international human rights standards regarding persons deprived of liberty.

The fact that people deprived of their personal liberty are cut off from the outside world makes them vulnerable. They become solely dependent on the detaining authorities for the most basic needs and rights. This, among others, formed the basis for the adoption and implementation of a number of international, regional and national legal instruments, all aimed at ensuring the protection of persons deprived of personal liberty.

11.2.1 Legal framework

At the international level, Uganda is a party to various international instruments that provide standards for the treatment of detainees as well as advance and promote their rights in detention. These include the International Covenant on Civil and Political Rights (ICCPR)[513], the UN Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (CAT)[514], the United Nations Standard Minimum Rules for the Treatment of Prisoners[515] and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.[516]

At the African regional level, the African Charter on Human and Peoples' Rights (ACHPR) guarantees the rights of detainees in more or less the same manner as the international instruments.[517] The African system also imposes obligations on states to extend special protection to women and children in places of detention, consistent with the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women, and the African Charter on the Rights and Welfare of the Child respectively. Equally important are the Robben Island Guidelines[518] which provide for the prohibition and prevention of torture, cruel, inhuman or degrading treatment in Africa.

At the national level, the 1995 Constitution guarantees the respect for human dignity and protection from inhuman treatment[519] for everyone including people in places of detention. The Constitution also provides for the protection of persons deprived of their personal liberty and the circumstances under which one's personal liberty may be suspended. Besides the Constitution, human rights guarantees for detainees are found in other laws such as the Uganda Police Force Act (Cap 303), The Uganda People's Defence Forces Act, 2005 (Cap 307), Uganda Prisons Act (2006), Penal Code Act (Cap 121), Trial on Indictments Act (Cap 23), and the Childrens Act (Cap 59), among others. These laws guarantee the rights of detainees as well as provide for the management, treatment and care of inmates in places of detention.

11.2.2 Places of detention inspected by the commission in 2019

in 2019, the Commission conducted 907 inspection visits to places of detention, of which 428 were police stations, 323 police posts, 144 government prisons, 05 remand homes and 07 military detention facilities. These were both initial and follow-up inspection visits. The Commission, however, noted that Omoro and Nwoya districts did not have prison facilities. Table 39 below shows the total number of detention facilities inspected in 2019.

513 Article 7 and Article 9-11, of the International Covenant on Civil and Political Rights.
514 Article 4, Article 10 and Article 13 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
515 See, relatedly, United Nations Standard Minimum Rules for the Treatment of Prisoners; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); United Nations Rules for the Protection of Juveniles Deprived of Liberty (JDL Rules); United Nations Guidelines for Prevention of Juvenile Delinquency (Riyadh Rules); United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules).
516 UN. (1988). Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. UN Doc. A/43/173.
517 Articles 3 to 7 of the African Charter on Human and Peoples' Rights.
518 The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment.
519 Articles 23, 24 and 28 of the Constitution of the Republic of Uganda (1995).

TABLE 39:

Number of detention facilities inspected by the Commission in 2019

Regional Office	Prisons	Police Stations	Police Posts	Military Detention	Remand Homes	TOTAL
Arua	13	28	28	01	01	**71**
Central	29	80	13	-	02	**124**
Fort Portal	11	28	28	-	-	**67**
Gulu	21	84	40	-	01	**146**
Hoima	12	25	64	-	01	**102**
Jinja	18	54	27	-	-	**99**
Masaka	23	44	36	-	-	**103**
Mbarara	07	53	52	-	-	**112**
Moroto	04	07	08	05	-	**24**
Soroti	06	25	27	01	-	**59**
TOTAL	**144**	**428**	**323**	07	05	907

11.2.3 Highlights of key findings in places of detention inspected in 2019

The Commission noted that progress had been made in some areas, while in others human rights concerns remained. The Commission findings are highlighted below.

11.2.3.1 Registration and records management

At the detention facility, the Commission inspected the various records and registers for lockup, admission, release, property, transfer of detainees, the gate, exhibits, medical as well as station diaries and medical treatment records. The existence of official registrations in places of detention is an important element in guaranteeing transparency and protection for those detained.

Majority of the 907 detention places inspected had registers which were regularly used and updated. The few isolated cases where the registers were not updated were mainly police posts. Facilities that lacked registers included Bumbaire Police Station and Kasaana Police Post, both in Bushenyi district. The existence of registers demonstrated that majority of detainees had an admission record, an inventory of their property and information regarding their judicial processes. It was, however, noted that there was still poor storage of records where the registers were fully utilised.

11.2.3.2 Accommodation of inmates

The Commission noted that while efforts were being made to renovate or construct a number of facilities, human rights concerns and challenges still existed as the highlights below indicate.

a) Overcrowding

Overcrowding in prisons remained a challenge, with some prisons housing twice or up to three times their designed capacities, often times, with the male inmates most affected. It is a requirement that detention accommodation should provide adequate cubic content of air, floor space, lighting, heating and ventilation.[520] However, some of the prison facilities were found overcrowded including Bubulo, Buyinja, Kyenjojo, Gulu, Kitgum, Pader, Apac, Lira and Agago Government Prisons.



Inmates at Bukwo Prison occupying the Anti-Stock Theft Unit (ASTU) building that belongs to UPF due to lack of Prisons accommodation

520 Rule 13, UN Standard Minimum Rules for the Treatment of Prisoners.

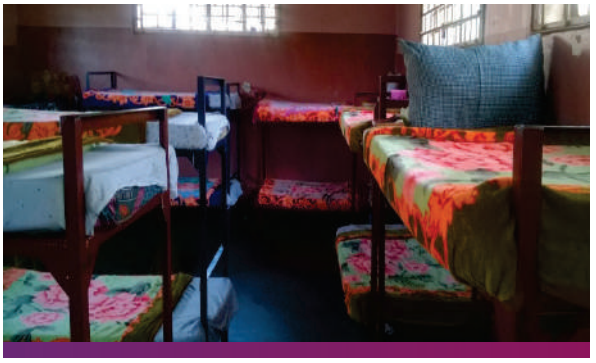
b) Ventilation and lighting

Detention facilities should have adequate ventilation to allow detainees to breathe normally; evacuate humidity from the cells; and gets rid of bad odours. They are also required to have adequate lighting for maintaining the physical and mental health of detainees and prison staff. However, in some facilities inspected, particularly police cells, the Commission found that many were very poorly ventilated and lighting still remained a challenge. This was the case at Sanga Prison and Kiruhura Female Prison in Kiruhura district. Other Police facilities with poor ventilation included Mugarama Police station, Kyebando Police Station, Matale Police Post, Nyamarwa Police Post, Kakanju Police Post, Kitabi Police Post, Kyamamari Police Post, Akajani Police Post, Karinzu Police Post, Kyamuhunga Police Station, Bunyarugi Police Post, Kitura Police Post and Rwemikoma Police Station, among others.

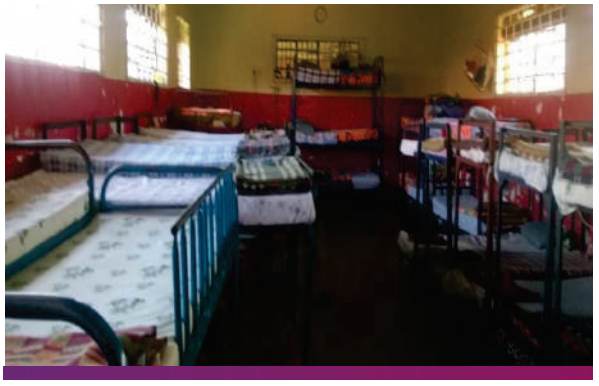
c) Cells for juveniles

According to the Children Act, the age of criminal responsibility in Uganda is 12 years[521] while the age of majority for purposes of criminal responsibility among children is 18 years.[522] In 2019, the Commission visited five remand homes (juvenile detention centres) and police cells where juveniles aged 12 to 17 years were being detained. These facilities were Arua Regional Remand Home, Gilgil in Arua district; Naguru Remand Home in Kampala city; Kampiringisa Rehabilitation Centre in Mpigi district; Ihungu Remand Home in Kabarole district; and Gulu Remand Home in Gulu district. These facilities were found to be well-kept save for Ihungu Remand Home which was old and delipidated. The Commission also noted that Buyende Central Police Station in Buyende district had a newly constructed cell for juveniles which was fully furnished with beds and mattresses courtesy of an international non-governmental organisation, Plan International Uganda.

The Commission noted that the country still has very few remand homes and children have to be transported long distances for detention, which often limits their access to parents. Gulu Remand Home, for example, is the only one in Northern Uganda and serves all the districts in Lango, West Nile and Acholi sub-regions. The Commission was also informed of the challenges regarding delayed justice and overstay on remand for most of the children, attributed to the frequent court adjournments. The officers in the remand homes were also concerned about the insensitivity of some courts and police officers to children's issues. Police was accused of highhandedness in handling juveniles including torturing them while in custody and for over detaining them even for simple cases. Other challenges raised were the alleged trumped-up charges in some of the cases, lack of welfare officers, lack of transport to take the children to court, and the reluctance by some parents to pick their children upon release.



A girls' dormitory at Naguru Remand Home



A boys' dormitory at Naguru Remand Home



The cells for children donated to Buyende Central Police Station by Plan International Uganda.

521 Section 88(1) of the Children Act.
522 Section 88(4) of the Children Act.

c) Old dilapidated buildings

The Commission found a number of detention facilities with old, derelict, rundown and dilapidated buildings or facilities. These included: Ngora Prison, Bukwo Prison, Mutufu Prison, Bubulo Prison, Bukedea Prison, Mbale Male Prison, Mbale Female Prison, Nakatunya Prison, Soroti Main Prison, Wabusana Government Prison and Katakwi Prison. Dilapidated police facilities included Karama Police Post, Kaiso Police Post, Kasangati Police Station, Nakasongola Central Police Station (has grass-thatched and asbestos roofs), Kibibi Police Station and Kanoni Police Station.

d) Newly constructed and renovated facilities

Despite the persistent congestion, the Commission noted the efforts of the UPS and the UPF to improve accommodation facilities of detainees. In 2019, a number of detention facilities had newly constructed buildings and renovated facilities for offices, cells, stores and wards for inmates. Some of these were found in Bushenyi Government Prison (male section), Ishaka Police Station, Shuuku Police Station, Kiruhura Government Prison and Nyabuhikye Government Prison.





Dilapidated police structures at Kaiso Police Post and Karama Police Post in Hoima and Kikuube districts respectively



Commission staff inspecting a dilapidated cell at Kaiso Police Post, Hoima district



An old dilapidated ward at Kaladima Government Prison, in Amuru district

11.2.3.3 Separation of categories of detainees

Human rights standards require that different categories of detainees are kept in separate cells, taking into account their sex, age, criminal record and reasons for detention.[523] As a matter of law,[524] women should be separated from men, minors from adults and untried detainees from those convicted. Migrants detained in connection with their migrant status should also be separated from convicted persons and held in conditions as far removed from a prison regime as possible. Persons imprisoned for debt and other civil prisoners should be kept separate from persons detained for criminal offences.

The primary purpose of separation is to ensure protection and safety of persons deprived of liberty and for optimal management of prisons. It also ensures the principle of the presumption of innocence of untried persons, requiring the most appropriate prison conditions for each category of detainees. Below is what the Commission observed.

523 Rule 11, Nelson Mandela Rules and Rule 8 of the UN Standard Minimum Rules for the the Treatment of Prisoners.
524 For example, the ICCPR; the United Nations Standard Minimum Rules for the Treatment of Prisoners; and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

a) Separation of female from male cells

In all the 907 detention places inspected, the female inmates there were detained in different cells from the males in compliance with the standard that requires their separation.[525] However, some police stations and posts did not have cells for females. These included Katabi Police Station, Kabasanda Police Station, Gombe Police Station, Apala Police Station, Ayara Police Post, Akalo Police Post, Alero Police Post, Adwoki Police Post, Corner Abako Police Post, Aloi Police Station and Palaro Police Station.

b) Civil debtors

The detention of people for civil debts is inconsistent with Article 11 of the International Covenant on Civil and Political Rights which states: "No one should be imprisoned merely on grounds of inability to fulfill a contractual obligation". However, the Commission found civil debtors in some prisons including at Amuru, Patongo, Kakumiro, Kibaale, Buseruka, Kaliro, Bushenyi, Sanga, Bubulo and Kasangati, among others. The Commission also noted that the requirement[526] to separate civil debtors from inmates on criminal charges was not observed. Inmates were mainly separated based on their gender only, due to limited space.

c) Mothers incarcerated with their children

Children incarcerated with their mothers are entitled to have their physical, emotional, social and psychological needs provided for by the authorities. Children incarcerated with their mothers were found in Masindi, Kakumiro, Patongo, Tororo, Ikulwe, Bushenyi, Kiruhura, Nyabuhikye, Namalu, Kaabong, Nakapiripirit Government Prisons, Kigo Women Prison and Mbale Female Prison. At Katwe Government Prison in Kasese district, the Commission found a mother who had delivered a baby in detention. She and her baby were not on any special diet provided by the authorities, but she said the Officer in Charge was helping by providing milk and beddings for her three-month-old baby boy.

d) Juveniles detained with adult offenders

It is a requirement to separate juveniles from adults while in detention.[527] The Commission found that most facilities had special cells for juveniles. However, cases where juveniles were in detention with adults were mainly at police stations; notably Kasese Police Station, where 13 juveniles were held with adults. Others facilities were: Kaliro, Mayuge, Kiruhura and Ibanda Police Stations, Kaabong and Moroto Central Police Stations as well as Kyamamari Police Station.

Such a situation was mainly attributed to the lack of cells for juveniles in police facilities and the continued failure to ascertain the age of the suspects. The O/C and DPC Kaabong explained that the juveniles were in the adult cell because information regarding their actual age was still being assessed and examination reports being awaited. However, in some facilities inspected, the suspects alleged that police officers exaggerated the age of the juvenile suspects in order to detain them in adult cells. At the CPS Koboko, the Commission was able to have a male juvenile suspect aged 17 years, who was detained with adults, immediately separated from them.



Juveniles found in the same cell with adults at Paimol Police Station in Agago district

525 Rule 8(a) of the UN Standard Minimum Rules for the Treatment of Prisoners.
526 Rule 8(c) of the UN Standard Minimum Rules for the Treatment of Prisoners.
527 *ICCPR, Art. 10.2*

11.2.3.4 Access to adequate food

In assessing access to adequate food, the Commission considered the quality, quantity and frequency of the food provided to the detainees. Provision of adequate food is key to maintaining the health and strength of detainees especially those with HIV/AIDS, the sick, breastfeeding mothers, juveniles and infants.[528] Progress was noted in most detention facilities inspected, where inmates had at least two meals a day, consisting of porridge for breakfast and lunch/supper comprising of food such as cassava or posho or sweet potatoes and beans. At most prison farms, the meals for inmates were supplemented with vegetables, potatoes and cassava, depending on what was grown by the inmates themselves.

However, the situation was different at police stations and posts inspected where the Commission found that the UPF was struggling to provide detainees with even one meal a day. As reported in previous Annual Reports, 90% of the police stations continued to offer one meal a day to the suspects while the rest provided none at all. Consequently, most suspects in police custody continued to have one meal a day or none.

11.2.3.5 Access to clean and safe water

In 2019, the Commission observed that majority of inmates could access clean and safe water from various sources such as harvested rainwater, taps, boreholes, wells, swamps, springs and dams. In some situations, water was unclean and, therefore, unsafe for drinking. In most of the facilities visited, the inmates boiled water which they stored in small jericans and kept in their cells. In other facilities without available sources of water, authorities had to buy water from water hawkers.

Government Prisons with clean and safe water at the time of inspection were Kabasanda in Butambala district, Kanoni and Kiruhura in Kiruhura district and Kitalya in Wakiso district. The Police Stations were Gombe, Kisubi and Entebbe in Wakiso district; Kabasanda in Butambala; Bushenyi, Ishaka, Kyabugimbi, Kyamuhunga, Kizinda, Nyabubaare, Akashanda, Bitooma, Nyakabirizi, Bumbaire, Rwentuuha and Kashenyi in Bushenyi district; and Kanoni, Rwemikoma, Kijuma, and Kikaatsi in Kiruhura district; and Kiruggu in Rubirizi district, among others. Nshwere Police Post in Kiruhura district also had clean and safe water.

11.2.3.6 Sanitation and personal hygiene

In majority of prisons especially those newly constructed and renovated, inmates enjoyed a good standard of basic hygiene. Where running water and flush toilets had been installed, the personal hygiene of inmates had greatly improved.

a) Bucket system for waste disposal

The bucket system is where inmates ease themselves in buckets placed in their cells because there are no indoor toilet facilities. The Commission found that in facilities without flush toilets, inmates still used pit latrines during day time, and the buckets at night, which they would empty during daytime. The practice of human beings sharing a room with their waste is not only degrading and dehumanising, but also unhygienic. Many inmates would not be able to survive an outbreak of cholera, for example, in such unhygienic living situations.

The Commission found that the bucket system had been eliminated in a number of facilities. However, it still persisted in some others, especially police cells at Rugaaga and Rubirizi Police Stations as well as police posts of Kitabi, Kakanju, Karinzu, Kabahinda and Bitereko. Regarding government prisons, Kiruhura (female section) and Sanga in Kiruhura district still had the bucket system.



The only pit latrine at Nyangole Police Post in Tororo district

528 Rule 22of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

b) Access to sanitary towels

The Commission found that female inmates in most detention facilities inspected were provided with sanitary towels. This was established at Kaliro, Ikulwe, Namalemba, Iganga and Kiyunga Prisons as well as Bushenyi, Nyabuhikye and Kiruhura Government Prisons and Buyende Central Police Station. However, Government Prisons such as Mitooma, Isingiro and Sanga did not provide any. It was also noted that most police facilities did not provide sanitary towels.

11.2.3.7 Access to health services and HIV treatment

Access to medical services had improved in most prisons. The Commission noted that prisons that lacked internal health facilities were reportedly accessing health services from the nearby government health centres. Despite a patient referral system and medical care provision in prisons that were better than the national average, the challenge of inadequate drugs persisted. It was also noted that some prisons had emergency health kits to help in handling small, uncomplicated cases of inmates and staff, but the complex emergencies were referred to nearby government health facilities. Some detention facilities had healthcare personnel attached to them. The Commission also found that for some detention centres, the nearest government health facilities were far from the prisons, making it hard for the inmates to easily access treatment.

11.2.3.8 Clothing and beddings for inmates

The Commission noted an improvement in clothing and beddings for inmates in prisons. Majority of inmates had uniforms at the time of inspection even though the uniforms were still inadequate. Prisons authorities reported that it was not possible to provide all the inmates with two pairs of uniforms as required due to inadequate funding.

With regard to beddings, every prisoner was provided with one or two blankets. However, the Commission found that in most police facilities, suspects slept on bare floors or on torn blankets. Such facilities included Division Headquarter Police Stations of Kajjansi and Entebbe; Kasangati, Najjeera, Kabasanda, Kibibi, Gombe, Kariri and Kanoni Police Stations as well as Butoolo Police Post.



A suspect's bed in a cell at Kabasekende Police Post, Kibaale district

11.2.3.9 Right to work

The Prisons Services Act, 2006 provides for a prisoner's right to undertake meaningful remunerated employment. Work for convicted prisoners enables them to acquire meaningful and useful skills to earn honest livelihoods after release. It helps to maintain or improve the vocational qualifications of the inmates which provides them opportunities for meaningful occupation. Regulations 107(1) to (6) of the Prisons Regulations, 2012 prescribe circumstances under which remand prisoners may be employed and the remuneration. The regulations stipulate that any remand prisoner interested in working who participates in any work should be remunerated.

The Commission found that inmates' labour was used on prison farms and workshops or hired out to private farms to generate income. The most common form of work for prisoners included carpentry and joinery, building construction, handicrafts, brick-making, livestock farming and crop farming or gardening. At all the prison facilities inspected, inmates worked from Monday to Friday for six to eight hours each day and on Saturday, inmates did light work around the prison premises. The Commission noted that all the prisoners who worked were paid UGX 100 for unskilled labour, UGX 250 for semi-skilled labour and UGX 500 for the skilled work per day in most regions.

11.2.3.10 Transportation of inmates

In all the prisons and police facilities inspected, officers indicated a challenge of lack of transportation for the detainees. Prisons officers had to trek long distances taking inmates to court, hospitals, water sources, or workplaces due to

lack of vehicles. Walking long distances with inmates was not only putting the officers at risk of being attacked by the inmates, it was also creating temptation for prisoners to escape.

The Commission established that prisons such as Bukwo, Kapchorwa, Ngenge, Amuria, and Amolatar Government Prisons did not have any means of transport for inmates to go to court; so, they were just escorted there on foot. The Commission noted that in prisons, despite having to walk, inmates regularly accessed court. Majority of the police facilities had no transport. At Maracha Police Station, the Commission had to intervene and mobilise transport to immediately take a 16-year-old male juvenile to Arua Remand Home. He had been produced before court and remanded, but had been returned to Police because of lack of transport.

11.2.3. 11 Inmates pending Ministerial Orders

Just like the Commission had noted the previous year 2018, 24 remand prisoners who had stayed in prison for over five years were still pending ministerial orders. The inmates in this category were found to have mental illnesses during the commission of the crimes. The Magistrates Courts Act cap 16 provides for the procedure of handling criminals with mental illness. Section 117 provides that if the accused is found guilty but erred due to insanity, the court shall make a special finding to the effect that the accused is not guilty of the act or omission charged by reason of insanity. The court shall report the case for the order of the minister and shall meanwhile order the accused to be kept in custody as a mental illness victim in such place and in such manner as the court shall direct. The minister may order any such person to be confined in a mental hospital, prison or other suitable place of safe custody.

For the past four years, the Commission consistently recommended to the Ministry of Justice and Constitutional Affairs to establish an efficient mechanism for handling the cases that were pending ministerial orders.



A makeshift mosque at Mateete Prison in Wakiso district

11.2.3.12 Right to worship

All the detention centres inspected allowed and in most cases facilitated the inmates to practise their respective religions which is commendable. Religious leaders were allowed access to the facilities to conduct prayers for the detainees especially during visitation hours and days. This is in conformity with Article 37 of the Constitution which inter alia calls for every person to belong, enjoy, practise, profess, maintain and promote any religion in community with others[529].

11.2.3.13 Disciplinary measures

According to human rights standards, discipline and order within a detention facility should be maintained with no more restriction than is necessary to ensure safe custody, and secure operation of the prison, as well as an orderly community life.[530] The prisons disciplinary measures are provided for under the Prisons Regulations, 2012. Most detention facilities inspected had the following disciplinary measures: appearance before disciplinary committees, fetching water, cleaning cells and toilet facilities, doing garden work, loss of remission, caning, demotion in cases of *katikkiros* (prefects), institution of new charges, caution, cleaning the compound, counseling and warnings to the offender. The Commission noted that despite the fact that caning is outlawed, it was still erroneously meted out on inmates by either prefects or errant prisons officers.

529 Republic of Uganda: Constitution of Uganda 1995 (as amended), Article 37. Available at https://ulii.org/ug/legislation/consolidated-act/0 (accessed on August 8 2020).
530 Rule 8 of the UN Standard Minimum Riles for the Treatment of Prisoners (the Nelson Mandela Rules).



Goats and sheep reared by inmates at Mutukula Farm Prison

11.2.3.14 Rehabilitation of inmates

All the prisons inspected provided rehabilitation programmes for inmates. This included counselling and guidance, psychosocial support programmes, as well as school whereby inmates study from primary to university if they so wish. Prisons also have vocational trainings where inmates are taught various skills such as carpentry, building, gardening and tailoring, among others. The products are sold to the public and the inmates receive a portion of the proceeds.

11.2.4 Recommendations

The Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them build better detention facilities suitable for human habitation and which can eliminate congestion.

1. The Ministry of Internal Affairs and the Ministry of Gender, Labour and Social Development should effectively enforce the requirement for juveniles to be separated from adult offenders in all detention facilities and ensure that children who are incarcerated with their imprisoned mothers are catered for appropriately.
2. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket sytem of waste disposal in all detention facilities.
3. The Ministry of Finance, Planning and Economic Development should adequately fund the Uganda Police Force to enable it facilitate all its stations and posts with the necessary stationery, equipment and transport to enable officers do their policing work.
4. The Minister of Justice and Constitutional Affairs and Civil society should address the plight of inmates that are pending ministerial orders.

11.3 UHRC INTERVENTIONS IN HUMAN RIGHTS AND CIVIC EDUCATION IN 2019

The Commission has a mandate under Article 52 (1) (c), (e), (f) and (g) of the Constitution to create human rights awareness and respect for the Constitution. The interventions the Commission undertook in 2019 in fulfilment of this constitutional mandate are highlighted, as well as their impact on the lives of the people in Uganda, the emerging issues and recommendations.

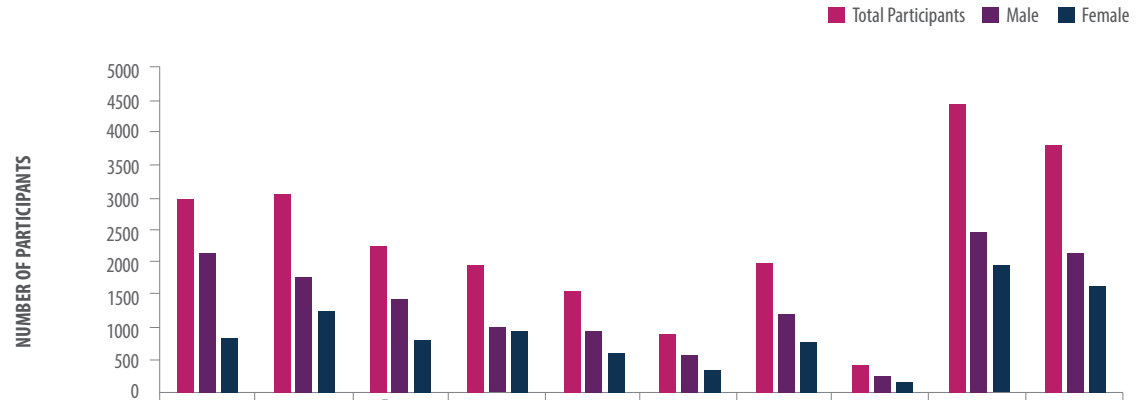
Some of the Human Rights Education (HRE) activities the Commission conducted were in response to previously identified challenges as well as emerging human rights issues such as child early and forced marriages (CEFM), re-emergence of female genital mutilation (FGM) in Sebei sub-region, torture and the rights of vulnerable persons. The Commission targeted the interventions at key stakeholders such as security agencies (UPF and UPDF), staff from JLOS institutions, media owners and practitioners, cultural leaders, political parties and members of the general public, as highlighted below.

11.3.1 Human rights education through barazas (community meetings)

In 2019, the Commission conducted 127 barazas in 62 districts in Uganda, in whch **23,317** people (**13,949** male and **9,368** female) were sensitised. This was a 4.19% decline in the number of people reached through barazas compared to 24,336 sensitised in 2018. This can be partly attributed to a longer rainy period in 2019 which kept the people longer in their gardens but at the same time affected access to baraza venues because of floods. Figure 43 below shows the baraza attendance per regional office in 2019.

FIGURE 43:

Baraza attendance in 2019 aggregated by regional office and gender



	Arua	Central	Fort Portal	Gulu	Hoima	Jinja	Masaka	Mbarara	Moroto	Soroti
Total Participants	2975	3037	2261	1955	1955	904	1981	419	4439	3791
Male	2122	1771	1437	1013	952	556	1205	269	2479	2145
Female	853	1266	824	942	603	348	776	150	1960	1646

REGIONAL OFFICES

Despite the general decline in the number of people reached through barazas, there was a 2% increase in the participation of women from the 9,182 in 2018 to 9,368 in 2019 as illustrated in the five-year trends analysis below.

FIGURE 44:

Baraza attendance from 2015 to 2019 aggregated by gender



	2015	2016	2017	2018	2019
Male	20664	37263	13345	15154	13949
Female	11030	14723	10124	9182	9368

The peak in baraza attendance in 2016 can be partly attributed to the fact that it was an election year hence citizens were more interested in seeking information on elections and where to seek redress in case of abuse or violation of their rights. More men participated in the barazas owing to the patriarchal nature of the Ugandan society which places the burden of family chores and the social restrictions that come with it on women.



Commission staff participate in a Focus Group Discussion with women in Busaana sub-county, Kayunga district

Issues of concern

Generally, the issues of concern raised in barazas for the attention of stakeholders were:

- Delays in disposal of cases by the JLOS institutions, particularly UPF, the Directorate of Public Prosecutions and courts of judicature.
- Corruption in Government institutions manifesting through some police officers demanding for money to grant police bond to suspects, closure of files, exaggerated transport fees to effect arrests of suspects, photocopying police forms, airtime to facilitate their communication to process files and carrying out medical examinations where necessary.
- Violation of rights of the vulnerable persons especially children, women and the elderly, which was commonplace.
- Rampant cases of witchcraft that had resulted in violation of the right to life and property of those suspected to be engaging in it.
- The alleged torture of residents by Local Defence Unit personnel who also had a tendency to handle cases beyond their jurisdiction.
- Child and forced marriages which were reportedly occurring in many communities across the ten regional offices. A case in point was a 15-year-old girl who was rescued by the Kyegegwa district authorities from being married off to a 78-year-old man.

The Commission was able to make some immediate interventions to address some of the concerns while others were documented and raised with various duty bearers. On early, child and forced marriages, the Commission held follow-up meetings with the key stakeholders in various districts across the country where strategies including development of ordinances and bye-laws to curb the vice were agreed upon. Voluntary Anti-Child Marriage Committees were also formed in Kyegegwa, Kitgum and Arua districts and trained to work in conjunction with other authorities such as the police, probation officers and LCs to receive and refer complaints appropriately. The Commission subjected other issues like witchcraft as well as the alarming levels of unemployment to further research.



Kyegegwa authorities block marriage of 15-year-old to 78-year-old

KYEGEGWA

By Wilson Asiimwe

Authorities in Kyegegwa district recently blocked a ceremony where a 15-year-old girl was going to marry a 78-year-old man.

This was revealed during a training of local leaders on the formulation of a district ordinance on violence against women on Friday. The training was organised by the Uganda Human Rights Commission Fort Portal regional office.

Jackson Kamara, a community leader in Kasule sub-county, said last month they stopped the introduction ceremony because it was involving a minor.

"The parents of the girl had accepted the bride price but when we learnt of the incident, we went to the Police and blocked the ceremony," Kamara said.

Kamara cautioned elders and cultural leaders against presiding over marriage ceremonies involving minors.

The revelation came at a time the district leaders were expressing worry over the high rate of child pregnancies and early marriages, which have led to the high school dropout.

John Kisoke, the Kyegegwa LC5 chairman, said several parents consider bride price as a source of wealth, hence pushing their girls into early marriages.

He said the district was grappling with high cases of school dropouts as a result of early marriages.

"As a district, we are faced with a very big challenge of parents marrying off their girls at an early age. This has affected education and also increased gender-based violence

Human rights officer Juliet Legose with Kisoke (right) Chrispus Kateeba, an officer with UHRC, addressing trainees in Kyegegwa on Friday. Photo by Wilson Asiimwe

added that over 2,687 girls below the age of 18 were already married.

Nyakabwa said between July and September, over 655 cases of early marriages were reported, while 972 teenage pregnancies were recorded. There were about 523 teenage deliveries in the health units of Kyegegwa.

Nyakabwa said the figures were obtained from the District Health Information System or antenatal visits by pregnant mothers.

He also said the number of child mothers recorded shows only those who had the courage to visit health facilities for the first time.

Police warns

UHRC staff(centre) sensitizing Kyegegwa District leaders on dengers of early and forced marrages.

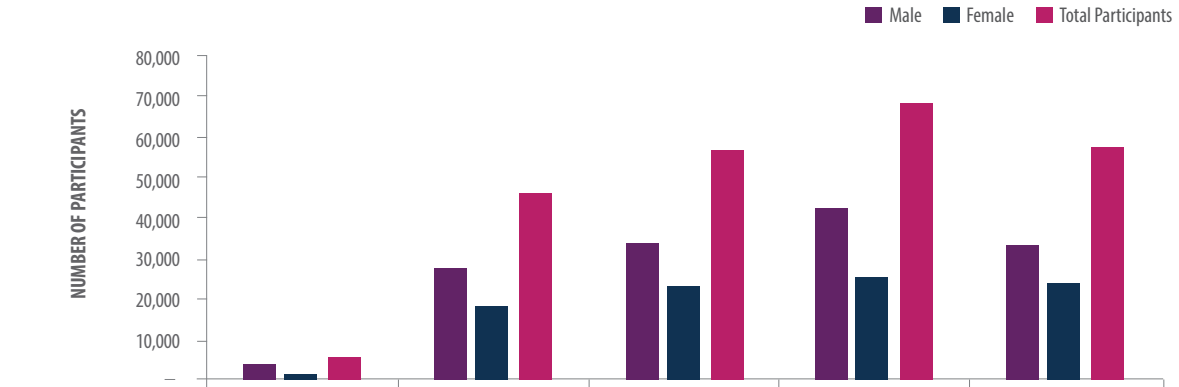
11.3.2 Human rigts education through roadshows

The Commission continued to conduct mobile human rights sensitisation activities using civic education vans on roadshows to disseminate information on human rights and corresponding duties and responsibilities. This was done in several parts of Uganda as the vans moved from one trading centre to another. Through the roadshow strategy, the Commission, in conjunction with other duty bearers such as the Police and District Local Government officials, sensitised people about human rights, duties and responsibilities; responded to their human rights concerns at grassroots level; and offered free legal advice.

Roadshows were conducted in all regions of Uganda, covering 78 districts and reaching a total of 57,786 people (33,824 males and 23,962 females). This was a 15.5% reduction in the number of people reached, from the 68,355 in 2018. The 5% reduction in the number of districts covered from the 82 of 2018 was a result of inadequate funding from some of the Commission's development partners who funded it in 2018.

FIGURE 45:

Roadshow participants 2015 to 2019 aggregated by gender.



	2015	2016	2017	2018	2019
Male	4,080	27,454	33,960	42,831	33,824
Female	1,726	18,611	22,997	25,524	23,962
Total Participants	5,806	46,065	56,957	68,355	57,786

PERIOD (IN YEARS)

The sensitisation during roadshows covered the rights of vulnerable persons such as women, children, refugees and suspects; the mandate and functions of the Commission; the concept of human rights; the salient provisions of the Prohibition and Prevention of Torture Act, 2012 and the Public Order Management Act, 2013; land-related rights; domestic violence and human rights implications; the right to personal liberty; and the role of police in upholding human rights. Other areas covered were the role of the community in the protection and promotion of human rights; mob action and its human rights implications; juvenile justice; succession rights and the making of a will; legal marriages in Uganda; culture and human rights with specific focus on early child and forced marriages; provisions of the Prohibition of FGM Act, 2010; and constitutionalism with emphasis on Articles 1, 17, 23, 24, 31 and 34 of the Constitution of Uganda. Through roadshows, the Commission empowered citizens with knowledge on various human rights which ultimately contributed to their ability to claim them.



Civic education roadshow at Kithoma Trading Centre in Buhuhira sub-county, Kasese district



PWDs raise questions during roadshows at Masolo Trading Centre, Moyo district (left) and in Osidribiku Trading Centre in Maracha district (right).

Confirming how beneficial the roadshows were to the people, Phiona Mbambu, a woman leader and resident of Katumba village, Kirumya sub-county, Bundibugyo district said: "The problem of single women suffering to look after their children in this area is very rampant. Many women have had to look after the welfare of their children yet their fathers are still alive. Such men have neglected their parental responsibilities and have acted with impunity. As a women's leader, I have often failed to solve such cases. I am very happy to learn about the functions and mandate of the Commission as a government body. Now I will not suffer with such men. I will tell my fellow women about this and just forward them to the the Commission for further assistance. Thank you so much, the Commission, for promoting and protecting the rights of the vulnerable".

11.3.3 Human rights and civic education through training workshops and dialogues

Workshops and dialogues were conducted on pertinent human rights issues targeting various stakeholders. Some were training workshops to impart skills and knowledge, while others were for consultations, engagements and dialogue on specific human rights issues relevant to the different stakeholders. The participants included Police officers, cultural, opinion and religious leaders, media managers and practitioners, district technical staff and political officials, JLOS stakeholders, children, youth, officials of Electoral Commission, civil society organisations and NGOs, teachers, Human Rights and Peace Clubs patrons and members, among others. Through workshops and dialogues, the Commission reached a total of **4,772** people (**2,779** males and **1,993** females).

Soroti and Arua regions registered the highest number of participants while Masaka and Gulu had the lowest since only a few workshops and dialogues were conducted there. The high numbers registered by the Soroti Regional Office were attributed to the mass sensitisation in Sebei sub-region with support from GIZ, focusing on curbing female genital mutilation (FGM) and working with pre-organised groups. On the other hand, Arua Regional Office targeted the youth in communities and schools through the Human Rights and Peace Clubs. Mbarara Regional Office did not conduct any trainings.

TABLE 40:

Training workshops and dialogue participants disaggregated by gender

REGION/OFFICE	MALE	FEMALE	TOTAL
Arua	747	453	1,200
Central	232	234	466
Fort Portal	178	73	251
Gulu	53	32	85
Jinja	106	68	174
Masaka	31	9	40
Mbarara	-	-	-
Moroto	145	40	185
Soroti	603	701	1,304
Hoima	209	96	305
Headquarters	475	287	762
TOTAL	2,779	1,993	4,772

11.3.3.1 HRBA training for officials from JLOS institutions

The Commission conducted training workshops for selected officials from the 15 JLOS institutions on the Human Rights Based Approach (HRBA) to development planning and programming. The training targeted planners and members of the JLOS Technical and Publicity Committees. Other JLOS stakeholders were also trained at regional level from Hoima, Masindi, Kiryandongo, Kikuube, Kakumiro, Kibaale, Kagadi and Buliisa districts. Conducted under the theme: '*Strengthening the protection of human rights, peace, access to justice and citizens' participation',* the workshops were attended by a total of **182** participants (**125** males, **57** females)**.** Participants were trained on how to mainstream human rights in development planning in compliance with the Constitution of Uganda, international and regional human rights instruments ratified by Uganda, the Uganda Vision 2040 and the National Development Plan.

Participants were drawn from the Judiciary, Ministry of Justice and Constitutional Affairs, Directorate of Public Prosecutions, Justice Centres Uganda, Ministry of Internal Affairs, Law Development Centre, Uganda Registration Services Bureau, Amnesty Commission, National Identification and Registration Authority (NIRA), Ministry of Local Government, Police, Ministry of Gender, Inspectorate of Government, Electoral Commission and the Commission.

Emerging issues

- There was appreciation that the HRBA was critical in Uganda and specifically in JLOS operations; this, therefore, raised the need to have the top leadership of all JLOS institutions well-grounded in HRBA.
- A call for a review of the Uganda Human Rights Commission Act to grant it authority to issue certificates of human rights compliance to all MDAs.



JLOS planners who attended HRBA training at Entebbe Golf View Hotel. Third right is Dr. Katebalirwe Amooti Wa Irumba, The Acting Chairperson of the Commission

11.3.3.2 Training for Human Rights and Peace Clubs

The interventions focusing on the youths in secondary schools to nurture a culture of respect for human rights continued in 2019, targeting the Human Rights and Peace Clubs. A total of 6,663 (3,397 males, 3,266 females) secondary school teachers, head teachers, students and patrons of the clubs were trained in human rights and the critical importance of enjoying them in tandem with duties and responsibilities.

a) Emerging issues

The participants called for more and regular engagement so as to:

- Eliminate the lack of support and co-operation from some school administrators who misunderstood human rights to be a contributory factor to strikes and indiscipline.
- Address the general ignorance about human rights among students in schools who misconstrued rights and freedoms to mean enjoying without responsibility.

11.3.3.3 National dialogue in commemoration of Constitution Day, 2019

A national dialogue in commemoration of the promulgation of the Constitution of Uganda on 8th October, 1995 was held in accordance with the annual tradition of the Commission to mark the anniversary focussing on a specific aspect of constitutionalism. It was held on 4th October, 2019 at Sheraton Kampala Hotel, under the theme: '*Harnessing political diversity to enhance constitutionalism in Uganda*'.

Participants took stock of the performance of political parties and organisations in enhancing constitutionalism in the past 15 years of multiparty politics in Uganda and recommended strategies for strengthening them to effectively play their role in the democratic governance of Uganda. It enhanced awareness of the people on the provisions of the Constitution regarding the multiparty political system. A total of 92 (58 males, 34 females) participants attended, drawn from political parties, CSOs, MDAs and academia. The dialogue was also telecast live on NBS TV, the most watched English television station in the country,[531] as well as social media platforms like YouTube, Twitter and Facebook to enhance the participation of as many people as possible.



Political party leaders and other participants join the then Chairperson of the Commission, the late Med. Kaggwa, (seated 3rd left) in a group photo.



Keynote Speaker Dr. Sallie Simba Kayunga addresses the Constitution Day 2019 dialogue at Sheraton Kampala Hotel on 4th October, 2019 which was covered live on NBS TV

531 IPSOS 2019 Media Report.

a) Issues of concern raised in the dialogue

The obtaining situation where one political party appears to be dominant over the others tends to negatively affect the effectiveness of a multiparty political system;

The persistence of individual merit on which most people still based their votes rather than on support for a political party; hence the lack of commitment towards political parties, which was undermining the multiparty system;

- The apparent lack of level ground for all political parties to participate in fair competition for power;
- The phenomenon of independent candidates which was commonplace and affected a multiparty dispensation;
- The lack of internal cohesion as well as the in-fighting within political parties which negatively affected operations of all political parties; and
- Inadequate civic and voter education affecting the functioning of political parties.

11.3.3.4 National dialogues on media freedom

The Commission held two dialogues on economic rights of journalists and the need for media businesses to ensure observance of human rights. Conducted under the themes: '*Respect for economic rights of journalists promotes media freedom and the right to information'* and *'Human rights observance is good business for media enterprises',* respectively, the dialogues were attended by a total of **115** participants (74 males and 41 females). The aim was to strategise on how the welfare of journalists can be enhanced in order for the media to effectively play their role in facilitating freedom of expression and the right to information of everyone.

The participants comprised policymakers, regulators, legislators, media owners, journalists and human rights defenders from all over the country.

The pertinent emerging issues

- The poor working conditions under which media practitioners work, including low pay for journalists, some of whom were paid as little as UGX 1,500 for a story; the lack of employment contracts; the unsafe working conditions (safety and security) and other forms of exploitation due to weak enforcement of labour laws;
- High taxes levied on media houses resulting in the inability by majority of the media houses to meet the welfare needs of their staff and other operational costs;
- Traditional media losing business to social media such as Facebook, WhatsApp and Google, resulting in many citizens falling for fake news and spreading it widely without cross-checking its authenticity; and
- The licensing framework said to be harsh and, therefore, the need for further engagement with Uganda Communications Commission (UCC); and training staff of the regulators in HRBA.

11.3.3.5 Dialogues on child, early and forced marriages

Seeking to curb the rampant child, early and forced marriages in Uganda, the Commission conducted dialogues and trainings for various stakeholders. These included religious and cultural institutions, clan leaders, selected teachers and head teachers, health workers, Child and Family Protection Units of UPF, Local Government officials like District Community Development Officers, Probation Officers and medical workers, JLOS institutions, CSOs, Faith-Based Organisations, victims, some of whom were child mothers, and parents.

The dialogues were held in four regions of the Commission; i.e. Soroti, Arua, Gulu and Moroto, since the targets were districts with the highest national prevalence of child, early and forced marriages such as Zombo, Yumbe, Koboko, Kamuli, Tororo, Namayingo, Kitgum, Omoro, Amuria, Kapelebyong, Katakwi and Kotido. As a follow-up, the Commission conducted capacity building training on formation of human rights compliant ordinances in Kasese, Kyegegwa, Kitgum and Tororo districts. A total of **456** stakeholders (**332** males and **124** females) participated in the activities whose theme was: '*The road to ending child, early and forced marriages in Uganda: The role of key stakeholders'.*

Emerging issues on curbing child, early and forced marriages

- There was need to intensify dissemination of information and the legal instruments on the issue of child, early and forced marriages to the general public so as to create awareness about it; its legal implications; and the redress mechanisms for the victims.

- Strenghtning and prioritising prosecution of individuals involved in conducting and abetting child, early and forced marriages was critical. These may be parents and relatives of the victims, perpetrators, police officers and other officials within the justice system.

The fight against child, early and forced marriages requires human rights compliant ordinances and bylaws to ensure that perpetrators are held accountable for their actions. A strategy to use data on child pregnancies at health facilities should be explored by all stakeholders as a way of finding useful information on the issue at hand.



Participants and facilitators at the dialogue on formulaiton of ordinances and bylaws held at JAFLO Gardens in Kitgum district on 29th November, 2019

11.3.3.6 High-level dialogue with the Uganda Police Force

Since its inception, the Commission has worked closely with the UPF in an effort to improve the understanding and appreciation of the officers and men of the human rights of everyone and the obligations they place on law enforcement personnel in order to enhance compliance with constitutional requirements. The UPF is obliged under Articles 20(2) and 221 of the 1995 Constitution of Uganda to respect human rights. In spite of all the interventions, the UPF has consistently topped the list of respondents in complaints of human rights violations registered annually by the Commission. A high-level dialogue, therefore, was organised between the top management of UPF and the Commission to discuss the challenge of the increasing human rights violations by police personnel and to draw strategies of addressing the issue.

The high-level dialogue was attended by the Inspector General of Police (IGP), the Deputy IGP and all Police Directors, and the Chairperson, Members and Directors of the Commission. By the end of the dialogue, the Police leadership had renewed its commitment to respecting human rights and pledged to ensure that all police officers who violate human rights are held liable in line with the Human Rights (Enforcement) Act, 2019 and the Prevention and Prohibition of Torture Act, 2012.



Top management of Police and the Commission in a group photo at Speke Resort, Munyonyo in Kampala in May 2019. In the front (middle) is the IGP Mr. Martin Okoth Ochola and the then Chairperson of the Commission the late Med S. K. Kaggwa (in blue suit and tie).

11.3.3.7 Dialogue with cultural leaders on culture and human rights

Given the critical role cultural leaders play in the promotion and protection of human rights, the Commission organised a national consultative workshop with all heads of accredited cultural institutions in Uganda. The participants who, among others, discussed culture and human rights included the prime ministers of cultural institutions, religious leaders, representatives of the Ministry of Gender, Labour and Social Development, UNESCO, selected opinion leaders, media houses like NBS, NTV, and*Daily Monitor* and *New Vision* newspapers.

The Commission also engaged cultural, religious and opinion leaders in regional dialogues aimed at addressing context-specific cultural issues such as FGM, child, early and forced marriages as well as other beliefs and perceptions based on culture, societal connotations and faith, which affect the realisation of human rights. A total of **414** (**331** males, **83** females) participants attended the national and regional workshops.

The role of culture in the protection and promotion of human rights was discussed and the partnership strengthened between the Commission and the cultural institutions. The cultural leaders' ability to positively use their great influence in society to advocate for promotion and protection of human rights was acknowledged. Participants acquired knowledge, skills and information on culture and human rights and pledged to uphold good cultural practices and values in their communities while reporting the negative cultural practices to relevant authorities for redress.

The cultural leaders were drawn from Kampala city and the districts of Hoima, Masindi, Kiryandongo, Kikuube, Kakumiro, Kibaale, Kagadi, Buliisa, Wakiso, Buvuma, Mubende, Nakasongola, Mityana, Kassanda, Buikwe, Kayunga, Luwero, Nakaseke, Kiboga and Butambala. Others were from Mukono, Kabarole, Kasese, Bundibugyo, Ntoroko, Jinja, Mbale, Kamuli, Iganga, Bugweri, Luuka, Mayuge, Bugiri, Namutumba, Namayingo, Budaka, Butaleja, Moroto, Soroti, Tororo, Busia, Masaka, Nebbi, Zombo, Gulu, Apac, Arua, Bugweri and Rakai districts.



The Commission senior management in a photo opportunity with the prime ministers of various cultural institutions in Uganda at the Imperial Golf View Hotel in Entebbe in December 2019 during an engagement on culture and human rights

The engagement was appreciated by stakeholders as the leader of the Nubian community in Bombo Mr. Karim Ismail noted:

"The Commission needs to be commended for organising such a training because it is of great value to the Nubian community to also be included in such activities where we are also able to air out our views even though we are considered a minority group. I promise to mobilise my community for more sensitisation meetings with the Commission so that they will meaningfully engage in the community development activities as they fulfill their duties and responsibilities".

11.3.3.8 Sensitisation against female genital mutilation in Sebei sub-region

A series of sensitisation activities were implemented as part of the Commission's contribution to the national fight against FGM, which was found to have re-emerged in 2019 in the Sebei sub-region. A total of **1,153** people (**494** males and **659** females) from Kapchwora, Kween and Bukwo districts were sensitised. The re-emergence of FGM had earlier been noticed as the Commission conducted human rights education activities and was corroborated by key stakeholders like district officials, police officers and the surgeons formerly involved in it. It was noted that voluntary circumcision was increasing due to peer and community pressure but in some instances, forced mutilation of women was done at childbirth by the Traditional Birth Attendants (TBAs). There was disregard for the rule of law with public circumcision ceremonies reportedly taking place.

The Commission, thereofore, organised stakeholder meetings/trainings, dialogues through barazas, radio talk shows and spot messages as a special intervention to create mass awareness about the dangers of FGM and the legal implications of condoning or performing the vice. Held under the theme '*FGM violates the rights of women and girls. Together we can stop it',* the sensitisation programmes also covered basic awareness about human rights.

The lower District Local Government officials and staff and the faith-based organisations were targeted due to their critical oversight and operational role in ending FGM while the community members were involved since they are actively or passively part of the vice. Most importantly, they were targeted due to their ability to bring an end to FGM if they had a mindset change towards eliminating it.

Emerging issues from the sensitisation workshops

- FGM remains a cherished culture among the Sabiny people; entrenched in their belief system.
- There is need for more interventions in creating awareness about the vice, considering that its practice is largely attributed to high illiteracy levels among women and girls.
- The persistence of FGM was attributed to the alleged government failure to honour its pledge to the traditional surgeons and mentors who accepted to stop the vice and provide them with alternative means of livelihood. In addition, the pledge of establishing fully facilitated secondary schools also remained unmet and thus the re-emergence of the vice especially in 2018 and 2019. Furthermore, the reluctance of most police officers to arrest perpetrators of FGM and the TBAs that cut the women as they deliver babies has resulted into sophistication of the vice.
- The lack of a law against FGM in Kenya affected the efforts in Uganda since some girls and women would take advantage of their proximity to Kenya to cross over and get cut. Harmonisation of the legal regime in the East African Community could be considered.
- FGM was fuelling the practice of child, early and forced marriages, which is common in the region because FGM is considered by the community as a rite of passage for girls from childhood to womanhood. As such, once a girl has undergone FGM, she is presumed ready for marriage. This is compounded by the stigma surrounding those who resent FGM which has pressured women and girls to offer themselves to be cut in order to gain acceptance.

11.3.4 Human rights education through club debates

Students who were members of the school Human Rights and Peace Clubs took part in debating competititons organised by the Commission as one way of enhancing critical thinking skills and understanding of specific human rights issues. The debates in 2019 focused on the theme: *'Respect for human rights violates our cultures'* in an effort to promote Article 37 of the Constitution and create awareness on culture and human rights. The debates were conducted in 74 secondary schools from 22 districts across the country. A total of **1,778** students (**1,007** males and **771** females) participated in the debate competitions.

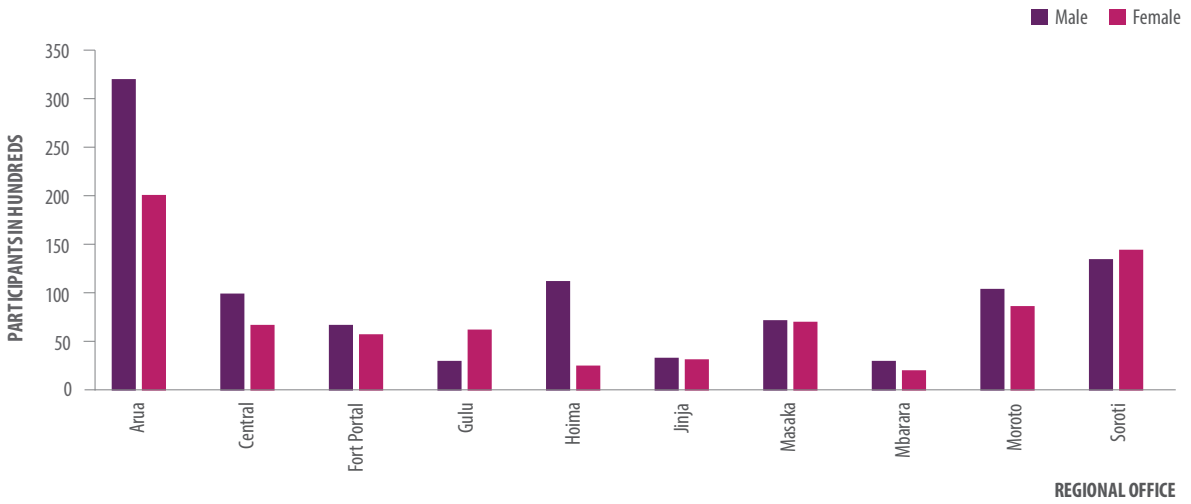
Arua Regional Office had the highest number of participants in the debates while Mbarara Regional Office had the lowest. Gulu and Soroti Regional Offices had a higher number of girls participating compared to boys, while Masaka Regional Office had a near balanced participation of both girls and boys. The photo below details the students' participation in the debating competitions.



Adjudicators and students listen to a presenter during a debate at Moroto Core Primary Teachers College

FIGURE 46:

Participation of schools in the debate competitions per regional office disaggregated by gender



11.3.5 Human rights education through partnerships

In line with its partnership strategy, the Commission also conducted HRE through collaborations and partnerships with other institutions, organisations and individuals. The combined effort enabled the Commission reach wider audiences in addition to strengthening the working relationships with its stakeholders.

In 2019, the Commission was invited and participated in human rights awareness activities organised by stakeholders such as CSOs, MDAs and international organisations. Various presentations were made by representatives of the Commission on selected human rights topics including the Prevention and Prohibition of Torture Act, 2012; the right to reproductive health; positive parenting; sexual and gender-based violence and human rights; duties and responsibilities of citizens; voluntary principles on Human Rights, Bataka Courts;[532] Regional and District Chain Linked Committee; collective responsibility for Human Rights Defenders; and access to information for CSOs.

The stakeholders that invited the Commission in 2019 were ACTV, Reproductive Health Uganda, Judiciary, UNOHCHR, Good Neighbors International Uganda, District Local Governments, Uganda Police Force, Security Plus, World Voices, Busoga Governance and Social Accountability Network, Masaka Diocese Men's Guild Office, Masaka Association of Persons with Disabilities and Living with HIV/AIDS, Hub for Investigative Media, Child Restoration Outreach, Human Rights Centre Uganda, OJ Care Foundation and communities generally. These communities were in the districts of Arua, Hoima, Jinja, Kaberamaido, Kalungu, Kampala, Mukono, Masaka, Masindi, Ngora, Sembabule and Soroti.

11.3.5.1 Exhibitions in which the Commission participated

The Commission used exhibitions and expos organised by stakeholders to enhance its visibility, popularise its mandate and create human rights awareness. In 2019, it was invited and participated in four of these at Kololo Independence Ceremonial Grounds as follows: The National Budget Week Open Day for MDAs organised by the Ministry of Finance, Planning and Economic Development and Uganda Revenue Authority from 5th to 7th June, 2019; the National Exhibition organised by the Electoral Commission to mark the International Day of Democracy from 13th to 14th September, 2019; the Anti-Corruption Week on 4th December, 2019; and the MTN National Marathon finale on 24th November, 2019.

532 [2] The Bataka courts model is a community-based informal justice system that was piloted and adopted by communities in Ruteete and Kyatereka sub-counties in Kibale district to enhance access to justice. The courts are facilitated by seven elders selected by the community to promote justice and resolve conflict. Source: Independent Development Fund (IDF) website.

11.3.6 Commemoration of International, Regional and National Human Rights Days

As is tradition, the Commission spearheaded joint advocacy activities with partners, to commemorate selected international, regional and national human rights days. This was intended to raise awareness about the purpose for which those days were declared and, most importantly, to sensitise the general public on key human rights issues that are still prevalent and emerging in relation to the specific theme of the day. This also provided a platform for interaction with the general public, partners and duty bearers to review achievements, challenges and strategies for improving human rights observance.

The Commission commemorated the following days in 2019: International Women's Day (8th March), the World Press Freedom Day (3rd May), the UN International Day in Support of Victims of Torture (26th June), International Youth Day (12th August), Constitution Day in Uganda (8th October) and the International Human Rights Day (10th December). The partners included the Office of the UN High Commissioner for Human Rights (OHCHR) Uganda; Embassy of France; Uganda National Commission for UNESCO Uganda; CSOs, international agencies, sister Commissions, human rights defenders and torture survivors' associations.

11.3.6.1 International Women's Day (8th March)

Radio talk shows were held focusing on women's rights and the Commission joined in celebrations held in Kyebando, Kisalosalo Zone, Kawempe division in Kampala district. These mainly targeted the youth and vulnerable groups in the community where majority of the population survives on very minimal income obtained from small-scale vending and casual labour in the city suburbs. A total of **248 people** (152 females and 96 males) participated in the event as shown in Table 41.

Participants were sensitised on the concept of human rights and the rights of vulnerable groups like women and children and why they are given special attention; as well as HRBA in homes and the communities.

The community felt valued as indicated in a statement by one of their leaders: "*We appreciate the Commission for coming to the ground (Kyebando-Kisalosalo and Kamwokya areas) to the grassroots to talk more about the role of women in society which will empower them with relevant information to make a difference in the communities. More emphasis should be placed on strengthening the family and economic empowerment where women have suffered more*."

TABLE 41:

Participants in IWD talk shows disaggregated by age and gender

GENDER	TOTAL	PWDS	0-17 YEARS	18-30 YEARS	31-59	ABOVE 60 YEARS
Male	96	3	23	51	17	2
Female	152	4	46	41	58	3
Total	248	7	68	92	75	5





Commission staff conducting a sensitisation session at the event (left) while (right) children display human rights messages on placards.

Emerging issues

- Some children were being subjected to defilement by their fathers and close relatives.
- Men were demanding for sex from their wives soon after delivering babies and during menstruation periods.
- Some men were suspicious that their wives were cheating on them to the extent that they undressed them to check.
- Sexual harassment and abuse was cited before giving women jobs or while at work, which disproportionately affected women. The same was said in case of promotions and special assignments.
- Some men allegedly denied their wives the opportunity to work, which sparked off family wrangles that affected the children.
- Community members were grappling with succession issues especially by girls when the parents died.
- A networking mechanism was established with the local leaders to enhance sharing of knowledge and information.

11.3.6.2 World Press Freedom Day (3rd May)

The Commission held a number of commemorative activities with partners, under the theme '*Media for Democracy: Journalism and Elections in Times of Disinformation'.* The partners were: the Uganda National Commission for UNESCO; the Office of the UN High Commissioner for Human Rights, Uganda; African Centre for Media Excellence (ACME); Uganda Christian University (UCU) Department of Communication; Media Focus on Africa (MFA); African Centre for Treatment and Rehabilitation of Torture Victims (ACTV); and the Coalition Against Torture (CAT) in Uganda. Others were Uganda Media Women Association (UMWA), Freedom House, CIPESA, Foundation for Human Rights Initiative (FHRI), Africa Freedom of Information Centre (AFIC) and Citizens' Coalition for Electoral Democracy in Uganda (CCEDU).

A capacity building training for 50 journalists on SDG 16 and media work was held in addition to a dialogue on the role of the media in reporting on elections; the realities of the new media and its regulation; as well as the role of the media in building democracies. Regional media dialogues were also held in Arua and Lira targetting upcountry media practitioners to raise awareness about press freedom. A peaceful procession marched through Kampala City led by State Minister in Charge of General Duties in the Office of the Prime Minister Hon. Mary Karooro Okurut, who joined stakeholders to reflect on the state's duty to entrench a justice system that supports free and safe journalism. The main commemorative activity was attended by 200 guests (125 males and 75 females), mainly journalists.

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

The Commission joined the Coalition Against Torture (CAT) led by ACTV and other anti-torture partners to honour torture victims under the theme: '*Torture is Real, Speak Out, Take Action'.* The focus was on deepening the understanding of the right to freedom from torture, implementation of the Prevention and Prohibition of Torture Act and the associated challenges, the role of various stakeholders in dealing with torture, and the way forward.

Week-long activities were conducted by the Commission and CAT members to popularise the fight against torture in Uganda. They included a joint national media campaign; a free psychosocial, medical and legal camp for torture victims targeting the refugee communities in Lamwo, Adjumani and Kiryandongo; and a Secondary Schools debate competition on the human rights implications of torture held between Panyangara S.S and Kotido S.S in Karamoja sub-region. In addition, peaceful processions and two barazas on torture and the law and medical outreaches were simultaneously held in Kasubi, Kampala and in Arua. To conclude the busy week, a half-day post-event public dialogue on the human rights implications of torture was held at Hotel Africana in Kampala.

The main national commemoration at Hotel Africana in Kampala was preceded by a peaceful procession through Kampala streets, led by the State Minister for Internal Affairs Hon. Obiga Kania. A total of 339 participants (174 males and 165 females) attended the function in which a joint call was made for the criminalisation of torture and timely compensation of torture survivors.

11.3.6.4 International Youth Day (12th August)

The International Youth Day, designated by a 1999 UN General Assembly Resolution, serves as an annual celebration of the role of young women and men as essential partners in change and serves as an opportunity to raise awareness about the challenges facing the youth worldwide. This day also provides an opportunity for state parties to evaluate the various policies, programmes and strategic interventions aimed at empowering young people.

In 2019, the focus was on making education more inclusive and accessible for all youth, and recognition of efforts by the youth themselves in promoting life-long learning opportunities for all. The world community took stock of how governments, young people and youth-led and youth-focused organisations, as well as other stakeholders were transforming education as a powerful tool to achieve sustainable development. In Uganda, the national celebrations were in Jinja district under the international theme: *'Transforming education'* while other districts organised locally at their level. The Commission was part of both the national and district functions.

11.3.6.5 International Human Rights Day (10th December)

This Day, which was also the 71st Anniversary of the adoption of the Universal Declaration of Human Rights, was marked under the global theme: '*Youth Stand Up For Human Rights.'* The Commission and partners in Uganda focused on advocacy against child, early and forced marriages which were an impediment to the full enjoyment of human rights by the children and youth.

The Commission and partners used the occasion to reflect on the challenges faced by the youth as constructive agents of change, as well as amplify their voices to engage a broad range of audiences in the promotion and protection of human rights. The activities, which started with joint media campaigns, were supported by the Government of Uganda and development partners like the UN Human Rights Office in Uganda; the French Embassy; GIZ: UNDP and the Uganda National Commission for UNESCO (UNATCOM).

A national public dialogue was held in Kampala, attended by 170 (117 males and 53 females) youth who engaged with policymakers, legislators and duty bearers on issues that impede the full enjoyment of their human rights. It was followed by a youth-led Go Green joint tree-planting campaign at Kitebi Day and Boarding Primary School, Lubaga division in Kampala where the youth and human rights defenders planted trees and committed to fighting the negative effects of climate change. A total of 127 people (57 males and 70 females) planted 200 trees. Meanwhile, in Kyaaka II refugee settlement camp in Kyegegwa district, commemoration activities were attended by 856 refugees and host community members.

The Commission and partners including the EOC, ACTV, Refugee Law Project, InterAid and Uganda Police Force Department of Community Policing held a joint market cleaning exercise. Kalerwe Public Market in Kawempe division, Kampala was cleaned to raise awareness about the right to a safe, clean and healthy environment and the corresponding duties of the market communities. The excercise, attended by 34 participants (19 males and 15 females) also had a human rights baraza simultaneously held to sensitise and offer pro bono legal services to the market communities.

The main event was held at Bobi Polytechnic Grounds in Omoro district in Northern Uganda to raise awareness about the rights of children and the duties of parents, guardians, caregivers and the youth and the negative effects of deprivation of those rights. Omoro district was purposefully selected to host the commemoration activities because of research findings that placed it among the areas with the highest incidence of child, early and forced marriages in Uganda.

More than **440** (**246** males, **194** females) people attended the function, which was preceded by a peaceful procession flagged off by the Commission and which culminated into the signing of a Commitment Board by participants to demonstrate renewed commitment to the fight against child, early and forced marriages. Local dance troupes and cultural drama groups made thematic performances to raise awareness about the dangers of child, early and forced marriages.



The Commission Directors (2nd row, left to right) Ida Nakiganda, Christopher Turigye and Kamadi Byonabye participate in a procession at Bobi, Omoro district on 10th December, 2019

11.3.7 Human rights education through the media

The Commission carried out media programmes to disseminate human rights messages in various languages; namely, Runyoro-Rutooro, Runyankore-Rukiga, Luganda, Lusoga, Luo, Ateso, Madi, Lugbara, Ng'akarimojong, Kupsabiny, Lugwere, Rugungu, Alur, Samia, Kumam, Lumasaba (Gisu), Swahili and English. Radio and television talk shows, spot messages, newspaper supplements and a live television broadcast of a key human rights discussion on the role of political parties in promotion of constitutionalism, were all implemented in 2019. This was in addition to utilising its social media platforms like Facebook, Twitter and WhatsApp to meet the information needs of its clientele.

11.3.7.1 Radio talk shows

The Commission conducted 134 radio talk shows on 47 radio stations covering 104 out of the 135 districts (77.04%) of the country, as well as parts of DR Congo, South Sudan and Kenya where Ugandan radio stations are tuned in. The talk shows were conducted in English and Swahili as well as Runyoro-Rutooro, Runyankore-Rukiga, Luganda, Lusoga, Luo, Ateso, Madi, Lugbara, Ng'akarimojong, Kupsabiny, Lugwere, Rugungu, Alur, Lusamia, Kumam and Lumasaba. This was to ensure that the messages reached as many people of different groupings as possible.

A total of 592 people (418 males and 174 females) called in and participated in the radio talk shows. The participation of women was significantly lower owing to patriarchal tendencies that had women engaged in household chores at the time of the broadcasts, particularly early morning, lunch time and evening.

Radio popularised the 21st Annual Report of the Commission and its interventions; and sensitised listeners on selected human rights issues such as the rights of older persons, the Petty Offences Bill, land rights, the International Human Rights Day, constitutionalism as well as the Public Order Management Act. Other issues covered were prohibition of mob action, torture, child, early and forced marriages, rights and duties of citizens, right to personal liberty, HRBA, Commission mandate, the SDGs, the right to development in Uganda, the right to vote and preparatory activities for the 2021 general elections, among others.

Information was disseminated on key processes at the Commission for complaints handling; early warning, participation of stakeholders such as the youth in promotion and protection of human rights, and evaluation of the situation based on specific rights commemorated on the different Human Rights Days, among others.

FIGURE 47:

Radio talk shows disaggregated by gender and quantity 2015-2019

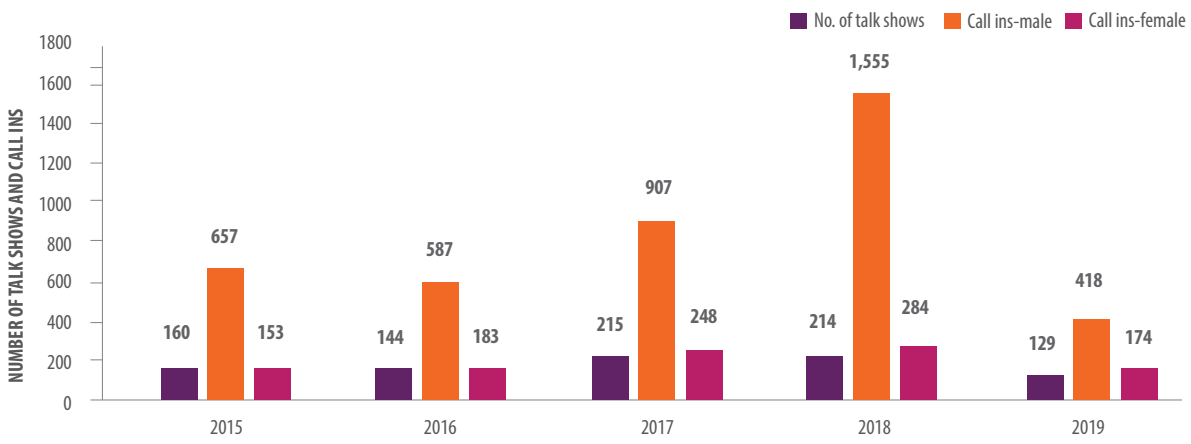
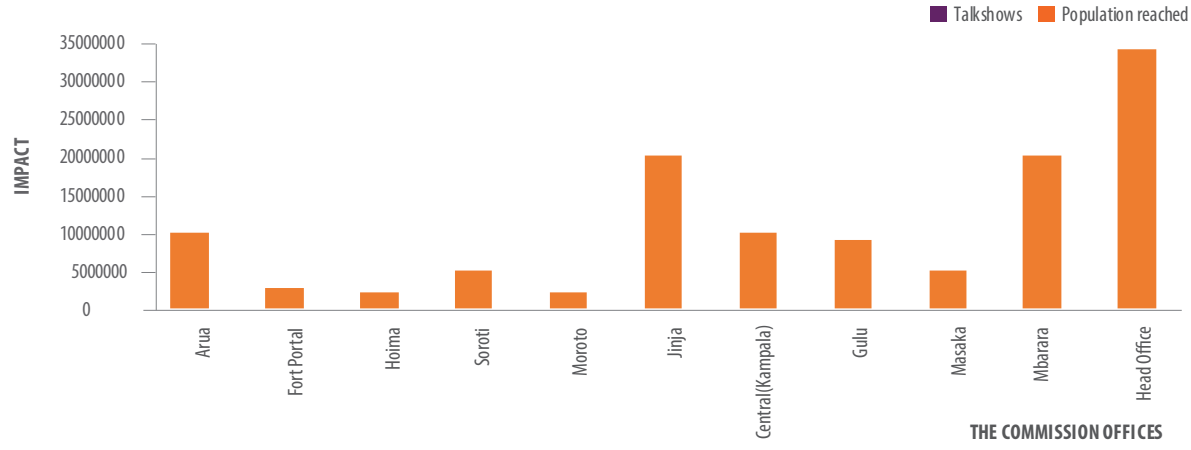


FIGURE 48:

Population covered by live call-in radio talks disaggregated by regional office





Mr. Anthony Androa and Ms. Peace Ayikoru Anguyo of Arua Regional Office sensitising the general public during a radio talk show on 88.7 Arua One FM in Arua district

11.3.7.2 Television talk shows



Director of Research, Education and Documentation at the Commission Mr. Kamadi Byonabye (left) and Senior Human Rights Officer Rose Mary Kemigisha (right) hosted on a TV talk show about the Constitution Day.

The Commission held three TV talk shows on NBS TV in English, to popularise the 21st Annual Report of the Commission on the state of human rights and freedoms in the country in 2018; and the commemoration of the International Human Rights Day; as well as sensitise Ugandans on the importance and role of political parties in fostering constitutionalism for the realisation of human rights in Uganda.

11.3.7.3 Radio spot messages

The Commission aired spot messages on 44 radio stations covering various human rights themes to constantly remind the members of the public about their rights and duties. They also created awareness about the Commission services and how to access them depending on need and location within Uganda.

Generally the spot messages covered rights and duties of children, suspects, PWDs, youth, women, girls, and boys; mob action and freedom from torture; FGM and Sexual and Gender Based Violence; media freedoms; the right to culture; right to education; the mandate and functions of the Commission, among others.

A total of 11,806 spot messages ran in 2019, which was a 49.73% increase from the 7,885 aired in 2018. These reached more than 40 million people as indicated in Figure 49 below on coverage per region. The messages reached 104 out of the 135 districts in Uganda at the time. It should be noted that spot messages ran by a particular regional office reached beyond its geographical boundaries because listeners of particular languages are found beyond those boundaries. For instance, the Lugbara and Madi living in Bunyoro area could benefit from media programmes aired in Arua. This explains why the coverage of a given regional office may appear to be beyond the actual population of that region.

FIGURE 49:

Radio spot messages and population reached in 2019

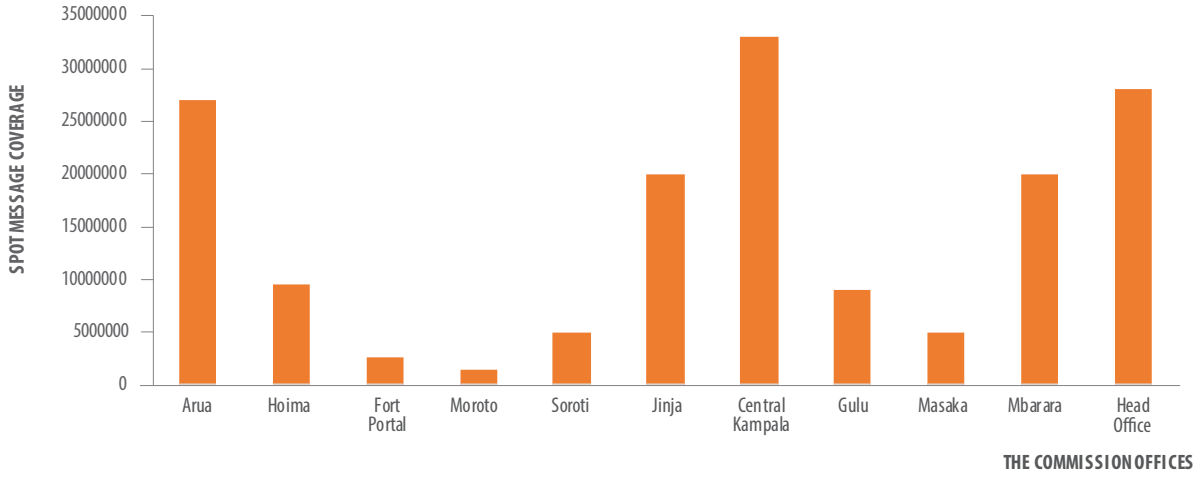
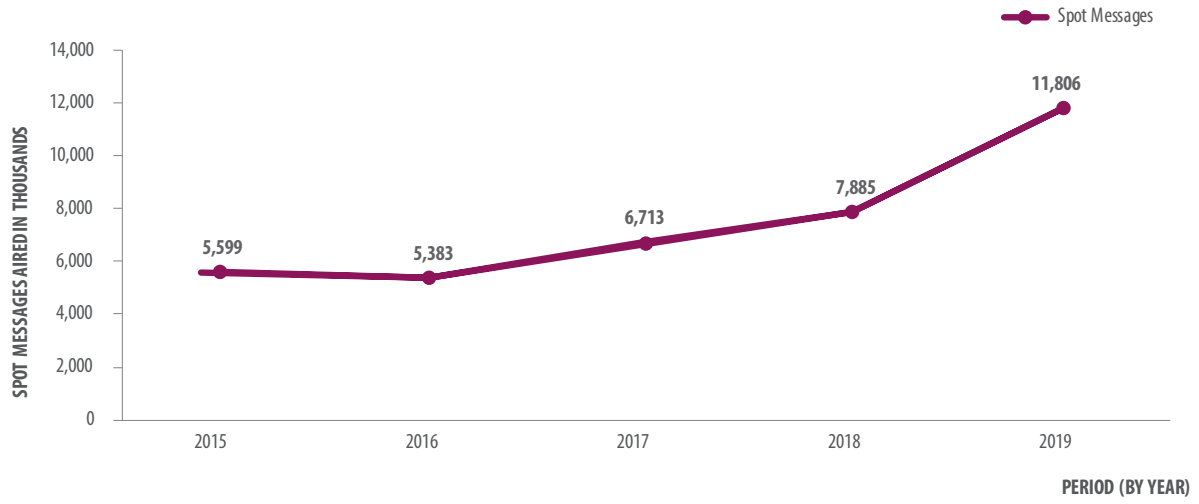


FIGURE 50:

Spot messages aired out in the last five years (2015 - 2019)



11.3.7.4 Newspaper supplements

The Commission used newspaper space totalling seven full pages to run statements on human rights issues in English and Luganda in *New Vision* and *Bukedde* newspapers, as well as a magazine. The newspaper supplements in 2019 were on the rights of children in commemoration of the Day of the African Child on 16th June, 2019; and the youth standing up for human rights as agents of change in commemoration of the International Human Rights Day on 10th December 2019. The Commission also ran its profile and achievements in implementation of the NRM Manifesto plans, as well as congratulatory messages on Uganda's 57th Independence Day Anniversary on 9th October 2019 and the Anniversary of the National Day of Germany on 3rd October 2019.

11.3.7.5 Press conferences and releases

The Commission held seven press conferences and also issued seven press releases to express concern over human rights violations; express solidarity with partners; and provide information on incidents as shown in the tables below:

TABLE 42:

Press conferences by the Commission in 2019

S/N	DATE HELD	ISSUE
1.	2nd May, 2019	The rampant human rights violations in the country including kidnaps and unexplained killings, mob action, police brutality and restrictions on freedom of assembly, natural disasters and human trafficking.
2.	18th June 2019	Jointly with members of the Coalition Against Torture and other partners to launch commemorative activities of the UN International Day in Support of Victims of Torture.
3.	16th August 2019	The increasing human rights violations (escalating insecurity and criminality, killings of boda boda riders and mobile money operators, defilement and incommunicado detentions).
4.	24th September 2019	Jointly with partners to announce the 6th National Conference on Economic, Social and Cultural Rights under the theme '***Strengthening Access to Justice for Economic, Social and Cultural Rights'.***
5.	30th October 2019	The Makerere University students' strike and the effects of the hostile weather in the country.
6.	19th November 2019	Raise emerging human rights issues from a Monitoring and Evaluation Exercise in Central Uganda held at Luweero District Headquarters.
7.	3rd December 2019	Jointly with partners to launch commemorative activities for the International Human Rights Day under the theme ***'Youth Stand Up for Human Rights, With special focus of Early and Forced Child Marriages".***

TABLE 43:

Press releases issued by the Commission in 2019

S/N	DATE ISSUED	REASON
1.	25th February 2019	Human rights violations allegedly committed by Major General Matayo Kyaligonza's security guards against a traffic police officer Sergeant Esther Namaganda at Seeta, Mukono district.
2.	6th March 2019	Announcing the Commission's A-Status Accreditation by the UN Global Alliance for National Human Rights Institutions (GANHRI) in Geneva for complying with international requirements .
3.	28th June 2019	Jointly upon the signing of an MoU with the National Planning Authority, Office of the Prime Minister and Uganda Bureau of Statistics on the Human Rights Based Approach to data to promote the 2030 Agenda on Sustainable Development of 'Leaving no one behind'.
4.	16th September 2019	Statement on hig- level meeting held with chiefs of security agencies on emerging human rights issues in the country.
5-7	May, July and November 2019	Quarterly issuing of the Tribunal cause lists.

11.3.8 Human rights awareness through iec materials

The Commission produced and distributed a variety of Information, Education and Communication (IEC) materials both in print and audio for its various audiences. The messages were both technical (human rights issues) and corporate (about the institution or its visibility) in nature. IEC materials in 2019 were on the dangers of child, early and forced marriges; rights and responsibilities of citizens; equality before the law; protection of vulnerable persons; freedom from torture; right to personal liberty; rights of women and girls; SGBV; rights of suspects; and family and land rights. Others were excerpts of law including Chapter 4 of the 1995 Constitution of Uganda (the Bill of Rights) and the FGM Act. In order not to leave people with visual impairment behind, the abridged version of Chapter 4 of the Constitution was produced in Braille.

The IEC materials took the form of billboards, T-shirts, caps, posters, PVC and teardrop banners, brochures, magazines, drama skits and promotional materials like pens, diaries and cards, among others, and were produced in English and some local languages. They were distributed to the general public as well as target audiences like the Human Rights and Peace Clubs, police and other duty bearers. In total, 25,537 IEC materials were produced as shown in Table 44 below:

TABLE 44:

IEC materials produced by the Commission in 2019

TYPEPE OF MATERIAL	QUANTITY	LANLANGUAGEGUAGES
Posters	5,800	English, Runyoro-Rutooro, Nga'karimojong
Brochures (human rights)	16,000	English, Kupsabiny, Runyoro-Rutooro
Brochures (corporate - 16,250 on Frequently Asked Questions and 16,250 on General Information on the Commission)	32,500	English
T – shirts	2,140	English, Luo, Nga'karimojong, Runyoro-Rutooro
Billboards	15	English
HRPCs Magazine	2,040	English
Your Rights Magazine	1,000	English
Braille version of the 1995 Constitution	40	Braille
Abridged version of chapter 4 of the Constitution	500	English and Runyoro-Rutooro
PVC banners	2	English
Drama skits	150	Nga'karimojong, Runyakitara, Lukhonjo, Lugbara, Madi, Luo, Alur, Langi, Ateso, Kumam, Kupsabiny, Lusoga, Lugwere, Luganda, Kiswahili, Lumasaba/ Lugishu and English
Tear drops	2	English
Simplified Complaints Procedures Handbooks	15,000	English
Flyers on human rights, duties and responsibilities	5,000	English
Branded promotional pens	2,500	N/A
Customised wall calendars	1,000	English
Customised season's greetings cards	650	English
Customised desk diaries	500	English
Branded T-shirts	1,070	English
Thematic branded caps	280	English
Branded PVC hang up, pull up, tear drop, and stage banners	16	English



T-shirts used as IEC materials to communicate in Nga'karimojong the need for citizens to know their rights



The Commission poster on the consequences of child, early and forced marriages

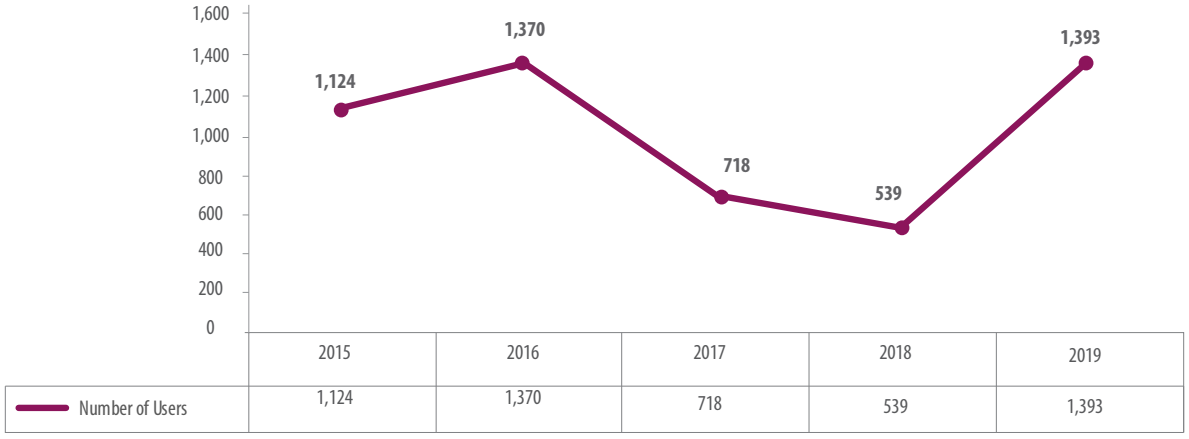
11.3.9 The commission library and documentation centres

The Library and Documentation Centre (LDC) is one of the mechanisms through which the Commission creates awareness on human rights. It is a collection point for all local and international content on human rights which documents the activities and publications of the Commission. The LDC is, therefore, a reference point for all citizens and other organisations interested in legal and human rights information.

In 2019, all the 10 regional offices of the Commission provided LDC services, enabling users to seek and utilise human rights information, regardless of location. A total of 1,393 people (1,220 males and 173 females) utilised the library services. They included lawyers, advocates, paralegals, researchers, religious leaders, human rights activists, lecturers, farmers and students, among others. There was a noticeable increase in the number of users from 537 in the previous year and this was attributed to continuous sensitisation of the general public about availability of the library services, information resources that meet user needs in both hard and soft copy and improved ambience. Below is the five-year user trend analysis.

FIGURE 51:

Number of Commission library users in the last five years (2015 to 2019)

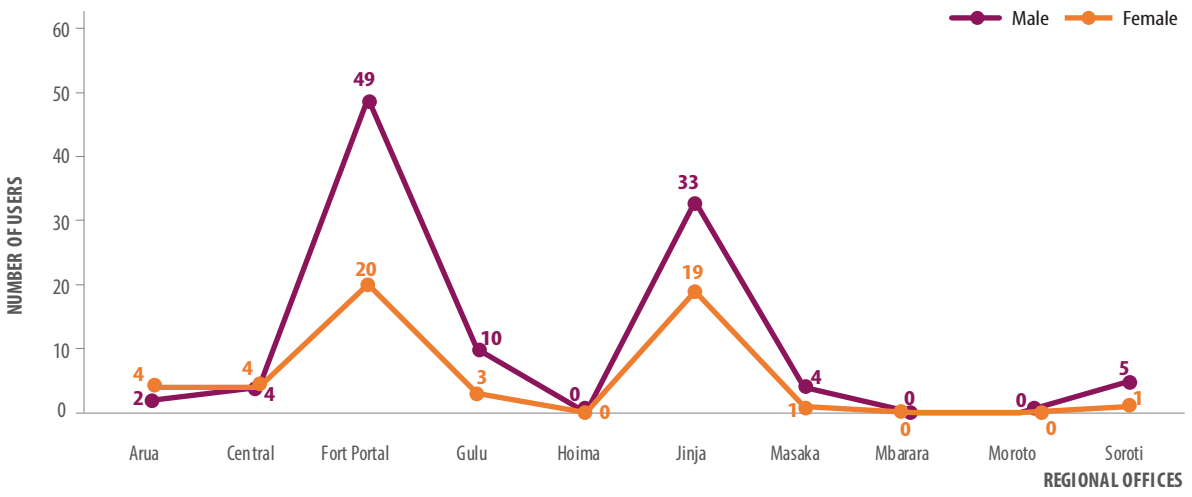


	2015	2016	2017	2018	2019
Number of Users	1,124	1,370	718	539	1,393

At the regional level, Fort Portal Regional Office had the highest number of users while Hoima and Moroto had none. This can partly be attributed to inadequate awareness of the general public about the library services in the regions. Below is the user information disaggregated by region and gender with exception of head office (Main LDC) which had a total of 1,234 users (1,113 males and 121 females).

FIGURE 52:

Access to Commission library information services by region and gender



The Commission, in response to the needs of the users, acquired 12,545 books and information materials on subjects like law, civic education, complaints handling, Universal Periodic Review, mob action, forced marriages, duties and responsibilities of citizens and early marriages, among others. In keeping up with the changing user needs and ensuring constant availability of information on human rights, the Commission also subscribed to the Uganda Online Law Library, which provides online access to laws and legal information; the Consortium of Uganda University Libraries (CUUL), which provides access to millions of current peer-reviewed information materials and researches in all areas of interest; and the Uganda Printing and Publishing Corporation (UPPC), which provides access to government publications and laws in Uganda.

11.3.10 Quick impacts of human rights education activities in 2019

During the implementation of all the aforementioned civic/human rights education activities, there was noticeable increased appreciation of human rights and the attendant responsibilities. Participants were able to ask pertinent questions and get instant responses to satisfy their information needs. The involvement of key partners like police, local government officials and other duty bearers in implementation provided the opportunity for timely responses on people's issues and facilitated follow-up of emerging issues and reported matters. The activities also provided a forum for immediate redress and feedback on the Commission services. The following experiences and feedback are examples of the benefits from civic/human rights education activities:

- Nestori Twesiwe, a resident of Bukinda village, Kasunga parish, Kyangwali sub-county, Kikuube district, reported that the Commission report of 2013 on the land conflict in Bukinda between the nationals and the OPM led to the establishment of various committees by various MDAs to find solutions.
- Joseph Mbarira, a resident of Bukinda village, Kasunga parish, Kyangwali sub-county, Kikuube district, said he reported a matter to the Commission office in Hoima and "was helped free of charge. It is true their services are free of charge".
- During a baraza organised by the Hoima Regional Office, a child maintenance matter was brought up and immediately mediated. The parties agreed on how they would handle it. Ms. Eunice Turyahebwa (23 years old) and Ndereya Maniragaba (32 years old) had wrangles over the maintenance of their one-year-and-nine-month-old son. The parties were requested to call the office on the toll-free line if their agreement was breached, but they never called back.
- A woman whose goats had been confiscated by local authorities had them immediately returned to her following a meditation conducted during a baraza by officials of the Arua Regional Office in Madi Okollo district. Ms. Regina Dratekua, aged 50, a resident of Ombaci village, Uleppi sub-county, complained during the baraza that her three goats had been "arrested" by the sub-county staff on the instruction of the police and taken to the sub-county headquarters. She was allegedly required to pay a fine of UGX 50,000 for the goats to be released. She sought the Commission's intervention in regaining her only source of income for the family especially for the medical bills of her child with disability. The matter was successfully mediated and the complainant cautioned by the Police and the Production Officer to mind her goats. The sub-county had come up with a by-law to arrest such animals because they had noted a growing habit among community members of leaving their goats to graze freely and destroy crops in the neighbourhood. The complainant acknowledged her mistake and promised to tie the goats which were returned to her at no cost.
- Just before starting the planned roadshows in Buliisa district, Commission staff paid a courtesy call at Buliisa Central Police Station where a suspects' parade was conducted. ten of the suspects were released because they had been detained at the police on theft charges for over 48 hours. They were Deo Orambe, Peter Ayiko, John Opar, Jacobu Masanga, Moses Obedimot, Francis Katugo, Isa Okalanga, Richard Watembu, James Oryem and Sunday Komakech.
- In Kyankwanzi district, suspect Alex Kambani was also released on police bond during an abrupt monitoring exercise of the Commission.
- Mr. James Abitegeka of Kigorobya II cell, South East ward, Kigorobya town council in Hoima district had his property returned by the Police Flying Squad upon the intervention of the Commission Hoima Regional Office. He had learnt from a human rights education activity of the responsibilities of duty bearers and the Commission's role in resolving such matters.
- The Commission intervened in a matter of Ms. Margaret Nakayenga, a mother of two minors aged 13 and 11, who had

been detained. She was granted court bail after her relatives had been enlightened in a human rights education activity and approached the Commission for assistance.

- Eight people were released on police bond; four each from Buliisa Police Station and Kibaale Police Station, following a one-on-one engagement with the Police Officers in charge, during routine inspections. Their detention was reported to the Commission during a sensitisation session on the rights of suspects.
- In Soroti region, a total of 30 Anti-FGM Champion Groups were established under the Soroti Regional Office following the dialogues on child, early and forced marriages.
- Mr. Aliku Towah, a businessman in Yumbe district, said after attending a Commission roadshow in his village, he picked the courage to report the torture he had earlier been subjected to. The Commission registered his complaint, which ended up in the Tribunal at Arua Regional Office where he was awarded compensation. He said he used part of the money to construct a permanent four-bedroom residential house and the rest to establish a business which he operates to date in three trading centres of Apo, Kerua and Kuru in Yumbe district.

11.3.11 Challenges in human rights/ civic education

1. Deep-rooted cultural beliefs, norms and practices coupled with low literacy levels, alcohol and drug abuse and inadequate awareness about legal provisions by citizens, refugees and migrants which perpetuated negative cultural and religious practices.
2. The poor road network, communication infrastructure and the hard-to-reach areas particularly in Bugisu, Kigezi, Rwenzori and some parts of Karamoja coupled with the Commission's lack of vehicles made movement and access difficult, especially during heavy rains and mudslides.
3. Inadequate funding for civic and human rights education activities which affected the implementation of some planned interventions.
4. The attitude of people on whether the justice system works, which caused them to disregard the law. The alleged corrupt tendencies by some Police and judicial officers contributed to the growing loss of trust in the formal justice system.
5. The delay in passing a National Civic Education Policy, as reported in the last annual report, continued to negatively affect coordination, funding and delivery of civic education in Uganda.



Head of Arua Regional Office Ms. Harriet Kajobe (left) with Ms. Regina Dratekua, whose goats were returned to her after mediation during a Commission community baraza at Uleppi sub-county in Madi Okollo district

11.3.12 Recommendations

1. Government and other partners should continue supporting the Commission with more funding to increase civic and human rights education programmes; establish more offices in the countryside and procure motor vehicles appropriate for the conditions in which the Commission works.
2. The Ministry of Gender, Labour and Social Development should support districts to enact and enforce ordinances and bye-laws that promote the right to education and protection of children and women from child, early and forced marriages and other vices like FGM.
3. The Ministry of Local Government should strengthen the functionality of District Human Rights Desks through continuous capacity building in human rights.
4. The Ministry of Health should scrap charges on medical forms for victims of SGBV so as to assist the vulnerable victims of negative cultural practices including child, early and forced marriages and FGM to easily access justice.
5. The Ministry of Health should prioritise capacity building and retooling of TBAs in the Sebei sub-region to curb FGM during childbirth.
6. The Ministry of Tourism, Wildlife and Antiquities should fast-track the establishment of the Wildlife Compensation Certification Committee under the Uganda Wildlife Act, 2019. This will enable effective assessment of any injuries, killing or destruction on humans and their source of livelihood caused by wildlife and facilitate compensation of victims.
7. Parliament of Uganda should fast-track the enactment of the Alcoholic Drinks Control Bill, 2016 into law so as to regulate the production, marketing and sale of alcohol which has a great bearing on exacerbating SGBV and violations of human rights.
8. The Ministry of Lands, Housing and Urban Development should urgently resolve the border conflict between the districts of Napak and Abim so as to determine who should provide services to the people in Kobulin since they are currently missing out on basic services to which they are entitled as citizens.
8. The Ministry of Works and Transport should upgrade all roads in rural areas to motorable standards to improve access to rural areas.
9. The Ministry of Local Government should ensure that District Local Governments do regular maintenance of feeder roads to improve mobility in remote and hard-to-reach areas of the country.
10. The Ministry of East African Community Affairs should fast-track the enactment of the East African Community Prohibition of Female Genital Mutilation Bill, 2016 so as to address the challenge of Ugandans who cross to Kenya and use it as safe haven for FGM perpetrators.
11. The Ministry of Justice and Constitutional Affairs should fast-track the approval of the National Civic Education Policy by Cabinet.

11.4 FINANCE AND ADMINISTRATION IN THE FINANCIAL YEAR 2018/2019

The finance and administration function of the Commission is critical for supporting the implementation and achievement of the strategic objectives since it entails planning, budgeting, financing of activities as well as management of human resources, logistics, procurements and disposals, IT systems and public relations. This section summarises how this Commission function was implemented in 2019.

In the period under review, the Commission was funded by both Government of Uganda (GoU) and development partners. These resources were maintained at levels necessary to accomplish the planned activities which included complaints management, civic education, monitoring and inspections of places of detention and other facilities of human rights interest, administrative tasks as well as supporting international engagements undertaken.

11.4.1 Funding

In this section, though Commission activities are reported based on the calendar year, the financial information is based on the financial year (FY) 2018/19 because funding is provided on this basis.

In FY 2018/2019, the total funds available to the Commission amounted to UGX 24,509,000,000 (Twenty-four billion five hundred and nine million). The GoU remained the major funding source for the Commission, supplemented by contributions from development partners. These were Democratic Governance Facility (DGF), the Justice, Law and Order Sector (JLOS), the German Cooperation for International Development (GIZ), United Nations Development Programme (UNDP), United Nations International Children's Fund (UNICEF) and the Government of France.

The GoU provided 79% while development partners gave 21%, which was an increase from the 15% they provided in the last FY 2017/18. This was a result of GIZ expanding its geographical coverage and funding to include three more regional offices to the three funded last year. GIZ funding covered Central, Hoima, Fort Portal, Gulu, Moroto and Soroti Regional Offices. In addition, the Commission got funding from JLOS for the construction of the office block for Gulu Regional Office and also got funds from the Government of France.

While GoU funding was much more than that of development partners, it should be noted that only 11% of this financed the core activities for implementation of the constitutional mandate since 89% was released for operations and administrative expenses. Even though the Commission had submitted a budget framework paper to the Government of Uganda for consideration for the FY 2018/19 amounting to UGX 33,999,000,000, only UGX 19,274,000,000 was appropriated to it, leaving a funding gap of UGX 14,750,000,000. This gap was reduced to UGX 9,490,000,000 by the development partners' contribution.

11.4.1.1 Government of Uganda(GOU) funding

The total GoU funding appropriation for FY 2018/19 was UGX 19,274,000,000 which included wage recurrent expenditure of UGX 6,595,000,000; non-wage recurrent expenditure of UGX 12,267,000,000; and capital development of UGX 412,000,000. Funding from GoU has increased over the last five years from UGX 9,780,000,000 in 2014/2015 to UGX 19,247,000,000 in 2018/19 even though there was no increase for two years FY2017/18 and FY 2018/19.

11.4.1.2 Donor funding

The total funding received from development partners in the FY 2018/19 was UGX 5,235,895,953, comprising UGX 2,927,013,000 from Democratic Governance Facility (DGF), UGX 1,560,000,000 from JLOS, UGX 432,246,960 from GIZ, UGX 170,139,043 from UNICEF, UGX 17,800,000 from the Government of France and UGX 128,696,950 from UNDP. Development partners funded core activities which include the Human Rights Tribunal, investigations, monitoring and inspections, human rights education, development of IEC materials as well as staff capacity development as highlighted earlier on in this chapter.

In implementation of some activities, the Commission did not receive the funds but the development partner handled all the necessary financial, logistical and administrative arrangements. This was the case with commemoration of the International Human Rights Day in December 2019, which was supported by the Office of the UN High Commissioner for Human Rights. Table 45 below shows the funding trend for the last five years.

TABLE 45:

GoU and external funding to the Commission over the last five years

Expenditure Item	20014/2015 UGX in billions	2015/2016 UGX in billions	2016/2017 UGX in billions	2017/2018 UGX in billions	2018/2019 UGX in billions
Wage	3.59	5.59	5.59	6.595	6.595
Non-wage	5.95	7.41	7.51	12.267	12.267
Domestic Development	0.14	0.701	0.701	0.412	0.412
Taxes on machinery	0.1	0	0	0	0.0
Total Funding from GoU	9.78	13.701	13.801	19.274	19.274
External Sources	4.9	6.8	5.433	3.397	5.235
Total from GoU and External Sources	14.68	20.501	19.233	22.671	24.509
% of GoU Contribution	67%	67%	72%	85%	79%
% Development Partners Contribution	33%	33%	28%	15%	21%

FIGURE 53:

Percentage funding contribution by GOU and development partners across the last five years



11.4.2 Human resources and administration from January to December 2019

The Commission's total human resource establishment as at 31st December, 2019, comprised of four Members of the Commission and 175 substantive staff. This was out of the 220 staff positions approved by the Ministry of Public Service. The Commission continued to benefit from the contribution of volunteer staff to bridge the gap. Out of the 175 staff, 169 were technical, comprising 109 substantive and the 60 volunteer staff that are paid with donor funds. The other 66 are support staff comprising administrative assistants, clerks, drivers and office assistants. However, out of 60 volunteer staff who were originally paid from donor funding, 20 were laid off due to decline in funding while 10 others resigned their positions.

The Commission lost its Chairperson Hon. Med S. K. Kaggwa on 20th November, 2019. Consequently, the Commission was no longer constituted in accordance with the requirements of Article 51(2) of the Constitution of Uganda and this affected some technical and administrative functions, particularly the Human Rights Tribunal. By the close of 2019, the Commission was still waiting upon the appointing authority

to appoint a Chairperson so that it could function fully and resume activities that had stalled. In the same vein, the Commission was also waiting for the appointing authority to replace two Members of the Commission, one of whom passed away and the other whose contract ended in 2018.

TABLE 46:

Human resource staffing levels in the year 2019

Title	Approved positions	Current staffing	Female	Male
Chairperson	1	1		1
Members of the Commission	6	4	2	2
Substantive staff	220	175	92	83
Volunteers	60	60	36	24
Total	**287**	**240**	**130**	**110**

11.4.2.1 Training and capacity building programmes to staff and other national and international institutions

Staff was trained in various programmes aimed at filling capacity gaps. The Commission also hosted other international bodies on benchmarking missions. Table 47 below indicates the particulars of the training and capacity building programmes.

TABLE 47:

Training/Capacity building programmes by the Commission in 2019

TRAINING PROGRAMME	NO OF PARTICIPANTS	FEMALE	MALE
Study leave	4	3	1
Masters (Completed)	1	-	1
Masters (ongoing)	5	5	-
PGD (Completed)	4	2	2
PGD (ongoing)	4	3	1
PGD (Bar course at LDC)	2	1	1
Diploma/Human Rights	4	3	1
Professional Courses (CPA)	6	1	5
Professional Courses (CIPS)	2	1	1
Degrees	6	4	2
Certificates (at YMCA)	1	1	-
Training workshops/seminars /retreats			
TRAINING PROGRAMME	**NO OF PARTICIPANTS**	**FEMALE**	**MALE**
Retreat for Regional Human Rights Officers and Accountants on Civic Education and Roles of Accounting Officers	34	15	19
Training of staff in Sustainable Development Goals	220	121	99
Induction of Members of the Commission	15	6	9
Training in Navision (Financial Management tool)	14	4	10
Training of staff in complaints handling	33	13	20
Retreat for Members of the Commission and Senior Managers on Organisational Development	25	9	16
Training of all Commission staff in documentation	140	82	58
Refresher training in Human Rights Education	24	9	15
Training of staff in Monitoring and Evaluation	25	12	13
Training of Senior Managers in Gender and Equity Budgeting	25	7	18
Training of selected Commission staff in HRBA, funded by JLOS	8	4	4
Capacity building to other National Human Rights Institutions			
Benchmarking experiences imparted to the National Human Rights Commission of Sierra Leone	11 Members	4	7
Benchmarking			
The Commission staff to Kenya, Human Resource Management Best Practices in Reputable Institutions	1		1

11.4.2.2 Staff recruitment and exit

The following tables indicate the status of staff recruitment and exit in form of resignations, retirement, interdiction and deaths in the period under review.

TABLE 48A:

Recruitment and appointments in 2019

ACTION	TOTAL NUMBER	FEMALE	MALE
Newly appointed substantive staff	11	8	3
Promoted	3	1	2

TABLE 48B:

Resignations, retirement and interdiction in 2019

ACTION	TOTAL NUMBER	FEMALE	MALE
Resignations (Substantive)	7	6	1
Resignations (Volunteers)	7	6	1
Non-renewal of appointment (Substantive staff)	5	1	4
Non-renewal of appointment (Volunteers)	20	10	10
Non-renewal of appointment (Project staff)	2	1	1
Retired	3		3
Staff on interdiction	6	2	4

Deaths

Apart from the Chairperson, the Commission lost two other staff; Mr. Patrick Aniku Toko, who was the Assistant Accountant, Arua Regional Office, and Ms. Madina Hussein, who was the Office Assistant, fort portal regional office.

11.4.3 The commission regional coverage

The regional and field offices opened over the years have enabled the Commission to take human rights services closer to the people. The Commission's regional offices implement the planned activities based on the functions as derived from the constitutional mandate which the directorates at head office perform. In addition, field offices ensure that in delivering services, the Commission reaches the grassroots.

In 2019, the Commission maintained 10 regional offices; in Arua, Central, Fort Portal, Gulu, Hoima, Jinja, Masaka, Mbarara, Moroto and Soroti. In 2018, the Commission had increased the number of field offices from 10 to 12 by opening two more; in Bundibugyo and Kasese. However, due to financial constraints in 2019, the two were temporarily closed in August. The other field offices remained in Buvuma, Kaberamaido, Kalangala Kapchorwa, Kitgum, Kotido, Lira, Moyo, Nakapiripirit and Pader.

The administrative costs for 10 original field offices were funded by both GoU and DGF at a 50:50 ratio. The new Kasese and Bundibugyo field offices were funded 100% by DGF. In May 2019, DGF stopped funding field offices and from June 2019, GoU started funding them 100%. The withdrawal of DGF from funding administrative costs for field offices increased pressure on the already insufficient funding to the Commission. The Commission had planned to open two more regional offices in Lira and Kabale but that was not possible due to the failure of the Ministry of Finance, Planning and Economic Development to fully fund the approved staff recruitment plan by the Ministry of Public Service.

In the recent past, Government created additional administrative units including seven new districts. The implication of this was that even though the physical distance did not increase, an entirely new structure was created in each district which the Commission had to engage with. This resulted in an increase in, among others, the number of facilities to inspect or monitor, the local government units, security structure and other stakeholders to engage with, train and sensitise. This inevitably required additional budgets which were not readily available since the MTEF would have already been set. Consequently, this put a strain on existing budgets and stretched other resources like time, human and logistics.

TABLE 49:

The regional coverage of the Commission as at the end of 2019

S/N	Regional office	Field office	Districts covered	Total No.
1.	Mbarara		Kisoro, Kanungu, Rukungiri, Rukiga, Kabale, Rubanda, Ntungamo, Rwampara, Mbarara Isingiro, Kiruhura, Kazo, Ibanda, Buhweju, Bushenyi, Mitooma and Rubirizi.	17
2.	Arua	Moyo	Pakwach, Arua, Koboko, Yumbe, Moyo, Nebbi, Zombo, Obongi and Madi-Okollo.	9
3.	Fort Portal	Kasese. Bundibugyo	Kasese, Bunyangabu, Kabarole, Kyenjonjo, Kyegegwa, Kamwenge, Kitagwenda, Ntoroko and Bundibugyo.	9
4.	Central	Buvuma	Buvuma, Buikwe, Mukono, Kayunga, Kampala City (Divisions: Makindye, Lubaga, Central, Kawempe, Nakawa), Mpigi, Gomba, Butambala, Wakiso, Mityana, Mubende, Kasanda, Kiboga, Nakaseke, Luwero and Nakasongola.	20
5.	Gulu	Pader, Kitgum, Lira	Lira, Oyam, Kole, Apac, Dokolo, Otuke, Alebtong, Kwania, Nwoya, Amuru, Gulu, Kitgum, Lamwo, Pader, Agago and Adjumani.	16
6.	Jinja		Jinja, Kamuli, Buyende, Mayuge, Iganga, Kaliro, Luuka, Namutumba, Namayingo, Bugiri, Bugweri, Busia, Tororo, Pallisa, Budaka, Kibuku, Butebo and Butaleja.	18
7.	Soroti	Kapchorwa, Kaberamaido	Amolatar, Kaberamaido, Karachi, Serere, Soroti, Amuria, Katakwi, Kapelebyong, Kumi, Ngora, Bukedea, Kween, Bukwo, Kapchorwa, Namisindwa, Manafwa, Bududa, Mbale, Sironko and Bulambuli.	20
8.	Hoima		Kagadi, Kibaale, Kakumiro, Hoima, Masindi, Kiryandongo, Buliisa, Kyankwanzi and Kikuube.	9
9.	Masaka	Kalangala	Kalangala, Kyotera, Masaka, Rakai, Lwengo, Bukomansimbi, Kalungu, Sembabule and Lyantonde.	9
10.	Moroto	Kotido, Nakapiripirit	Nakapiripirit, Nabilatuk, Amudat, Moroto, Napak, Kotido, Kaabong, Abim and Kalenga.	9

11.4.4 Information and communications technology

Information and Communications Technology (ICT) is a vital and integral part of the Commission's operations. Therefore, the Commission invested in ICT infrastructure and systems that include networks and databases to stimulate efficiency, support management planning, analysis and monitoring of the Commission's performance.

In compliance with the National Information Technology Authority - Uganda (NITA-U) standard for hardware and network wiring, the Commission acquired five sets of desktop computers as part of a five-year implementation plan to replace the 56 that had been earmarked. In addition, the Local Area Networks for both head office and regional offices were upgraded in line with NITA-U standard on structured cabling.

The review of the Human Rights Integrated Information System (HURIS), which is an e-case management system, started in November 2019. Thereafter, the system was upgraded to include functionalities for inspections and human rights education.

However, the full automation of all the Commission's processes was significantly hindered by challenges of funding and the high cost of bandwidth. The Commission's inability to secure all the funding necessary for the significant investment in ICT has affected existing initiatives as well as future plans. ICT projects such as the toll-free telephone system and the HURIS, which were previously supported with donor funding, were encountering challenges regarding maintenance and sustainability after the donor funding ended. The high cost of bandwidth, inadequate and unreliable services by some Internet Service Providers (ISPs) was also a major challenge as it hindered the Commission's plan to install affordable internet of desired speed.

11.4.5 Transport

By January 2019, the Commission fleet was at only 43 vehicles, out of which 12 had been grounded and earmarked for boarding off while 11 were in poor condition and parked. Only 20 motor vehicles were available to serve the requirements of all personnel including 12 Members of the Commission and staff that are chauffeur-driven by appointment, as well as those in the 10 regional offices and 12 field offices.

11.4.6 Construction of own regional office premises

Since the Commission operates in areas accessed by water transport such as the 84 islands of Kalangala district and the 54 islands of Buvuma district where it has field offices, it had an urgent need to acquire speed boats. The Commission was depending on hiring boats, but this was increasingly becoming expensive, unreliable and unsustainable.

The Commission acquired a plot of land in Gulu town through Gulu Municipal Council to construct office premises for the regional office and work commenced on 25th June, 2016. The construction was still ongoing in 2019, being funded by JLOS. By 31st December, 2019, the building structure was at wall plate level and was anticipated to be completed by 31st March 2020.

11.4.7 Maintaining a-status for complying with international requirements

The Commission maintained its A-Status accreditation by the Global Alliance for National Human Rights Institutions (GANHRI), which certified its full compliance with international requirements for a fully functional national commission. The accreditation certificate was handed to the Chairperson on 6th March, 2019 during the annual gathering of National Human Rights Institutions (NHRIs) from all over the world in Geneva, Switzerland. Only 78 out of the 122 NHRIs globally got A-Status accreditation and 20 of them were from Africa. This was the fourth time the Commission was getting an A-Status accreditation, following previous rounds of assessment done in 2003, 2008 and 2013 to establish whether it met the criteria set by the Principles Relating to the Status of National Human Rights Institutions (aka the Paris Principles) which all NHRIs are supposed to comply with.

The Paris Principles, on which this accreditation is based, set out what a fully functioning NHRI is; including having a broad mandate based on universal human rights standards and competence; autonomy from Government; independence guaranteed by statute or constitution; pluralism including through membership and/or effective cooperation; adequate resources; and adequate powers of investigation. The accreditation gave the Commission full rights to participate as a voting member in international and regional fora of NHRIs; maintain observer status during the Universal Periodic Review (UPR) and make statements to the UN Human Rights Council.

11.4.8 Public affairs management

The Commission has a duty to make known its mandate and concerns, be visible and reach out to all the people in Uganda in addition to creating awareness on human rights in the country. In line with the Paris Principles that require NHRIs to inform the public and make known what they do and how they can be contacted as a form of accessibility, the Commission implements activities to enhance its public affairs management function. This is done through initiating, maintaining and strengthening its relations and communications through programmes that enhance the Commission's visibility and reputation within the country. In the period under review, activities under this function were incorporated in all the other programmes of the Commission as already highlighted in this chapter.

However, implementation of effective communication and visibility programmes was constrained by inadequate funds. This led to sporadic media campaigns, inadequate institutional promotional and IEC materials, inadequate joint advocacy campaigns and public events such as exhibitions/fairs or public launches, among others. Understaffing and inadequate material and logistical resources also affected the Commission's ability to maintain the necessary communication channels and enhance institutional visibility and ambiance.

11.4.9 Planning and budgeting

The Commission complied with the government planning and budgeting framework which guided its processes of preparation and submission of the required periodic (quarterly, bi-annual and annual) performance reports to the funding sources including GoU and the different development partners. The Budget Framework Paper (BFP) was prepared and submitted to the MoFPED and JLOS. It was awarded a Certificate of Compliance by the Equal Opportunities Commission for gender and equity. The Commission also undertook Monitoring and Evaluation (M&E) to get data/evidence to inform the performance assessment, derive good practices to share, as well as lessons for future planning and implementation.

11.4.10 General challenges

1. The Commission was still unable to expand its geographical coverage to be based in every district and, as a result, many people at the grassroots level were still not being adequately reached if at all. Lack of funds for opening and operationalising the additional regional offices of Kabale and Lira affected the Commission's expansion strategy.
2. Inadequate staffing coupled with a high rate of staff turnover due to lack of competitive emoluments, resignations and deaths, affected the Commission.
3. Due to inadequate funding, the Commission could not effectively meet the human resource needs, the requirements for the necessary ICT infrastructure and systems, road and water transport, effective communication and visibility and its budgetary needs. The Government of Uganda funding to the Commission was inadequate, particularly for implementing the core mandate, in contravention of the requirements of Principle 5 of the Paris Principles on NHRIs which provides for financial autonomy of NHRIs and the requirement for sufficient state funding.
4. The Commission often experienced donor dependency in executing its core mandate; particularly in operating the 12 field offices, two of which had to close when donor funding reduced.
5. The lack of an adequate and sound fleet constrained the Commission's capacity to operate countrywide, including in hard-to-reach areas.
6. The delay by the appointing authority to appoint a Chairperson and replace Members of the Commission had an impact on the full functioning of the institution.

11.4.11 Recommendations

1. The Ministry of Finance, Planning and Economic Development should make deliberate efforts to improve on the Medium-Term Expenditure Framework (MTEF) to:

a) Address the underfunding of the Commission to enable it to:
   - Stop depending on donor funding for core activities;
   - Pay competitive wages to staff to address the challenge of high staff turnover;
   - Acquire at least 35 new vehicles while maintaining the existing fleet in order to enhance efficiency and geographical coverage;
   - Acquire boats for the two field offices (Buvuma and Kalangala) based on islands;
   - Make budgetary provisions for capital development to construct Commission headquarters, and regional offices premises; and
   - Open more regional offices to gradually ensure effective presence up to the sub-county level.

b) Fund the approved staffing structure of the Commission to ensure that adequate human resource is hired to increase geographical coverage and implement the wide mandate.

c) Provide adequate funding necessary for the Commission to make significant investment in ICT, including installation of affordable internet of appropriate speed; adequate equipment; software and apps to support the functions of case management, human rights education and monitoring.

2. The appointing authority – the President of the Republic of Uganda – should expedite the appointment of the Chairperson of the Commission and other Members of the Commission to replace the former members.

11.4.12 Conclusion

The Commission is committed to fulfilling its mandate of complaints management including investigations and tribunals; monitoring and inspections; human rights education; and creating awareness and sensitising the citizenry about their rights, obligations and respect for the rule of law, the challenges notwithstanding. The Commission urges all MDAs to whom recommendations have been made to enhance and strengthen the protection and promotion of human rights by ensuring that the recommendations are implemented expeditiously.

Chapter 12

The commission's position on sellected bills before parliament



12.0 INTRODUCTION

As part of its constitutional mandate, the Commission has a responsibility of scrutinising, reviewing and analysing bills before Parliament, to ensure that they are in line with human rights standards. In this regard, the Commission presented to Parliament its position on eight bills that were tabled in 2019. These were: the Electoral Commission (Amendment) Bill, 2019; the National Coffee Bill, 2018; the National Health Insurance Scheme (Amendment) Bill, 2019; the Parliamentary Elections (Amendment) Bill, 2019; the Political Parties and Organisations Bill, 2019; the Presidential Elections Bill, 2019; the Succession (Amendment) Bill, 2018; and the NSSF (Amendment) Bill 2019.

By the time of compiling this report, the four electoral reform bills: the Electoral Commission (Amendment) Bill, 2019; the Parliamentary Elections (Amendment) Bill, 2019; the Political Parties and Organisations Bill, 2019; and the Presidential Elections Bill, 2019 had been passed by Parliament and were waiting to be assented to by the President. This section is a summary of the Commission's position on the bills as it was presented to Parliament.

12.1 THE UHRC'S POSITION ON THE ELECTORAL COMMISSION (AMENDMENT) BILL, 2019

12.1.1 GENERAL BACKGROUND TO ELECTORAL REFORMS IN UGANDA

Following the enactment of the 1995 Constitution, Uganda held its first presidential and parliamentary elections in 1996. Since then, elections have been held every five years. In February, 2021, Uganda will be holding its fourth general election since the introduction of a multi-party system in 2005. The electoral processes in the last general elections of 2001, 2006, 2011 and 2016 have seen a shift in the way the general public perceives the conduct and outcome of elections and the mistrust in the Electoral Commission (EC). Some of the accusations included the rigging of votes, ballot stuffing, fear and intimidation of voters, violence, arbitrary arrests of opposition candidates and journalists, and restriction of freedom of expression and movement.

In the aftermath of the 2016 general elections, a number of reforms were introduced to address the challenges in elections and these included the appointment of an independent EC, funding of political parties, reduction of fees for candidates, reinstatement of term limits as well as less involvement of the police and armed forces in the electoral process, among many others. The significance of the electoral reforms was to ensure that the challenges in the previous elections are identified and addressed to ensure free, fair and well-organised elections in the future.

After the 2016 ruling in the case of *Amama Mbabazi v Museveni & Ors (Presidential Election Petition No.1 of 2016)* UGSC 3 (31st March 2016), the Supreme Court recommendations were followed by a directive to the Attorney General to follow up these recommendations and report back to court within two years on the progress of implementation. The Attorney General tabled the electoral reform bills before Parliament in September 2019 and they included the Electoral Commission (Amendment) Bill, 2019; the Local Governments (Amendment) Bill, 2019; the Political Parties and Organisations (Amendment) Bill; 2019, the Presidential Elections (Amendment Bill) 2019; and the Parliamentary Elections (Amendment) Bill, 2019.

12.1.2 The Electoral Commission (Amendment) Bill, 2019

The EC is established under Article 60 of the 1995 Constitution and is mandated under Article 61 to organise, conduct and supervise regular free and fair elections and referenda, among other functions. In 2018, a roadmap towards the 2021 general elections was launched by the Prime Minister Rt. Hon. Dr. Ruhakana Rugunda together with Justice Simon Byabakama, the Chairman of the EC. The roadmap clearly stated the need for the country to enact laws and code of conduct for political parties before the set deadline of 30th October 2018 and for Parliament to respond to the recommendations on electoral reforms that were agreed upon by the Supreme Court in 2016. The essence of these electoral reforms was to ensure that the next general elections would not bring forth the same grounds in petitions that were already discussed in the last presidential and parliamentary election petitions.

12.1.2.1 Objectives of the bill

The purpose of the bill is to amend the Electoral Commission Act Cap. 140 to establish the Electoral Reform Committee; to provide for the use of technology in the management of elections; to re-designate registrars as district election administrators; to provide for the appointment of assistant returning officers by the Commission; to require the Commission to publish in the Gazette, places at which voters' registers and polling stations are to be displayed and to align the Electoral Commission Act with the amended Constitution as as per the Constitution (Amendment) Act, 2018.

12.1.2.2 Positive aspects of the bill

The bill presents a number of positive aspects which the Commission believes are crucial for the proper functioning of the EC to ensure that electoral reforms are addressed in a timely manner.

a) Clause 10A: Establishment of the Electoral Reform Committee

Clause 10A establishes the Electoral Reform Committee responsible for studying electoral and other laws relating to matters and processes of elections, responding to electoral reforms to strengthen the electoral system and making recommendations on the electoral process. The Commission welcomes the establishment of this Committee and the diverse representation which includes representatives from civil society organisations, special interest groups and government. Similar Committees have been set up and have registered success in addressing electoral reforms. In Kenya, for instance, following the contested 2007 elections, a special commission called The Independent Review Commission composed of persons from within and outside the country (experts and non-politicians) and chaired by South African retired Judge Johann Kriegler was formed to look at all aspects of the conduct of the 2007 presidential election which was held on 27th December 2007[533] and address the challenges faced to avoid future violence.

It is crucial for the Committee members to preserve their neutrality in all processes. Electoral reforms are sensitive matters, and perceptions of the Committee partiality could jeopardise the outcome of any reform process. Closely linked to this is transparency, including information sharing, which is key to ensuring that Committee engagement is well perceived by all stakeholders.

T**herefore, the Committee's engagement with different stakeholders must be guided by underlying principles of inclusiveness, neutrality and transparency. Broad consultations and inclusive participation of typically marginalised groups, such as women, persons with disabilities, older **persons and ethnic minorities, are essential for electoral reform processes.

b) Clause 2: Adoption of technology in the management of elections

Clause 2 of the bill proposes the adoption of technology in the management of elections. However, it does not mention the type of technology that will be used. Information and communications technologies (ICTs) are perceived as solutions for many electoral hurdles, such as the creation of an accurate voters' register, simplified voting, result tallying and faster transmission of election results. E-enabled elections have been the norm in a number of developed countries such as Belgium, Latvia, UK, USA and Switzerland. These countries use technology including software for registration of candidates and voters, biometric voter identification, voting machines, software for tabulation of results, devices for electronic counting of ballots and an automated incident reporting system.[534] On the other hand, the practice has proven that the introduction of ICTs comes with some risks, such as malfunctioning of equipment, the contested integrity of machines, or exposure to hacking.

The Commission, therefore, recommends that the introduction of technology should be transparent and be that which is suitable for the country's electoral process. The election materials should be well managed to avoid risks associated with election malpractice and hacking.

533 Independent Review Commission (IREC). (2008). Report of the Independent Review Commission on the General Elections held in Kenya on 27 December 2007. Available at http://aceproject.org/electoral-advice/archive/questions/replies/53498725/961648986/independent-review-commission-on-the-general.pdf

534 Loeber, L. (2017). The use of technology in the election process: Who governs? Available at http://www.electoralmanagement.com/wp-content/uploads/2017/01/paper-Loeber-ECPR-Oslo.pdf

c) Clause 7: Extension of time for a voter to be issued a duplicate voter's card after loss

The Commission compliments the inclusion of an extension of time from seven to 30 days for a voter who lost their voter's card to be issued a new one. Thirty days is a reasonable time for a complaint to be made and for the Electoral Commission to issue new voting cards.

However, the Commission recommends that the EC should continue to issue duplicate voters cards for voters who lose their cards a few days to the elections.

d) Clause 8: Appointment of an assistant returning officer

The appointment of an assistant returning officer to work closely with the returning officer is a welcome idea that will ease the work of returning officers in the district. The Commission also commends the appointment of a returning officer and an assistant returning officer for special interest groups.

12.1.2.3 Human rights concerns in the bill

The Commission notes with concern that the bill has omitted critical amendments that are key for a free and fair election. These include:

a) Independence of the Electoral Commission

The independence of the EC is one of the key recommendations that have not been included in the bill, especially with the general public concern in the conduct and outcome of elections. Currently, the Chairperson, Deputy Chairperson and Members of the EC are all appointed by the President. This has created a general perception among the electorate that the body's autonomy and impartiality are questionable as seen through low turnout during the 2016 elections and subsequent by-elections.

The Commission, therefore, recommends that the process of appointment of the Chairperson, Deputy Chairperson and Members of the EC should be more transparent through a public vetting process managed by the Judicial Service Commission. These appointments should be made on a recommendation of representatives from civil society organisations, the Elders Forum of Uganda and the political parties. The process should involve open application, public hearings and vetting by Parliament. This will restore confidence of Ugandans in the EC as impartial and with potential to conduct credible elections. The tenure of office of the Members of the Commission should be strictly seven years and non-renewable.

In conclusion, given that it is just a year to the next general elections, it is important for stakeholders to ensure that the electoral reforms proposed in the stated bills are addressed and dealt with to avoid the same challenges faced in the previous elections. The electoral process should be conducted in a transparent manner, taking into account the rights of vulnerable and marginalised persons.

12.2 THE UHRC'S POSITION ON THE NATIONAL COFFEE BILL, 2018

12.2.1 General background

Coffee growing in Uganda can be traced as far back as the 19th century when Robusta and Arabica coffee were first grown. Arabica coffee was introduced in Uganda in 1900 from Malawi and the Ethiopian Highlands, whereas Robusta coffee was grown mainly by smallholder farmers in the areas around the Lake Victoria basin. In the 1920s, Uganda began exporting coffee and, as a result, the government encouraged more coffee growing and production which saw the growth of the coffee sector to become a major source of household income and a major contributor to the country's foreign exchange earnings. By the early 1970s, coffee exports averaged three million bags of 60kg each and Uganda's exports accounted for 4% of global coffee exports.[535]

In FY 2018/19, Uganda produced 6.9 million bags of coffee, of which 4.2 million valued at US$416.19 were exported and 553,000 bags were consumed domestically.[536]

As of 2016, Uganda was the 8th global producer of coffee and the second largest producer in Africa. In 2016 alone, Uganda produced 288,000 tonnes of coffee, earning a place among the top 10 producers in the world.[537]

In October 2015, the President of Uganda had issued a directive to accelerate coffee production from 3.5 million bags of 60kg each to 20 million bags by 2020.

12.2.2 The National Coffee Bill, 2018

The National Coffee Bill, 2018 was first introduced through the National Coffee Policy which was approved by Cabinet in 2013 with the revision of the Coffee Statute and Regulations. It was one of the fundamental implementation requirements to enable the coffee subsector meet the objectives of the policy.

Subsequently, Uganda Coffee Development Authority (UCDA) together with the Ministry of Agriculture, Animal Industry and Fisheries embarked on the process of developing a new law for the coffee subsector. This included consultative meetings with stakeholders, undertaking a Regulatory Impact Assessment (RIA) and the development of the Principles for the revision of the coffee law which was approved by Cabinet under Minute 72 (CT 2017).

The National Coffee Bill was then approved under Cabinet Minute 259 (CT 2018) and was published in The Uganda Gazette on 23rd November, 2018. The bill was tabled in Parliament on 30th April 2019 where it was still pending by the time the report was compiled.

12.2.2.1 Objectives of the bill

The main objective of the bill is to repeal and replace the Uganda Coffee Development Authority Act, 1994 and for the Authority to regulate all on-farm and off-farm activities in the coffee industry. The UCDA Act covered off-farm activities and left out on-farm activities such as planting, harvesting and handling.

The bill also seeks to register and issue licenses to all coffee farmers; undertake research activities on coffee yields to improve quality for both local and international markets; provide for coffee extension services; and give the UCDA more powers to regulate the coffee industry.

535 https://afca.coffee/wp-content/uploads/2017/08/July-September-2017-Magazine-Issue.pdf
536 Presentation by Mr. Samuel Samson Omwa, Acting Director, Strategy and Business Development at Uganda Coffee Development Authority at the meeting to review the National Coffee Bill, 2018 on 4th December, 2019.
537 https://www.worldatlas.com/articles/top-coffee-producing-countries.html

The bill further seeks to advance research and new developments and address challenges in coffee farming, coffee yields, research, climate change and the quality of coffee produced and exported or consumed so as to improve its competitiveness on world markets.

12.2.2.2 Defects in the existing law

Uganda's coffee industry in the previous years had the same characteristics as that of Vietnam: low productivity, poor agriculture inputs and slow growth. However, today, Vietnam produces 27 million bags annually while Uganda produces 4.7 million bags. The bill seeks to cure the defects in the current law in a bid to put Uganda back on the international coffee market to compete favourably with countries such as Brazil and Vietnam.

There is a need to regulate the entire coffee value chain as is done in other jurisdictions, most specially to include the on-farm alongside the off-farm activities. These are in respect of generation of planting materials, provision of coffee extension services, harvesting and drying of coffee to improve on the quality for both the local and international markets. This is not addressed under the current law and yet it has an effect on the quality and price of coffee.

The current legal framework does not adequately provide a strong institutional arrangement with clearly demarcated roles for each. The interventions in the subsector by the various institutions are not well coordinated. Issues relating to the generation of planting materials, harvesting and drying of coffee are not covered and coffee extension services are not provided for under the current law. As a result, the subsector is not appropriately run and cannot perform to its maximum or expected capacity.

The roles of UCDA are limited and so it does not encompass the entire value chain. The Authority should regulate on-farm and off-farm activities including seed gardens, nursery management, pests and disease control, rehabilitation, harvesting, drying, grading and tertiary processing.

Coffee research and development is not provided for in the current law yet it is vital to the improvement in production and productivity, quality and value addition, market development and intelligence and institutional development and accountability. The Act should further be amended to allow UCDA to lead the implementation of coffee-specific extension services by coordinating the efforts of different agencies and other stakeholders.

The UCDA Act, 1994 and the Coffee Regulations, 1994 have a number of clauses such as the setting of minimum prices and putting in place a price committee, which have all been overtaken by events. This is not sustainable in a liberal economy since UCDA only publishes indicative prices.

The fees and penalties in the current Act are weak and, therefore, need enhancement to be more deterrent to match the objectives of the regulatory framework.

12.2.2.3 Positive aspects of the bill

The Commission welcomes the bill and its objectives of giving powers to UCDA to regulate the coffee sector for production of quality coffee and for the other positive aspects as follows.

a) Clause 3: Powers of the UCDA to regulate the coffee industry

Clause 3 establishes the UCDA as a body corporate and provides its functions which include regulating on-farm and off-farm activities in the coffee chain, registration of coffee farmers, and promoting and monitoring the marketing of coffee, among others. The UCDA Act, 1994 did not provide such crucial powers and functions.

b) Clauses 7 and 10: Appointment of coffee inspectors and regional extension officers

Clause 7 and 10 provides for the appointment of coffee inspectors and regional extension officers who will be responsible for inspecting areas where coffee is grown, stored, warehoused or sold for the purpose of ensuring quality coffee.

The Commission notes that with the vast numbers of coffee growers across the country, it is important to have inspection officers in all areas where coffee is grown. However, the Authority should ensure that appointment of the inspection officers is representative and covers a considerable number of coffee-growing districts in the country.

c) Clause 14: Affirmative action in the appointment of the Board of Directors of the Authority

Clause 14(3) of the bill provides that at least one third of the members of the Board shall be women. It is common knowledge that women are more involved in agricultural activities in the country and, therefore, their representation on the Board is crucial to decision-making.

The Commission notes that Clause 14(2)(g), which indicates the representatives of coffee farmers, should clearly state that the representatives will be both small-scale and large-scale coffee farmers.

d) Clause 27(4): Free registration of coffee farmers

The bill seeks to provide for free registration and licensing of all coffee farmers across the country. It proposes that land, where the coffee is to be grown, shall be evaluated by UCDA to determine whether or not it is suitable for coffee growing. Furthermore, in cases where the landowner is different from the coffee grower, the landowner's details shall be registered. The bill also proposes that the size and number of coffee trees, names and details of the farmers, coffee buyers and sellers, among others, are to be registered.

The Commission welcomes these provisions which take into account small-scale farmers especially those in rural areas and the vulnerable and poor farmers who might not afford the registration fees.

The Commission also proposes that the process of application for a license under Clause 35 and the process of application to operate a coffee nursery under Clause 25 should be made clear to ensure that farmers in rural areas have easy access to the registration and application points.

e) Clause 51: Establishment of the National Coffee Institute

The bill's Clause 51 establishes the National Coffee Institute to be responsible for carrying out research and advising the Board on the conditions suitable for growing variable types of coffee. The Commission notes that the research institute should also carry out education to farmers on the types of coffee that are suitable for their areas, taking into consideration the climate, soils and market for their produce.

f) Clause 52: Coffee auction system

The establishment of a coffee auction system is important for marketing because it allows Uganda's coffee to compete on both the local and international markets.

The Commission urges the Authority to ensure that the auction system is transparent to allow all farmers, including those operating at a small scale, to compete favourably without discrimination.

12.2.2.3 Human rights concerns in the Bill

The bill has some provisions that pose threats to the enjoyment of rights, as discussed below.

a) Definition of a coffee farmer

A coffee farmer is defined as a person growing coffee for commercial purposes. This definition is vague because 85% of Uganda's coffee is produced by smallholder farmers[538]and who might not be growing coffee for commercial purposes. Coffee is grown for different purposes; therefore, focusing on commercial purposes is discriminative to the smallholder farmers. The definition of a coffee farmer should cover the one who plants coffee.

The Commission recommends that the bill should focus on inclusion of all farmers whether they are in commercial farming or other purposes so as to include even the small-scale farmers..

b) Child labour

The Commission notes that in Uganda, children are the ones mostly engaged in coffee picking and drying especially in the rural areas because coffee features prominently among Uganda's agricultural commodities. The International Labour Organisation has defined child labour as "work that interferers with the health, development, education or family life of persons under the age of 18". The Employment Act establishes the minimum age of work at 14 years; however, there are a number of children below that age who are engaging in coffee picking and drying. Not only does this affect their right to health and development but it also denies them the right to education.

The Commission, therefore, recommends that the Bill should include provisions to prohibit the involvement of children below the age of 18 in any labour in the coffee industry that denies them the right to education or affects their health and well-being. The coffee inspection officers and other responsible persons on the coffee board should carry out sensitisation on this matter, among other human rights violations that may arise.

c) Clause 26: Compulsory registration of coffee farmers

Under Clause 26(2((a), the bill states: "…the farmer at the time of registration shall be growing coffee or shall have proof of his or her intention to commence growing coffee within a period of six months from the date of registration". This provision will be hard to enforce because it is difficult for a person to provide proof of their intention to grow coffee within a period of six months yet there is a possibility of their application for a license to be rejected. There is no set standard to constitute proof of intention to grow coffee.

The Commission also notes that the bill is silent on the modes of registration, considering that there are also small-scale farmers in the sector who are growing coffee on small pieces of land. Clause 26(2)(b) provides that the land where coffee is grown shall be evaluated by the Authority; however, the bill does not mention the required or standard size of land and whether the farmer may have their own valuer. The bill is not clear on what will happen to a coffee plantation of the farmer who fails to meet the standards for registration.

The Commission recommends, therefore, that the bill should set a standard on the size of land where coffee may be grown taking into consideration the small-scale farmers and poor people who depend on coffee farming as their sole economic activity. The registration exercise should be left open-ended so that farmers who want to engage in coffee farming in the future can do so given the fact that farmers regularly shift from one crop farming to another depending on what is giving them profit on the market.

538 UCDA. (2015). Uganda National Coffee Strategy 2040 Plan for 2015/16-2019/20 Available at https://ugandacoffee.go.ug/sites/default/files/Resource_center/National%20Coffee%20Strategy%20Design.pdf

d) Clause 28: De-registration of a coffee farmer

Clause 28(1) of the bill provides that the Authority many de-register a farmer who fails to comply with the terms and conditions of registration.

The bill in this provision fails to clearly provide for terms and conditions for de-registration of a coffee farmer as well as what would happen to the coffee plantation(s) of a de-registered farmer.

The Commission recommends that the bill should provide mechanisms to support farmers who fail to meet the minimum requirements for registration. Alternatives such as re-registration should be provided for de-registered farmers.

e) Clause 28(2): Access to justice

Clause 28(2) provides that a farmer aggrieved by the decision of the Authority to de-register him or her may appeal to the Minister. This provision should take into account small-scale farmers who might find it difficult to access the Minister. The bill should instead focus more on creating easy-to-access mechanisms to meet the requirements for registration instead of appeals. The Authority has already provided for the appointment of coffee inspectors and regional coffee extension officers who should be able to handle matters concerning the coffee farmers on first hand to reduce on the work-load of the Minister.

The Commission, therefore, recommends that redress mechanisms should be made feasible and easily accessible to farmers especially those in the rural areas. Such powers should be extended to coffee extension officers based at regional offices to bring services closer to the rural farmers.

f) Food insecurity and low wages

The coffee industry manifests issues of food insecurity, insufficient incomes, forced labour and extremely low wages. As the bill spearheads the development of the coffee industry, it is important to note that human rights violations may also manifest themselves as the sector grows. The bill should clearly take into account human rights standards. Issues of food insecurity should also be addressed to encourage poor farmers to grow coffee alongside other food crops so as to avoid disproportionate focusing on production of cash crops.

Farmers and labourers in smallholder coffee farms earn far less money than is needed for a family to afford basic needs such as food. This is a violation of the human right to just and favourable remuneration that ensures a life of dignity. In most cases, such people are trapped in a cycle of poverty that threatens both their livelihoods and the viability of the coffee sector and yet very little attention is placed on researching on income gaps between current incomes/wages and living incomes/wages. This is incompatible with a sustainable and future-proof coffee industry.

Despite challenging conditions such as the international trade dynamics and specific geographic constraints, a lot can be done to improve coffee producers' livelihoods. A few large companies hold very powerful positions in the coffee supply chain. The top ten roasters control 35 per cent of the world's coffee. This power concentration means that if a handful of companies would enforce fairer incomes and wages in their supply chains, millions of coffee producers would benefit.

The Commission, therefore, recommends that the bill strikes a balance between growing coffee for commercial purposes and ensuring that food crops are not ignored in the process as this would cause food insecurity. Farmers should also be encouraged to grow both food and other cash crops alongside the coffee. Coffee growers and labourers should receive fair wages for their work and it is the duty of the UCDA to ensure that such human rights violations like discrimination, unfair wages, long hours of work and hard labour do not exist in the coffee industry. Heavy penalties should be set for the farmers found to be in violation of these human rights.

g) Clause 54: Offences and penalties on handling coffee

Clause 54 of the National Coffee Bill sets out offences and penalties for coffee farmers who operate unregistered coffee nurseries, neglect coffee farms, dry coffee on bare ground, boil or contaminate coffee, among others. Whereas penalties are good deterrent measures for ensuring production of quality coffee, the bill imposes high fines which cannot be afforded by poor people, who in most cases would be the culprits. It is also evident that majority of small-scale farmers cannot afford coffee nurseries or roasting and grinding mills, which puts them at an unfair disadvantage compared to large-scale or rich farmers who can afford this machinery. The bill further imposes penalties for farmers who neglect their coffee farms. This provision does not take into account the poor farmers who might not have other people to supervise their farms in the event of illness or other burdens that might render them absent from their farms for long periods of time. It is important to note that majority of the poor farmers are vulnerable such as the elderly, women, PWDs who might be living on their own and do not have people to supervise their farms in their absence. Such penalties would, therefore, put such farmers at an unfair disadvantage and make them prone to the penalties. The clauses should, therefore, focus more on educating the farmers about the importance of growing and storing coffee for quality production instead of imposing heavy fines and imprisonment.

The clause does not consider the fact that coffee is not only a cash crop but is also used in customary functions such as traditional marriage ceremonies. This is the case for the traditional marriage in Buganda region commonly known as *kwanjula* and in other cultures across the country where dry coffee beans play an important cultural role. In Buganda, for instance, dry coffee beans are exchanged between the families of the bride and groom as a welcome gift and also as a sign of friendship between the two families. These coffee beans in particular do not require to be dried with expensive machines since they are used informally. Therefore, in imposing penalties on drying coffee beans on the ground and around factory premises, the bill makes the process very formal and expensive yet coffee is also used for other informal purposes.

The Commission, therefore, recommends that instead of imposing penalties on coffee farmers, the bill should focus more on sensitising farmers and guiding them on the proper procedures for growing, harvesting and storing coffee to ensure the required quality. Farmers should also be made aware of the important role that coffee plays in the development of the country and their own economic empowerment so that they understand the benefits of handling it properly.

h) Clause 39: Promotion of recommended types and varieties of coffee

Clause 39 provides that the Authority shall develop a promotion strategy to include the means of controlling pests and diseases associated with each type and variety of coffee. The bill is, however, silent on the use of hazardous chemicals which pose a risk to the quality and survival of crop yields, as well as the health of the farmers and the environment. The bill is also silent on the control of weeds and provision of safe methods to control pests and diseases.

The Commission, therefore, notes that a provision should be added to this clause to provide safe methods for controlling pests and diseases that affect coffee. Coffee inspectors should also educate farmers on the safe methods and any farmers found to be using hazardous chemicals should be arrested and penalties imposed including revoking their licenses.

In conclusion, coffee is a traditional cash crop that has greatly contributed to national development in Uganda. The production and consumption of coffee is part of the enjoyment of the right to food and it contributes to the right to development. The National Coffee Bill is important in ensuring quality production and sale of coffee in local and international markets, thereby contributing to poverty eradication. The Commission welcomes the bill and recommends that it takes into account the rights and needs of subsistence and small-scale farmers as well as vulnerable people that solely depend on coffee for their livelihood.

12.3 THE UHRC'S POSITION ON THE NATIONAL HEALTH INSURANCE SCHEME BILL, 2019

12.3.1 Introduction

Every country's development depends on a healthy, strong and vibrant human resource. When the people's health needs are guaranteed and secured, there is maximum productivity which results into remarkable economic growth. In April 2018, the World Health Organisation called upon world leaders to live up to the pledges they made when they agreed on the Sustainable Development Goals (SDGs). Through the SDGs, states committed to concrete steps to advance health for all, which entails ensuring that everyone, everywhere can access essential quality health services without facing financial hardships.

The right to health is a fundamental right of everyone to the highest attainable standard of physical and mental health. This includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions and a clean environment. The right to health, therefore, requires that health services, goods and facilities be available, accessible, acceptable and of good quality. These healthcare goods and services include hospitals, clinics and health centres, medicines and doctors or health specialists.

12.3.2 The National Health Insurance Scheme Bill

The National Health Insurance Scheme Bill, 2019 was introduced to ensure the realisation of the right to health and accessibility of healthcare services through contributions to the National Health Insurance Scheme (NHIS). This is anticipated to enable all Ugandans access quality healthcare in both government and private facilities. Currently, free healthcare services are offered in government health facilities which include National, Regional and General Referral Hospitals as well as Health Centres I-IV.

However, most of these facilities lack the capacity to provide quality healthcare due to various challenges such as drug stock-outs, power shortages, overcrowding and shortage of manpower and others. This has left many poor and vulnerable persons deprived of their right to access quality healthcare services. Therefore, the proposed health insurance scheme will ensure that resources are provided through compulsory contributions by able Ugandans to subsidise the treatment of the poor, the young and the elderly.

12.3.2.1 Objectives of the bill

The National Health Insurance Scheme Bill seeks to establish the NHIS and provide for, among others, the establishment of the NHIS Board, its composition, functions, tenure and powers. It also provides for a secretariat, staffing and funding; registration of contributors and their beneficiaries in the formal and informal sector; the benefits under the scheme; reserve and investment. Also provided in the bill is the creation of an accreditation committee to review prospective healthcare contractors, their service and payment agreements; regional health insurance offices; penalties and offences as well as an Appeals Tribunal to hear disputes arising from the implementation of the bill.

The bill further seeks to reduce out-of-pocket costs and contribute to strengthening social protection of all Ugandans, especially the poor who cannot afford quality health services. The scheme also seeks to develop health insurance as a mechanism for financing healthcare in Uganda; to facilitate the provision of efficient, equitable, accessible, affordable and quality healthcare to all residents in Uganda; and to ensure quality of healthcare services, equity, appropriate utilisation of services and patient satisfaction in the provision of healthcare.

12.3.2.2 Existing health insurance schemes in Uganda

According to the Ministry of Heath report on National Health Expenditure, Ugandans spend a significant amount of their income on health, which reduces their ability to save and spend on other basic necessities, especially the poor and vulnerable. The out-of-pocket expenses spent on healthcare are high and yet poverty is increasing in the most vulnerable communities in Uganda. The National Health Accounts Report for financial years 2014/15 and 2015/16 also states that "even with free services at public facilities, the share of household expenditure spent in public health facilities was between 14.1% and 17.5% in the period under review."[539]

A recent research commissioned by the Insurance Institute of Uganda also found that only 5% of Ugandans take up health insurance.[540] The downside to this low contribution was attributed to the delays in expediting the national health insurance scheme, the absence of which has sidelined many people from accessing health services and timely medical attention. According to the Insurance Regulatory Authority (IRA) report of 2018, medical insurance uptake is one of the fast-paced segments of insurance in Uganda. Its gross premium grew by 26.96% from UGX 161 billion in 2017 to UGX 204.05 billion in 2018. Currently, over 41% of expenditure on health services is out-of-pocket expenditure by households, while 42% is spent by donors. Government only contributes 15% of the total expenditure.[541]

In Uganda, there are many private health insurance schemes but they have a limited applicability and mainly benefit wealthy persons or persons in formal employment, leaving out the majority of Ugandans not covered, and in most cases the poor and vulnerable persons. The health insurance schemes include IAA, AAR Health Services, International Medical Link, Case Medical Care, KIMC, Jubilee Insurance, and UAP,[542] among others. These provide health coverage to over 1.85 million Ugandans mainly employed in the formal sector and the few who can afford.

12.3.2.3 Positive aspects of the bill

The National Health Insurance Scheme Bill is a positive step towards the realisation of the right to health and access to quality healthcare services as a means of strengthening social protection and the right to life. The Commission welcomes the enactment of the bill because it will contribute to ensuring that the poor and vulnerable persons are able to access quality healthcare. Other notable positive aspects of the bill are as follows:

a) Prioritisation of the poor and vulnerable persons

The poor and vulnerable persons such as women, children, PWDs, the elderly and persons living with HIV/AIDS are the main beneficiaries of this scheme. This is because these groups of people face specific challenges in attaining quality healthcare services, which usually result from biological, physical, mental or socio-economic factors, discrimination, stigma or a combination of all. Considering that health as a human right requires specific attention to different individuals and groups of persons in society, the bill takes into account the rights of the poor and vulnerable, providing for positive measures to ensure that they are prioritised, and not discriminated against in accessing quality health services. The bill seeks to ensure that the economically stable Ugandans pay for the health services of the poor and vulnerable.

b) All dependants to the contributor are considered

The bill does not limit the number of dependants registered under each contributor. Under clause 26(1), it states: "Every contributor, a spouse and child of a contributor are entitled to all the health-

539 MoH. (2016). Uganda Health Accounts: National Health Expenditure Financial Years 2014/15 and 2015/16), pages 24-26.
540 Kasemiire, C. (2018). Only 5 per cent Ugandans access medical insurance, says report. *Daily Monitor*, 22nd October, 2018.
541 Dr. Sarah Byakika, Commissioner Planning, Financing and Policy at Ministry of Health during the Uganda Government Cabinet Meeting held at State House, Entebbe on 24th June, 2019.
542 Insurance Regulatory Authority of Uganda (IRA). 2018 Annual Insurance Market Report. Available at https://ira.go.ug/cp/uploads/IRA%20REPORT%202018%20websiteee%20(1).pdf

care benefits specified in Schedule I". This means that the contributor is not restricted on the number of dependants on his/her scheme as is the practice with current insurance schemes. The Commission notes the inclusiveness of the scheme, given that it is non-restrictive on the dependants.

c) Accountability

Clauses 34 and 35 provide safeguards and institutional accountability mechanisms to ensure transparency and accountability. This includes the powers of the Board to require a healthcare provider to produce records and documents, as well as inspect premises of the healthcare provider under Clause 13. The scheme will also be subject to the audits by the Office of the Auditor General which will present the audit reports to Parliament.

12.3.2.4 Human rights concerns in the bill

a) Contribution to the fund

The bill's Clause 2 provides that any person who has attained the age of 18 years and above who is ordinarily resident in Uganda, shall be eligible to contribute to the fund. Clause 2 further exempts any person above 18 years from contributing if he or she has no income, has a disability or is undertaking a full-time education course.

However, the bill is silent on the contributions of low-income earners, such as domestic workers and commission earners who are 18 years and above and earning an income. In addition, the words salary and wages have been used interchangeably for salaried employees under Clause 21. The Commission notes that the terms "wage" and "salary" have different meanings and that wages are applicable to persons earning immediately after doing particular work.

The Commission, therefore, recommends that the drafters of the bill should limit the term salary earners and use wages for workers earning money after given work. The issue of domestic workers and commission earners contributing to the fund should also be clarified to ensure that all workers who can afford do contribute.

b) Definition of child

Clause 2(b) of the bill defines a child to include persons who have attained the age of 18 years but have no income, or are undergoing full-time education, or they are PWDs living with the contributor. This clause contradicts the definition of child under Article 257(c) of the Constitution of Uganda, as well as Article 1 of the Convention on the Rights of the Child, which both define a child as a person below the age of 18 years.

The Commission recommends that the term "child" should be replaced with the term offspring or dependant to cater for persons provided for in sub-clause (b). For example, "dependant" means a child of a contributor who has not attained the age of eighteen years or having attained the age of eighteen with no income, undergoing full-time education or has a disability and is living with the contributor."

c) Limited coverage of people in the informal sector

Clause 21(2) of the bill provides that a person who has attained 18 years and is ordinarily resident in Uganda is liable to contribute to the scheme. It further requires that those liable as contributors should be people who derive their income from salaried and self-employment. The Commission notes that the informal sector forms the largest part of the economy and that persons employed as causal labourers and house helps are many, yet the bill excludes them.

The Commission recommends that the scheme should be inclusive to cover all groups of people without any discrimination. This is because the uncertainties that surround the informal sector if not rectified, will limit accessibility to the scheme.

d) Absence of the compulsory deductions/contributions

The National Social Security Fund (NSSF) and the Pay As You Earn (PAYE) under the Income Tax Act both have requirements for compulsory contributions under the law. However under this bill, the amount required to be contributed for the Health Insurance Scheme is not specifically provided. Clause 21 instead imposes an obligation on the eligible persons to contribute towards the scheme, a given amount of money, and leaves the discretion of determining the deduction to the Minister under the regulations.

The Commission also notes that the Certificate of Financial Implications[543] issued by the Ministry of Finance, Planning and Economic Development shows that the Government and private employees are to contribute 4% of their monthly salary to the NHIS while employers will contribute 1% of each employee's monthly salary. Self-employed individuals are expected to pay UGX 100,000 on an annual basis and pensioners to contribute 1% of their monthly pension payment.

In view of the above, the Commission recommends that the information in the Certificate of Financial Implications concerning the contributions should be clearly stipulated under the bill, so that the contributors are aware of what exactly they are required to remit to the scheme.

e) Contradictions in the penalties

Clause 22(2)(a) provides for a penalty for an employer who fails to make deductions in time. Such employer commits an offence and is liable on conviction to a fine not exceeding fifty currency points. The Commission also notes that Clause 23(1) also provides for the same penalty. These two provisions on late payment prescribe different punishments yet they both provide for the same penalty in case an employer fails to make the required contribution on or before the day on which the payment is due.

Clause 24(2) provides for the offence of late payment and punishment of the individual contributor. The individual contributor in default is supposed to pay five times his or her contribution unlike Clause 23 where the penalty is borne by the employer who pays twice. The law is silent about the rationale for the different punishments for the same offence.

The Commission recommends that penalties for default or delayed payment by any contributor should be harmonised in order to avoid inconsistencies in the law.

f) Loss of insurance identification card

Clause 25 of the bill provides that a contributor upon payment will be issued with an identification card and once a person loses their card, they cannot access the services. The Commission notes that the loss of identity cards may be used to deny persons from accessing health services, especially considering the lengthy process of getting the ID cards.

The Commission recommends that the Scheme should use technology or an electronic identity system such as a fingerprint database of all contributors, such that even in the absence of card, patients can still access health services. The health service provider should be able to identify the contributors through other technological means other than the insurance card. A patient who is eligible to benefit from the fund should not be deprived of receiving healthcare due to loss of a card. A new card should be issued within a reasonable period of time as the patient accesses healthcare services.

543 https://www.shu.org.ug/index.php/resources/news/26-finance-ministry-clears-nhis-bill

g) Absence of Government contribution to the scheme

Part V of the bill provides for contributions under the Scheme but makes no mention of whether Government will contribute or have any mechanism in place to ensure that the cost of accessing healthcare for the most vulnerable poor is subsidised. In order to prevent discrimination where a section of Ugandans may be left out of the scheme, the Government should set up a fund where general revenues are collected to subsidise citizens that cannot afford contribution.

The Commission, therefore, recommends that the Government should make a contribution for the vulnerable, poor and indigent persons to cater for individuals that are unable to contribute to the scheme.

h) Access to information

The bill creates clauses that pay less attention to public sensitisation on the public health insurance and its benefits. There is limited understanding of health insurance among the citizens in Uganda where only 11 percent of persons aged 15 years and above are aware of health insurance while only five percent are covered under some form of health insurance.[544] Furthermore, of those that are aware of the service, only 42 percent mentioned that they would consider joining a health insurance scheme. The uptake and potential demand for the health insurance services is higher in urban areas (8% and 46% respectively) compared to their rural counterparts (3% and 39% respectively).

The Commission, therefore, recommends that mass sensitisation on the importance of health insurance and the provisions of the NHIS Bill, 2019 to the public be carried out by the Ministry of Health so that the public is equipped with the necessary information before the scheme is rolled out.

i) Exclusion of some benefits from the health insurance package

The bill is silent on health packages such as palliative care which is needed for the elderly and those suffering from chronic illnesses like cancer, diabetes, high blood pressure and HIV/AIDS, among others. It omits palliative care services under Schedule 1 on Healthcare Benefits to be provided under the Scheme yet there is an increase in the number of patients that need palliative care service, particularly cancer and HIV/AIDS patients. Mental health is also not explicitly covered in the Schedule, yet the Mental Health Act, 2019 requires that mental health services should be provided at all primary health care centres.

The Commission recommends that the benefit packages should be comprehensive to cover and include curative, preventative, palliative care and rehabilitative services such as those required by mental health patients and those suffering from chronic illnesses.

In conclusion, health insurance is important for both individuals and families, as it relieves the burden of any unexpected medical emergencies. Health insurance increases access to health services while providing the means to seek medical attention without worrying much about the cost. The NHIS Bill, 2019 will, therefore, help protect Ugandans from failure to access health services due to financial hardships. The bill is, therefore, a positive milestone in achieving the right to health in Uganda.

544 https://www.ubos.org/wp-content/uploads/publications/03_20182016_UNHS_FINAL_REPORT.pdf

12.4 THE UHRC'S POSITION ON THE PARLIAMENTARY ELECTIONS (AMENDMENT) BILL, 2019

12.4.1 General background

The Parliamentary Elections (Amendment) Bill, 2019 is one of the electoral reform bills that were introduced to address the challenges experienced in the previous elections of 2016. The bill seeks to amend provisions of the parent Act in preparation for the 2021 general elections. The purpose of the reforms is to ensure democracy, free and fair elections and to reduce on the number of election petitions. The electoral reform bills also seek to respond to the gaps in the law that is crucial for ensuring violent-free elections that are human rights compliant.

12.4.1.1 Objectives of the bill

The bill seeks to amend the Parliamentary Elections Act, 2005 to provide for the participation of independent candidates in elections; provide for restrictions on candidates' sources of funding to finance elections; require the Electoral Commission (EC) to designate restricted areas and to provide for special procedures for voting in restricted areas.

12.4.1.2 Positive aspects of the bill

a) Postponement of elections in newly created constituencies to the next general elections

Clause 1 of the bill substitutes Section 8(5) of the Act to postpone elections of newly created constituencies to the next general elections. The Act in its current form advocates for elections to be conducted within 60 days from the date of creation of a new constituency which was quite expensive and burdensome for the EC and on the Consolidated Fund. The postponement will reduce the impact the current provision had on the Consolidated Fund.

b) Right to participate

Clause 5 seeks to substitute special procedure for voting of persons in restricted areas. Keen interest has been placed on the substitution of Section 38 that abolishes special polling stations exclusively for the army. The inclusion of security personnel in ordinary polling stations where they are deployed will encourage them to participate in the affairs of the government as provided for under Article 38(1).

c) Campaign resources

The bill's Clause 2 seeks to amend Section 10 by inserting Section 10B which requires parties to declare their sources of funding during elections. The Commission welcomes this provision because it will prevent the misuse of Government resources and protect the economy from inflation and money laundering. However, substitution of Section 10B (2)(a) will require more elaboration by stating how to determine the intent to overthrow the Government.

12.4.1.3 Human rights concerns in the bill

The bill seeks to implement the Supreme Court decision in *Amama Mbabazi -V-Yoweri Kaguta Museveni, Electoral Commission and The Attorney General in Presidential Election Petition No.1 of 2016.* However, there are human rights concerns and gaps that the bill has not provided for, which are crucial for ensuring the right to democracy. These include:

a) The right to stand for political office

The bill under Clause 2 inserts Section 10A (1) and (2) restricting persons to stand for political office as independent candidates. International standards require that every person who wishes to contest for any elective position should not be unduly restricted or prevented from doing so and any elective position should not be unduly restricted. Any restrictions should be legitimate, legal and necessary to facilitate, rather than hinder, the enjoyment of this right. The provision for cessation of membership to a political party 12 months before nomination as an independent candidate in parliamentary elections is unnecessary. This is because some parties may hinder or delay the process of cessation of a member to deter them from participating.

The Commission, therefore, recommends that a specific timeframe should be given to the political parties within which to process the cessation of a member to allow them participate in the electoral process.

b) The right of Ugandans in the diaspora to vote

The bill does not provide for the right to vote for Ugandans in the diaspora, an issue that has been raised by the Commission and other election observers over the years. Given the fact that many Ugandans outside the country are actively involved in the politics of their country, this amendment should include a provision for them to vote from their respective embassies or consulates so that they too can exercise the right to participate in the governance of their country.

The Commission, therefore, recommends that Parliament should respond with urgency to the matter of Ugandans in the diaspora taking part in the electoral process. It should also provide the framework for Ugandans in the diaspora to participate in the voting process at their respective embassies or consulates.

c) Separation of powers

The doctrine of separation of powers is fundamental for ensuring that functions and influence in political participation and decision-making are not duplicated. However, this principle has had challenges in Uganda. Therefore, to entrench the doctrine, Article 113 of the Constitution should be amended to prohibit the appointment of Members of Parliament as Ministers. The Speaker and Deputy Speaker should also relinquish their positions in political parties upon election into speakership and barred from engaging in partisan political activities.

d) Establishment of Election Tribunals

The bill does not address the importance of a quick and fair justice system especially after elections when petitions are numerous and courts are overwhelmed with cases. Parliament should use its mandate to integrate relevant amendments in the law establishing election tribunals to enable them determine petitions that arise out of parliamentary elections, as a way of ensuring expeditious disposal of election complaints. This would also reduce the cost of litigation associated with the High Court and the Appellant Courts.

The Commission, therefore, recommends that an election tribunal should be set up to specifically handle election-related matters that are causing case backlog in the courts of law.

In conclusion, the Parliamentary Elections (Amendment) Bill, like all the other electoral reform bills, is timely for addressing electoral reforms as Uganda prepares for the 2021 general elections. The Commission has pointed out some of the human rights issues and the gaps in these reforms and urges Parliament to consider them to make the bill human rights compliant to ensure the rights of all Ugandans to participate in the political affairs and governance of their country.

12.5 THE UHRC'S POSITION ON THE POLITICAL PARTIES AND ORGANISATIONS (AMENDMENT) BILL, 2019

12.5.1 General background

Uganda, which had initially been governed as a British protectorate, gained its independence on 9th October 1962. The political climate of the country from 1962 to 1986 can be described as being turbulent and unstable with numerous challenges in the observance of human rights. Political parties existed prior to 1986 but the multi-party system had earlier been banned by President Milton Obote, a situation that pertained until 2005 when a multi-party system was reintroduced in the Political Parties and Organisations Act. The 1995 Constitution initially created a no-party system which was an all-inclusive movement; however, in 2005, the multi-party system was introduced and the Political Parties and Organisations Act was passed by Parliament. Today, there are 26 registered political parties,[545] of which five are represented in the 10th Parliament and these are: the National Resistance Movement (NRM), the Democratic Party (DP), the Uganda People's Congress (UPC), the Justice Forum (JEEMA) and the Forum for Democratic Change (FDC).

The Political Parties and Organisations (Amendment) Bill was introduced in Parliament in 2018 as one of the five bills to address electoral reforms following the 2016 general elections. Among the critical points of consideration were the proposal to reduce nomination fees for candidates, funding of presidential and parliamentary candidates' campaigns, equal media coverage for all presidential candidates, involvement of the police and army in the electoral process, and arbitrary arrests of opposition party members and journalists.

12.5.1.1 Objective of the bill

The bill seeks to amend the Political Parties and Organisations Act, 2005 to remove the powers given to the Minister to prescribe a code of conduct for political parties and organisations and to prescribe a code of conduct for political parties and organisations as required by Article 71(2) of the Constitution.

12.5.1.2 Positive aspects of the bill

a) Inclusion of a code of conduct

The bill introduces in the fourth schedule a code of conduct for political parties for the promotion of peaceful co-existence, democratic principles between and among political parties, organisations and their supporters. The code is aimed at guiding political parties on respecting human rights before, during and after elections and ensuring a non-violent electoral process. The Commission, therefore, encourages all political parties to be guided by the code of conduct to ensure observance of human rights throughout the electoral process.

b) Affirmative action in favor of marginalised persons

The Constitution in Article 32 encourages the active participation of all citizens at all levels in their own governance including political party representation. The Government also takes active steps to encourage participation in the conduct of public affairs including the participation of marginalised groups, women and PWDs. The Constitution, for instance, ensures that Parliament, which is the main legislative making body, is composed of one woman representative per district and representatives from the youth, workers, the army, PWDs and any other special interest groups as determined by Parliament. Currently, the 10th Parliament is composed of several women, youth, PWD, army and workers' representatives. Out of the 26 registered political parties, only one party, the Uganda Federal Alliance, is led by a woman, Hon. Betty Olive Kamya.

545 https://www.ec.or.ug/?q=political-parties

The Commission, therefore, recommends that political parties include more women, PWDs, youth and other marginalised persons in positions of leadership and implement political activities to be able to reach other marginalised persons.

12.5.1.3 Human rights concerns in the bill

Whereas the Political Parties and Organisations (Amendment) Bill contains a code of conduct and important provisions that promote democratic governance and the rule of law, the Commission notes that there are important provisions that have not been included but which are crucial for ensuring that it is human rights compliant. These are detailed below.

a) Involvement of the police, army, vigilante groups and crime preventers in the electoral process

The Commission notes that the bill does not explicitly include provisions prohibiting the police and army officers in directly taking part in politics. Clause 12 of the bill gives provisions on the relationship between the Uganda Police Force and political parties but fails to give guidelines on the limits for police officers, aside from providing security and preventing and countering violence. In the previous elections, notably the 2016 elections, the Commission observed an increasing involvement of the police, army, vigilante groups and crime preventers in partisan politics. The period before elections also saw the emergence of some militia groups affiliated to individuals or parties which the sponsors attempted to justify. The Commission noted with concern the emergence of such groups under the pretext of guarding their sponsors' votes; and particularly their potential to turn into instruments of hooliganism and public disorder. The claims about their necessity ranged from the need to mobilise votes for the preferred candidates; to countering threats of attack and harassment from national security agents and other groups; and protecting the votes.

A report of HURINET (U) titled, Security Agencies and the Electoral Process in Uganda: A Preliminary Report for the 2015/2016 General Elections, stated: "*The continued existence of militia/vigilante groups was a threat to the peacefulness of 2016 elections…*" The concerns over the militia were why they always emerged during elections and how the police had not done enough to investigate them. There seemed to be no one concerned about the effect these groups were likely to have on the electoral process and its legitimacy. HURINET identified a number of these groups as: NRM High Command, B13, TJ Solida, NRM 24/7 Youth Group, the Unemployed Youth, Kalangala Action Plan, The Red Belts, The Poor Youth, Forty-Five, Funguwa Barabara, Buikwe North NRM Brigade, Youth No Sleep and 44U.6. Another controversial group over which the EC and the Police raised a red flag was the Power 10 (P10) which the FDC political party launched in November 2015 in Rukungiri when their presidential candidate unveiled it as a network that would be used to bring supporters together to fight for their power. The P10 was a grouping of 10 people per village, which the party said would mobilise support for its candidate and protect votes on Election Day.

The Commission, therefore, takes note of such militia groups and strongly urges political leaders to desist from using them during the electoral period because they are associated with violence and lawlessness.

b) Equal access to media coverage

Clause 11 of the bill provides that political parties should respect the role of the media throughout the electoral process. It also provides protection for members of media houses from harassment, intimidation and other threats. The bill, however, does not address the unequal access of media houses by candidates during campaigns and general elections. In the 2015/2016 election period, the Commission noted that political party representatives during campaigns for general elections did not receive equal media coverage. It was reported that some media houses like New Vision and its associated press, and UBC radio and television accorded the highest percentage of media access to the

NRM party's presidential candidate at 49% while the rest of the opposition candidates had insignificant percentage of access to the media.[546]

The Commission, therefore, recommends that media houses should accord equal access to all political party candidates throughout the electoral process to increase their visibility to the public. Media houses should also desist from affiliating themselves with particular candidates as this creates bias for other candidates and the electorate.

12.5.1.4 Previous Commission recommendations on elections

1. The Ministry of Justice and Constitutional Affairs, Electoral Commission and Parliament should ensure that proposals for electoral reforms from all stakeholders are considered and implemented early enough so that they are not left to last-minute discussions which could adversely affect the smooth management of all electoral processes.

2. The Police, Army, vigilante groups and crime preventers should not be involved in partisan politics. The Ministry of Internal Affairs and the Ministry of Security should also take measures to ensure that there are no vigilante groups involved in security matters during the election period.

3. Parliament and the Ministry of Finance, Planning and Economic Development should consciously support multiparty democracy so that it is nurtured and becomes a culture in Uganda; for instance, through increasing funding for civic education to enable people fully appreciate the requirements of a multi-party dispensation and in order to forestall the impact of so many independent candidates.

4. Political parties should enforce strict disciplinary measures in their institutions to deter their members from inciting and causing violence during the election period.

In conclusion, as Uganda prepares for the next general elections in 2021, it is crucial that electoral reforms put forward in the electoral reform bills be given utmost consideration for the purpose of promoting democracy and free and fair elections. Political parties and their leadership play a very important role in determining the electoral process and its outcome and they should, therefore, be guided by these reforms to ensure that the general election is not only violence-free but also upholds human rights.

546 African Centre for Media Excellence (ACME). (2016). Monitoring Media Coverage of the 2016 Elections: Final Report. Available at https://acme-ug.org/2016/06/01/monitoring-media-coverage-of-the-2016-electionsfinal-report/

12.6 THE UHRC'S POSITION ON THE SUCCESSION (AMENDMENT) BILL, 2018

12.6.1 General Background

Succession means the acquisition of rights and/or property of a deceased person by law. In Uganda, succession is provided for under various laws and these include the 1995 Constitution of Uganda, the Succession Act[547], the Administrator General's Act[548], the Estates of Missing Persons (Management) Act[549], the Administration of Estates (Small Estates) (Special Provisions) Act[550] , the Local Council Courts Act[551], the Probates (Resealing) Act[552], the Trustees Incorporation Act[553], the Public Trustee Act[554], the Administration of Estates by Consular Officers Act[555], the Administration of Estates of Persons of Unsound Mind Act[556], the Church of England Trustees Act[557] and the Local Governments Act.[558]

The Succession Act Cap 162 of 1906 is outdated in light of the Constitution and international and regional human rights instruments. Article 2 of the Constitution of Uganda affirms the supremacy of the Constitution and further provides that any law that is contrary to it is null and void to the extent of its inconsistency. Article 21 of the Constitution further emphasises equality before the law. The Succession Act, however, still remains discriminatory against women and other marginalised persons such as girls, stepchildren and widows.

A petition on grounds of discrimination was brought before the Constitutional Court in the case of *Law & Advocacy for Women in Uganda vs. Attorney General of Uganda, Constitutional Petition No. 13 of 2005* in which the Constitutional Court held that the provisions of Sections 2(n), I, ii, 8(a), 14, 15, 26, 27, 29, 43, 44(2)(n)(i) and Rules 1, 7, 8 & 9 of the 2nd Schedule of the Succession Act 1906, were inconsistent with Articles 21, 33 and 26 of the Constitution and, therefore, declared these provisions null and void. Similarly in the case of *Administrator General Vs. Charles Acire & Another, HCCS. 235/1994,* Court pointed out the fact that Section 311 of the Succession Act provides that where any person entitled to a share in the distribution of the estate of an intestate is a minor, the succession law does not make provisions specifying the duties of the person holding the property, manner of investing the property, provisions for account to the minor when he or she becomes of age and does not provide penalties for breach of these duties.

Despite the legal suit in the Constitutional Court challenging some provisions of the Succession Act, the law had never been amended to align its provisions with the Court's decision and the constitutional provisions on gender equality, non-discrimination, the right to own property and the rights of children.

12.6.1.1 Objectives of the bill

The main objective of the bill is to amend the Succession Act Cap 162 so that it conforms with the Constitution and international and regional human rights standards; to repeal sections declared unconstitutional by the Constitutional Court; to streamline the definition of a child to conform with the Constitution; to redefine a customary heir; to clearly provide for protection of principal residential property for the surviving and lineal dependants and to revise the percentages of distribution of

547 Cap 162.
548 Cap 157
549 Cap 159
550 Cap 156
551 Local Council Courts Act, 2006.
552 Cap 166
553 Cap 165
554 Cap 161
555 Cap 154
556 Cap 155
557 Cap 158
558 Cap 243

the estate of an intestate.

The Commission commends the effort to amend the Succession Act, 1906 to facilitate enforcement of justice, especially in matters of succession. It is crucial that this amendment is in conformity with international, regional and national legal instruments that provide for the protection of human rights for all persons and to uphold the principles of non-discrimination, equality before the law and the right to own property.

12.6.1.2 Positive aspects of the bill

a) Gender equality

The bill addresses the gaps in the current Act by providing for gender equality in matters of succession in accordance with articles 21 and 33 of the Constitution. It should be noted that some provisions in the Succession Act were discriminatory on the basis of sex. This prompted the women to challenge these provisions in the Constitutional Court which made a ruling that Sections 2(n), I, ii, 8(a), 14, 15, 26, 27, 29, 43, 44(2)(n)(i) and rules 1, 7, 8 & 9 of the Act's Second Schedule were inconsistent with Articles 21, 26 and 33 of the Constitution and therefore null and void.[559] It has been more than 11 years before aligning the Constitutional Court's decision into this amendment; nevertheless, the Commission commends the inclusion of this amendment in complementarity to the Constitutional Court's decision.

b) Definition of a minor

The Commission welcomes the amendment to redefine a minor. The age of a minor has been aligned to what is provided for in the Constitution. Article 257(1)(c) of the Constitution defines a minor ('child') as a person below the age of 18. The Succession Act 1906 in its current form states that only persons who have attained the age of 21 can make wills which is contrary to the spirit of the Constitution of 1995.

c) Revision of the distribution percentages of an instate person

The Succession Act of 1906 included provisions which denied women the right to own property contrary to Article 26 of the Constitution which provides that every person has a right to own property either individually or in association with others. The amendment of this section aligns the Succession Act to the Constitution.

Article 31 (1) of the Constitution provides for equality between men and women at the start, during and dissolution of a marriage. The Succession Act created unfair advantage for the surviving female spouse to get 15% of the estate when she participated in the accumulation of the wealth. The amendment of this provision aligns the amendment to Articles 21 and 31 of the Constitution by removing the discriminatory phrases based on sex and increasing the percentage for the surviving spouse to 50% from the previous 15%.

Section 28 of the Succession Act is further amended to grant the administrator powers to distribute property, considering the circumstances of each case to include age, contribution and duration of marriage in case of polygamy and the degree of dependency. The amendment, therefore, creates fairness in the distribution of property to women in polygamous marriages.

559 *Law and Advocacy for Women in Uganda v Attorney General of Uganda, Constitutional Petition No.13 of 2005*

d) Protection of the principal residential holding and other residential holdings for the benefit of the surviving spouse and lineal dependants

Section 29 of the Succession Act is amended to bring it in conformity with the Constitution and create an offence for persons who attempt to evict occupants of the principal residential holding. Previously, the right to retain the matrimonial home was discriminatory whereby it was only extended to legal wives, males below 18 years and unmarried females under 21 years. Furthermore, widowers had the right to retain the matrimonial property when they remarried whereas the widow's right to retain the matrimonial home would be terminated if she remarried.

The amendment is, therefore, a positive step as it seeks to protect other residential holdings which were occasionally occupied by the family of the deceased from distribution and distinguishes between principal residential holdings and residential holding. This also ensures protection of the right to property for the surviving spouse and lineal descendants.

e) Revision of the provisions relating to domicile of spouses upon marriage

The amendment of Section 14 remedies the discrimination against men and women upon remarriage. Prior to the amendment, married women would take up the domicile of their husbands and men would not take up their wives' domicile which is discriminatory and does not take into account modern times where women own property before they are married. The Commission, therefore, commends the inclusion of this amendment and further acknowledges the consideration for the modern generation as well as the provisions of the Constitution on the right to own property and international standards on non-discrimination.

f) Appointment of guardians for minor children by either parent

The bill grants both parents powers to appoint a testamentary guardian. Prior to the amendment, Section 43 granted this power to the fathers only to appoint a guardian for the minors. However, it was contested in the case of *Law and Advocacy for Women in Uganda vs. Attorney General* where court declared it unconstitutional for not granting the right of protection of minors to their mothers.

Furthermore, Section 44 is also amended to remove discrimination and provide for the right of the mother's relatives to become statutory guardians. Previously, statutory guardianship was granted to only the father's family. Section 44A provides that a testamentary guardian should work jointly with the surviving spouse unless court decides otherwise.

g) Powers and duties of guardians

Section 46 seeks to amend and spell out the powers and duties of statutory guardians which include having custody of a child, administration of property and safeguarding the property of the minor from loss. The law in the current form is very vague and does not conform to modern times.

h) Provision for the lapse of probate or letters of administration after three years subject to renewal by court

Sections 256 and 258 are amended to introduce a timeframe within which an executrix or administrator can hold probate and letters of administration. The executrix or administrators have been given three years to distribute property among the beneficiaries and file an inventory of the same. The purpose of this timeframe is to minimise abuse of powers granted. Court is granted powers to extend the time; however, the amendment should provide reasonable grounds for the extension.

i) Revision and update of fines and penalties to take into account inflation

The purpose of the amendment is to enhance the penalty for failure by the executor or administrator to deliver to court revoked or annulled probate of letters of administration. The penalty currently is very minimal and does not take into account the inflation rates. The fines in the laws are outdated in terms of the prevailing socio-economic circumstances and, therefore, require review to reflect the intended punitive aspects of the provisions at the time they were enacted.

The Commission, therefore, commends the inclusion of revision and update of probate fines and points out the need for the fines to be reviewed to cater for the current situation.

12.6.1.3 Human rights concerns in the bill

It is important to note that other laws such as the Administrator General's Act, the Estates of Missing Persons (Management) Act, the Administration of Estates (Small Estates) (Special Provisions) Act, the Local Council Courts Act, the Probates (Resealing) Act, the Trustees Incorporation Act, the Public Trustee Act and the Administration of Estates by Consular Officers Act still have provisions that contravene the Constitution and international and regional human rights standards on equality and non-discrimination.

The Commission recommends that all the above laws be equally amended to bring them into conformity with the Constitution and international and regional human rights standards.

12.7 THE UHRC'S POSITION ON THE NATIONAL SOCIAL SECURITY FUND (AMENDMENT) BILL, 2019

12.7.1 General Background

Uganda's working population was estimated to be at 15 million as of 2016/2017.[560] The majority (71%) of the working population are employed in the informal sector resided in rural areas while 24% was living in urban centres. The Uganda National Household Survey 2016/2017 revealed that the highest percentage of the working population was engaged in agriculture, forestry and fishing, with 71% of the female workforce and 59% of the male workforce.. Majority of these were not benefiting from any social security scheme.

The current pension scheme is composed of the National Social Security Fund (NSSF) governed under the NSSF Act, Cap 222 for employees in the private sector and the Public Service Pension Scheme (PSPS) for civil servants. The PSPS is a non-contributory scheme governed by the Pensions Act Cap 286. This pension system, therefore, currently covers only part of the people employed in the formal sector and those working in the Government. The others in the informal sector which includes those who are self-employed are excluded from this current system.

The National Social Security Fund (NSSF) (Amendment) Bill was introduced by the Ministry of Gender, Labour and Social Development and was tabled in Parliament in 2019. It was meant to respond to the gaps and defects in the current Act to ensure that all workers in the formal and informal sectors alike are contributing and benefiting from the NSSF.

12.7.1.1 Objectives of the bill

The bill is aimed at expanding social security coverage by making contributions to the NSSF mandatory for all workers in the formal sector and also allowing workers in the formal and informal sectors to make voluntary contributions. The bill also seeks to enhance the spectrum of benefits available to workers and to improve management of the NSSF.

12.7.1.2 Positive aspects of the bill

The Commission welcomes the efforts to bring Uganda in line with its international, regional and national obligations pertaining to the right to social security. Article 9 of the ICESCR obliges member states to recognise the right of everyone to social security, including social insurance which should be available, accessible and adequate with coverage for social risks and contingencies. The bill has a number of provisions that bring out the importance of social security. The Commission, therefore, notes the following positive aspects of the bill:

a) Inclusion of voluntary contributions

Clause 2 provides an amendment to include standard contributions, voluntary contribution and special contribution by members. Clause 13(A) further makes provisions for voluntary contributions beyond mandatory contributions for the formal sector employees. This will allow new members from both the informal and formal sectors that were not previously provided for in the Act to make voluntary contributions outside formal employment. This also gives an opportunity to those who are already making mandatory contributions to make voluntary contributions if they so wish and also those who leave formal employment to continue making contributions. Therefore, the proposed reform is a positive measure towards expanding savings of individuals and access to mandatory benefits after attaining the retirement age. To further make the process easier, Clause 13A (5) provides that any other person who may wish to make voluntary contributions to the Fund may apply for membership through the board.

560 Uganda Bureau of Statistics (UBOS). (2018). 2018 Statistical Abstract, page 29.

b) Improving accessibility of the right to social security

The Commission welcomes the inclusion of the informal workers as an important step in improving accessibility of the right to social security to all persons in the country as stated in the Constitution under the National Objectives and Directive Principles of State Policy.[561] Social security also contributes to self-development and economic empowerment that should be extended to all members of the society.

c) Recovery of money from third parties owing money to defaulting employer

Clause 8 seeks to empower the NSSF to recover from a third party any sum owed to a defaulting contributing employer to cover any contributions, penalty or interest. This is commendable as it will ensure that the contributing member's benefits are not affected. However, the bill only creates an obligation for the third party but no consequences in case the third party does not comply with NSSF's requirement to remit funds owed to the contributing member.

The Commission, therefore, recommends that the bill should be enhanced to provide that the third party becomes liable in cases where they fail to remit funds that they are holding on behalf of the defaulting employer.

d) Payment of contributions irrespective of the number of employees

Clause 4(2) provides for every employer, irrespective of the number of employees, to register with the fund as a contributing employer and to make regular contributions for his or her employees. The Commission notes that the provision is not clear on whether employers in the informal sector are also compelled to make monthly mandatory contribution on behalf of their employees.

In the current law, only employees working in a company that employs five or more persons are eligible to contribute for their retirement which contradicts Paragraph VII of the National Objectives of Directive Principles of State Policy in the Constitution, the ILO Social Security (Minimum Standards) Convention (No. 102) and the Uganda National Social Protection Policy, 2015, all of which call for social security coverage for all persons.

The Commission, therefore, welcomes and supports this measure in the bill which is intended to benefit a wide range of employees to save with the Fund.

e) Exemption of investment income from tax

Currently, the income NSSF derives from investment of contributions received from members and employers is subject to income tax. The bill proposes that the investment income of the Fund shall be exempt from income tax. This implies that NSSF will have more funds for re-investment and generate more returns to grow the fund and the benefits available to members upon retirement. In addition, NSSF currently invests in other countries such as Kenya and Tanzania as part of its investment portfolio. The exemption of the Fund's investment income from tax has the effect of making investments in Uganda more attractive and increasing the multiplier effect of money in the economy.

12.7.1.3 Human rights concerns in the bill

a) Composition of Board of Directors

The bill under Clause 3(1) provides for the stakeholder Board of Directors comprising of the Chairperson, Managing Director, Permanent Secretary of the ministry responsible for Labour, Permanent Secretary of the ministry responsible for Finance, four representatives of the employers and two representatives of employees.

561 National Objectives and Directive Principles of State Policy (Constitution of Uganda), No. XIV (b).

The Commission notes that appointment of the Managing Director and Deputy Managing Director of NSSF should be done in consultation with the employers and workers through their representatives since they are the main stakeholders of the Fund as contributors, taxpayers and beneficiaries. Their involvement would create and maintain a sound system with effective service delivery.

The choice of the representatives of employers and workers to the NSSF Board should be solely the task of their respective constituents, and not by the Minister as the bill suggests. This will enable them to execute their mandate in compliance with ILO practice and standards to avoid political patronage.

The Commission recommends that the selection of Board members should not only be gender-sensitive but also transparent and representative. Representatives of workers and employers should be consulted on all matters pertaining to appointments and workings of the Board and the Minister should be less involved in Board matters to avoid influence and to ensure independence of the Board.

b) Exemption of employee's contribution from tax

In the current Act, benefits to members are not taxed because they were taxed at the point of contribution. Clause 38(1) of the bill proposes that all member contributions not exceeding 30% of income of the member shall be exempt from tax. This implies that members who contribute up to 30% and above the 5% shall not be subjected to PAYE. This will reduce the tax element and increase the net pay. The extent of income is, however, not defined by the bill and neither is it defined in the current NSSF law. Under the Income Tax Act, income of an employee includes both cash and non-cash benefits. However, social security contribution is only applied on the gross cash wages as per the current NSSF Act.

The Commission proposes that to avoid this confusion, the 30% limit should be in reference to 'gross cash wages' instead of 'income.'

The current law further provides that 10% of the employer's contribution is exempt from tax at the point of contribution and at the point of a member claiming benefits from NSSF. The bill proposes to maintain the exemption of the employer's contribution from tax at the point of remitting the contribution to NSSF. However, the bill does not specifically provide that this contribution will also be exempt from tax at the point of a member claiming the benefits from NSSF.

The Commission recommends that the issue of tax exemption on employer's contribution at the point of a member claiming the benefits from NSSF should be clarified in the proposed law.

c) Government to borrow from NSSF without parliamentary approval / Lending to government

Clause 12(b2) proposes that the Board may use in-house expertise or fund managers in carrying out investment including lending to government. In other words, Government stands to borrow money from NSSF without parliamentary approval. This is in contravention of Article 156(6) which gives Parliament powers to pass resolutions granting government to enter into an agreement for the giving of a loan or grant out of any public fund or public account.

The Commission asserts that powers of Parliament should not be taken away and that Parliament should be consulted for approval before NSSF gives out a loan to government.

In addition, the bill does not prescribe any terms and conditions for lending to Government given the fact that the Fund is supervised by the same Government.

The Commission recommends that the proposal to expand lending to government should not be without conditions to shield the Fund from the risk of Government interference in the investment decisions of the Fund.

d) Appointment of the Managing Director and Deputy Managing Director

Clauses 21 and 22 provide for appointment of a Managing Director and a Deputy Managing Director. The bill is silent on inclusiveness in this provision as it does not mention the qualifications of the Managing Director and the Deputy Managing Director as well as the need to appoint representative persons such as women, workers, PWDs and other marginalised groups in such positions of leadership.

The Commission recommends that appointment to these managerial positions should be gender-sensitive and should be based on set qualifications for occupying those offices, which should be clearly stipulated in the Act.

e) Members' balance prior to the coming into force of the new law

It is provided that benefits that accrue to a member before the coming into force of the bill will not be taxable, according to Clause 5. This is because these benefits have already suffered tax. However, the bill does not specify that the corresponding interest earned on the opening balance going forward is also exempt from tax.

The Commission recommends that there is need for clarity in the bill to ensure that a member's opening balance is protected from the effects of inflation at the time of accessing the benefits. The Commission further recommends that NSSF should ring-fence each member's opening balance to ensure that it does not suffer tax again at the point of payments of benefits to the member.

f) Mid- term access of benefits

Clause 10(a) allows a member, if they have been contributing on voluntary grounds, to access their benefits in a manner prescribed by regulations. The Commission notes that this is a discriminatory clause which creates a gap between members who have been contributing mandatorily and those on voluntary basis. A clear timeline should be set for when one can access their savings whether it was through mandatory or voluntary contributions.

The Commission, therefore, recommends that the meaning of "midterm access'' be clearly spelt out for clarity.

g) Additional benefits to members

The bill also introduces Subsection 1(a) under Section 19 of the NSSF Act to provide that the Board may, in consultation with the Minister of Finance, prescribe additional benefits for the members in a legal instrument.

The Commission recommends that "additional benefit" should be clearly defined in the bill.

In conclusion, social security is a key component of the fundamental right to development. For this reason, the NSSF is a very important avenue not only for development but also for fighting poverty in Uganda. Therefore, the NSSF law needs to be reformed into a pension fund law in order to provide for sustainable social protection to all members. Keeping it as a provident fund would leave many people vulnerable in old age.

Chapter 13

Government compliance with the commission's recommendations in 2019

13.0 INTRODUCTION

The Uganda Human Rights Commission made recommendations to various MDAs in the 21st Annual Report, derived from its monitoring of the human rights situation in the country and Government compliance with human rights standards. The Commission made a total of 69 recommendations to 18 MDAs in the 21st Annual Report to Parliament but only 19% of the recommendations had been complied with by end of 2019, leaving 81% non-compliance. For many of the recommendations, no response on progress was forthcoming. The status of compliance is summarised in Tables 50 and 51 below.

TABLE 50:

Summary of Government compliance with Commission recommendations in 2019

Number of MDAs	Number of recommendations	Recommendations complied with	Performance (%)
18	69	13	19

TABLE 51:

Summary of status of Government compliance with Commission recommendations in 2019

Progress on actions	Number of recommendations	Percentage (%)
Complied with recommendations	13	19
Waiting for response	41	59.4
No information availed	12	17.3
Work in progress	3	4.3
Total	**69**	**100**

Source: Uganda Human Rights Commission

TABLE 52:

Status on action taken by MDAs by end of 2019 to comply with Commission recommendations

No.	Institutions /MDAs	Recommendations		Progress on action
1.	Parliament	i)	Expeditiously enact the Witness Protection Bill to, among others, regulate conditions and procedures for providing out-of-court protection and assistance to a witness.	• A study conducted by Uganda Law Reform Commission (ULRC) on the development of the Witness Protection Bill. • Recommendations to draft the bill sent to the Ministry of Justice and Constitutional Affairs. • Ministry and ULRC working on the necessary legislative processes to draft the bill.
		ii)	Continuous sensitisation of the masses at all levels about the dangers of SGBV and the need to refrain from it by both Government and non-state actors.	• The Uganda Women Parliamentary Association (UWOPA) did sensitisation on SGBV through talk shows, conferences and press statements. • In 2018, the Speaker of Parliament, Hon. Rebecca Kadaga, pledged to engage respective Government ministries to avail more funds in the 2019/2020 budget to address increasing cases of gender-based violence in the country. • Parliament instituted the requirement of a certificate of gender equity and compliance for MDAs to ensure that resources are provided to facilitate action on gender matters.
		iii)	Amend the Food and Drugs Act (1959) and put the Food and Nutrition Bill into law.	Waiting for response.
		iv)	Address the gaps in the legal and policy frameworks particularly by amending the Constitution to ensure that all ethnic minorities and indigenous people in Uganda receive due recognition as ethnic groups under the law.	Parliament gave leave to MP Jack Odur Lutanywa (Kibanda South) to table a private member's bill to amend the third schedule of Uganda's constitution to add the Maragoli and other ethnic minorities not included in the 56 officially recognised indigenous Ugandan communities. The bill is not yet before Parliament.
2.	Ministry of Education and Sports	i)	Provide the basic necessities to facilitate girls' retention in school and completion, including the provision of food at school, provision of sanitary towels and sanitary facilities.	In 2018, the Ministry of Education and Sports adopted guidelines on school feeding and nutrition. Under the Guidelines, districts are given powers to pass by-laws to compel all parents to contribute a modest amount of money not less than UGX 1,000 towards lunch for their children or to pack for them lunch.
		ii)	Work hand in hand with Bududa District Local Government to ensure that the schools destroyed by the disasters are rehabilitated.	No action taken.
3.	Office of the Prime Minister (OPM)	i)	Streamline the policy of land ownership and related benefits for the host communities before, during and after occupation by refugees.	Service delivery programming and support for refugees targets both refugees and host communities. This includes access to employment by considering host communities too and a range of services that are offered.
		ii)	Create own biometric system of registration of refugees or attain control over the UNHCR system.	This is work in progress.
		iii)	Government, through the OPM, should support the host communities who have already given out their land for refugee settlements and have nowhere to sustain their livelihoods.	Government working with a number of development partners currently is supporting refugee-host communities with social services. Support todate has been offered by the World Bank and UN, among others.
		iv)	Conduct massive awareness raising among the host communities on the terms and conditions on which their land was donated to the Government for settlement of refugees as well as on how to tap the benefits arising from refugee population such as utilising them as labour and market for produce.	Right from the onset when settling refugees, a lot of awareness activities are made to the refugees on land utilisation. Such messages include "Not selling land offered to settle refugees".

No.	Institutions /MDAs	Recommendations		Progress on action
		v)	Together with UNHCR and World Food Programme revise the food distribution system in the settlements with a view to ensuring that food is not distributed very far away from the families.	• World Food Programme set up food distribution points (FDPs) in settlements based on sphere global standards. • As more resources are got, more food distribution points are being set up in line with the recommendations of the Joint Process Review Standards for food distribution in refugee settlements.
		vi)	Ensure that more schools, especially secondary schools, and health centres are set up within the settlements or in areas close to the households.	Initiatives underway to set up the necessary infrastructure such as schools and health centres, including support under the World Bank to host communities as well as other government-led initiatives on the development of response plans in health and education, already launched by the respective ministers.
		vii)	Establish tertiary/vocational training institutions for the refugees and host communities to help the people, especially the youth, attain some skills.	Vocational skills training institutions have been established in the refugee settlements. However, funding shortfalls and increasing numbers of refugee youths in need of these services continue to be challenges for the Government, the UN and partners to address.
		viii)	Together with development partners, increase on water supply by installing a bigger water system to address the problem of inadequate water.	Water supply to refugees and host communities is a priority in the Government refugee response. The Ministry of Water and Environment developed the Water and Environment Sector Response Plan for Refugees and Host Communities to address some of the challenges related to water supply to refugees and host communities.
		ix)	Expedite the process of resettling the affected communities to avoid future disasters.	Still in progress.
		x)	Government should establish a Disaster Management Commission as provided for under the Constitution to effectively prepare and respond to all natural disasters.	Still in progress.
4.	MOJCA	i)	Government should finalise the process of developing the draft National Legal Aid Policy and related law.	The process of developing the draft National Legal Aid Policy and related laws has been initiated.
No.	Institutions /MDAs	i)	Recommendations	Progress on action
5.	Judicial Service Commission	ii)	Recruit more judicial officers to deal with case backlog in the courts of law and expeditiously handle cases.	Action taken and eight judges were recruited in the reporting period
		i)	Expedite the prosecution of officers of Uganda Police Force and UPDF who assaulted, tortured and damaged the property of journalists and suspects as they covered the Arua by-elections and the recent demonstrations.	Waiting for response from police.
		ii)	In line with the Prevention and Prohibition of Torture Act, prosecute individually security officers who tortured suspects during the Arua fracas.	Waiting for response.
		iii)	Institute criminal proceedings against police officers suspected to have shot dead Ramanathan Walyendo, Samuel Ssekiziyivu and Yasin Kawuma when they fired live bullets to disperse the crowds.	Waiting for response.

No.	Institutions /MDAs	Recommendations		Progress on action
7.	Ministry of Finance, Planning and Economic Development	i)	Adequately finance all institutions involved in the administration of criminal justice in Uganda.	No response.
		ii)	Adequately fund the criminal justice institutions like the Uganda Police Force, courts of judicature, probation and welfare offices and the Directorate of Public Prosecutions to ensure adequate staffing. Funding from local revenue at the district is not adequate to facilitate the probation office.	No response.
		iii)	Together with the Ministry of Gender, Labour and Social Development, increase funding for Uganda Women Entrepreneurship Programme, Youth Livelihood Programme and other livelihood programmes.	No response.
		iv)	Prioritise and allocate adequate financial resources toward the implementation of the National Housing Policy of 2016, including funds to upgrade the state of housing in the informal settlements/slums.	No response.
		v)	Revise tax regimes on building materials by reducing levies on essential building materials to ensure affordability by all categories of households as well as supply at all times.	No response.
		vi)	Government should further regulate the interest rates of the credit institutions to accommodate the poor.	No response.
		vii)	Ensure that adequate financial resources are allocated to the district disaster management committee to enable it effectively prepare and respond to future disasters.	No response.
8.	Ministry of Justice and Constitutional Affairs	i)	Together with the Judiciary, urgently ensure that prisoners detained under ministerial orders have their cases urgently addressed to avoid long and arbitrary detention which is an infringement on their rights.	No response.
9.	Ministry of Foreign Affairs	i)	Fast-track the ratification of the Budapest Convention on Cybercrime, an international treaty that seeks to address internet and computer crime by harmonising national laws on cybercrime, improving national capabilities for investigating such crimes, and increasing cooperation on investigations.	Waiting for response.
		ii)	Ratify the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.	Waiting for response.
		iii)	Hold high-level engagements within the framework of the East African Community to ensure that all armed groups within the East African region are disarmed.	Waiting for response
		iv)	Engage with the Kenyan and South Sudanese governments, cooperate and jointly control the theft of animals across the borders.	Waiting for response.
10.	The Ministry of Information and Communications Technology (ICT) and National Guidance	i)	Formulate policy that improves access and usage of ICTs by vulnerable groups including PWDs, youth and women to enable them participate fully and equally in national development.	Waiting for response.
		ii)	Propose a law prohibiting the arbitrary actions of switching off media stations and closing of media houses without a court order.	Waiting for response.

No.	Institutions /MDAs	Recommendations	Progress on action
11.	Uganda Police Force	i) Expeditiously investigate cases of attacks on the media by security agencies and have suspects prosecuted in the courts of law.	Waiting for response.
		ii) Strictly enforce the Prohibition of Female Genital Mutilation Act of 2010, the Constitution and other laws against child marriages.	Waiting for response.
		iii) Speed up and conclude all investigations concerning violations against human rights defenders, and bring the perpetrators to justice.	Waiting for response.
		iv) Heighten security presence, foot patrols and community policing.	Waiting for response.
		v) Continuously build capacity to cope with the modern trends in technology in as far as crime prevention and management are concerned.	Waiting for response.
		vi) Government should expeditiously streamline the modalities of joint security management during processions and public demonstrations to ensure that police is appropriately equipped, adequately resourced and supported to effectively play its constitutional role in keeping law and order.	Waiting for response.
		vii) Adequately facilitate police officers with the required tools and equipment to effectively investigate cases.	Waiting for response.
		viii) Working with the UPDF and other security agencies who have strived to ensure that the people and their properties are safe, deploy more forces at national borders to ensure that armed groups do not cross into Uganda to disturb border communities.	Waiting for response.
		ix) Desist from the use of live bullets and other dangerous weapons on unarmed demonstrators and non-violent suspects.	Waiting for response.
		x) The Government should open up more police posts in the refugee settlements and deploy more police officers there.	Waiting for response.
12.	Ministry of Health	i) Spearhead training of health workers on how to handle victims of SGBV.	Waiting for response.
		ii) Recruit more health workers, especially doctors and midwives, to solve the problem of understaffing and inadequate manpower.	Waiting for response.
		iii) In conjunction with the National Medical Stores, provide adequate drugs in line with the demand of the health facilities and also monitor the use of drugs by the health service providers to curb the stealing of drugs.	Waiting for response.
		iv) Train health workers and provide modernised technologies such as computers to ease data management in all health facilities.	Waiting for response.
		v) Ensure provision of adequate work equipment, especially protective gears and digital technologies for screening patients especially for health workers.	Waiting for response.
		vi) Together with the Ministry of Public Service, address the plight of staff who are non-medical workers by enhancing their salaries.	Waiting for response.
		vii) Strengthen the referral system across the country in order to relieve and preserve the national referral hospitals to attend to only serious referred cases.	Waiting for response.

No.	Institutions /MDAs	Recommendations		Progress on action
13.	Ministry of Gender, Labour and Social Development	i)	Together with local governments at all levels, encourage survivors of SGBV to report their cases.	No response.
		ii)	Together with the Ministry of Finance, Planning and Economic Development, increase funding for Uganda Women Entrepreneurship Programme, Youth Livelihood Programme and other livelihood programmes.	No response.
14.	Uganda National Bureau of Standards	i)	Equip itself with high technology to deal with food quality in Uganda.	Waiting for response.
15.	Ministry of Lands, Housing and Urban Development	i)	Expedite the process of enacting eviction laws and/or guidelines and a tenant-landlord law to guarantee security of tenure and protect households from illegal and forceful eviction.	Waiting response
		ii)	Initiate the process of formulating and enacting the law on housing, to give effect to the housing policy in Uganda.	Waiting for response.
		iii)	Together with the Ministry of Gender, Labour and Social Development, establish and document the magnitude of homelessness in Uganda.	Waiting for response.
		iv)	Establish and implement low-cost housing schemes to enable majority of households access adequate housing at subsidised costs on affordable terms.	Waiting for response.
		v)	Fast-track the resettlement process of all minority communities who were evicted from their ancestral lands so that they can fully engage themselves in income-generating activities.	Waiting for response.
16.	Ministry of Internal Affairs	i)	Together with the National Bureau for NGOs, review the laws concerning the registration of non-governmental organisations and ensure that they are conducive and facilitative of the work of human rights defenders.	No response.
17.	Law Reform Commission	i)	Review the Public Order Management Act, 2013 to bring it in line with human rights standards.	Waiting for response.
18.	Uganda Bureau of Statistics	i)	Compile comprehensive statistical data on the social, economic and political status of the indigenous minorities in Uganda.	Waiting for response.

Chapter 14

Status of Uganda's reporting obligations to international and regional human rights mechanisms

14.0 INTRODUCTION

Uganda is a state party to all the core international and regional human rights instruments, save for the International Convention for the Protection of All Persons from Enforced Disappearance and the African Charter on Democracy, Elections and Governance (2007/2012). It has also made commitments towards the implementation of the Agenda 2030 on Sustainable Development. The implication of this under international law is that Uganda is duty-bound to promote, protect, respect and fulfill the obligations under these instruments and to submit periodic reports on the measures it has taken to implement the recognized rights in the treaties.

In fulfilment of its mandate under Article 52(1)(h) of the 1995 Constitution, the Commission in 2019 monitored Government's compliance with international treaty and convention obligations on human rights. This chapter, therefore, highlights the status of Uganda's treaty body reporting on obligations, showing the progress in implementation of recommendations from the treaty bodies, in line with the 2030 Agenda for Sustainable Development. The challenges of Uganda's reporting to the treaty bodies are identified and recommendations made to appropriate government Ministries, Departments and Agencies on how to improve.

14.1 TREATY BODY REPORTING IN 2019

The Commission established that by end of December 2019, Uganda had submitted state reports to the treaty bodies or committees that monitor implementation of the following treaties: the International Covenant on Economic, Social and Cultural Rights (ICESCR), last submitted in 2015; the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), last submitted in 2015; and the International Convention on the Rights of Persons with Disabilities (CRPD), last submitted in 2016. Uganda had also been reviewed twice under the Universal Periodic Review mechanism, with the latest session being in November 2016. Uganda will be reviewed again for a third time in the 40th session of the UN Human Rights Council slated for October to November 2021.[562]

562 Human Rights Council. Universal Periodic Review (Third Cycle). Available at http://www.ohchr.org/Documents/HRBodies/UPR/Calendar3rdCycle.doc Accessed on 10th March, 2020.

However, some state reports were overdue, particularly on: the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Rights of the Child (CRC). As at 31st December 2019, compilation of the reports was underway and, according to an official of the Ministry of Foreign Affairs, the reports were expected to be submitted to the treaty bodies as soon as they were approved by cabinet.[563]

Uganda was also compiling the draft midterm review report for the UPR to be submitted to the UN Human Rights Council in July 2021.[564] Several key actors like the Commission, various other MDAs and CSOs participated and contributed to the development of the draft reports.

The Commission, therefore, calls upon the Government to expedite the final processes for the overdue reports to be submitted.

563 Ann Nyakato, Ministry of Foreign Affairs presentation at the Commission's 22nd Annual Report consultative meeting on 30th January 2020 in the Commission board room at the head office in Kampala
564 N (1) above.

14.2 RATIFIED TREATIES AND UPDATED STATUS ON UGANDA'S REPORTING OBLIGATIONS AS OF DECEMBER 2019

TABLE 53:

Status of Uganda's reporting obligations by end of December 2019

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
The International Covenant on Economic, Social and Cultural Rights **(CESCR)**	21st January 1987	State parties are required to submit reports two years after acceding to the covenant and then periodic reports every five years	Initial report submitted in 2015 consolidated the previous reports (initial, 1st, 2nd, 3rd, 4th & 5th reports); 6th report is due (2020).	• Take legislative and other appropriate measures to domesticate the treaty. • Reinforce the Judiciary, by allocating resources and increasing the number of judges. • Encourage data collection and use of statistics for human rights indicators, including for ESCRs. • Reprioritise the allocation of resources; steadily increase the share of the public budget to public sectors to ensure progressive realisation of the rights in the Covenant. • Increase resource allocation for the effective functioning of the Commission; implement decisions taken by the Commission and follow up on its reports. • Step up efforts to address illicit financial flows, including the transfer pricing by foreign investors. • Intensify efforts to combat corruption, by increasing transparency in the public sector. • Strengthen cooperation with civil society. • Amend the draft NGO Bill on registration and ensure that its provisions respect the independence of NGOs and their activities in defending human rights, including ESCRs. • Harmonise the legal framework governing land rights, notably the Land Act and the Forest Act, and also amend it in the light of the 2013 Land Policy. • Recognise indigenous peoples' rights to their ancestral lands and natural resources. • Consult with indigenous peoples for their free, prior and informed consent regarding development activities that have an impact on access to their lands. • Consider acceding to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). • Recognise indigenous peoples in the Constitution in line with the United Nations Declaration on the Rights of Indigenous Peoples. • Strengthen the legal framework governing extraction and mining activities. • Always enter into free, prior and meaningful consultations with the communities concerned before granting concessions for the economic exploitation of the lands, including and in particular that of women and customary landowners. Guarantee that in no case will such exploitation violate the rights recognised in the Covenant and that just and fair compensation will always be granted to the victims. • Adopt a comprehensive anti-discrimination law that includes all the grounds for discrimination set out in Article 2 of the Covenant. • Take steps to combat and prevent discrimination and societal stigma, in particular against PWDs. • Allocate resources necessary for the EOC to discharge its role effectively and independently. • Investigate, deter and prevent acts of discrimination against lesbian, gay, bisexual, transgender and intersex people and bring perpetrators to justice and provide compensation to victims.

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
				• Effectively implement initiatives aimed at improving the enjoyment of ESCRs among the population in the northern and north-eastern regions, particularly the Karamoja sub-region, and adopt other well-resourced measures necessary and provide information in the next periodic report on the impact of these measures. • Intensify efforts to adopt the Marriage and Divorce Bill without further delay, raise awareness among the Judiciary, prosecutors, the Police and the general public about the provisions of these laws once adopted for effective implementation. • Implement the National Gender Policy, to eliminate traditional practices and stereotypes that discriminate against women. • Study the root causes of the acute unemployment rate among the youth, and use the findings to embark on well-resourced programmes and initiatives to reduce youth unemployment. • Strengthen the system of job quotas for PWDs, reintroduce tax benefits as incentives for hiring them, and establish an efficient enforcement procedure and remedies taking into consideration the Committee's General Comment No. 5 (1994) on PWDs. • Take measures to reduce progressively the extent of the informal economy and increase employment opportunities in the formal labour market. • Revise the minimum wage in close collaboration with social partners and ensure that it allows a decent living for workers and their families. • Ensure effective implementation mechanisms for labour laws, increase the number of trained labour inspectors and provide the Industrial Court with necessary resources for it to discharge its role effectively. • Take measures to raise awareness of workers on the importance of trade unions and achieve a more effective implementation of labour laws, and increase workers' representation through trade unions. • Consider establishing social protection floors, in line with ILO recommendation No. 202 (2012) on National Floors of Social Protection for the realisation of the right to social security and the Committee's statement on social protection floors adopted on 6 March 2015. • Strengthen the enforcement of the Domestic Violence Act, by sensitising the Judiciary, prosecutors and the Police on the provisions of the Act. Adopt and effectively implement the Sexual Offences Bill. • Conduct national awareness programmes to combat all forms of violence against women and girls. • Encourage victims of violence to report the cases to Police. • Strengthen measures aimed at protecting and rehabilitating victims of violence. • Take comprehensive measures aimed at eliminating all harmful practices against women and girls. • Adopt effective measures aimed at abolishing the practice of polygamy, conduct a nationwide awareness-raising campaign targeting all components of society, in collaboration with CSOs, with the aim of fostering a culture of equality between women and men that creates the conditions necessary for the adoption of a legal provision criminalising polygamy. • Raise awareness on the age at which it is legal to enter into marriage, ensure strict adherence to the constitutional provision on the minimum age for marriage and all laws, including customary laws, being compliant, adopt and implement the action plan on early marriage, as indicated during the dialogue. • Ensure effective implementation of the prohibition of FGM, prevent and investigate such incidents, bring perpetrators to justice and rehabilitate victims. • Conduct widespread educational campaigns on the effects of early and forced marriage and FGM.[565]

565 UNOHCHR. UN Treaty Body Database. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=182&Lang=EN Accessed on 12th March 2020.

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
The International Convention on the Elimination of All Forms of Racial Discrimination **(ICERD)**	**21st November 1980**	**State parties are required to submit initial report within one year after entry into force of the Convention and thereafter periodic reports every two years and whenever the Committee requests**	**1st report -1984; 2nd -10th reports – 2003; 11th – 15th reports pending (five reports pending) since 2005.**	• Include in the next periodic report complete information on the representation of the various ethnic groups in public bodies and institutions. • Provide additional information related to the practical implementation of affirmative action taken in favour of groups marginalised on the basis of gender, age, disability or any other reason, for the purpose of redressing imbalances which exist in accordance with Article 2, paragraph 2, of the Convention. • Provide additional information regarding further legislative measures and judicial mechanisms in place to ensure the return of property to persons of Asian origin and measures adopted to fully compensate all victims of such expropriations and address the increasing number of applications. • Revise the Penal Code in order to implement fully the provisions of Article 4 that deal with legislation prohibiting organisations and propaganda activities that advocate for racial hatred. • Disaggregated data on access to healthcare, housing and employment by persons belonging to ethnic and national minorities. • Information on the human rights situation of the Batwa people, particularly in relation to the enjoyment of their rights over lands traditionally occupied by them, in accordance with general recommendation XXIII. • On allegations of abuses committed by Ugandan forces against members of particular ethnic groups in the Democratic Republic of the Congo, the State party is urged to comply fully with Security Council resolutions 1304 (2000) and 1332 (2000). • Continue with efforts to restore peace in the Northern region, protect vulnerable groups from human rights violations. • Provide additional information in the next report in regards to the implementation of the Convention. • Continue to develop specific strategies to prevent the spread of HIV/AIDS among women. • Consider the possibility of making a declaration provided for in Article 14 of the Convention recognising the competence of the Committee to receive and consider communications from individuals or groups of individuals on violations by the State. • Ratify the amendments to Article 8, paragraph 6, of the Convention, in furtherance of the General Assembly Resolution strongly urging States parties to accelerate their domestic ratification procedures. • Make readily available to the public the country's periodic report submitted and publicise the observations of the Committee on these reports. • Consult CSOs working to combat racial discrimination during the preparation of the next periodic report. • Submit the 11th periodic report jointly with the 12th and 13th due on 21 December 2005, and address all points raised in the concluding observations. • Provide information on cases relating to the offence of sectarianism, included in the Penal Code in 1998, including the number of complaints received and cases prosecuted as well as on the sentences pronounced against those found guilty and remedies provided to the victims.[566]

566 As above

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
The Convention on the Elimination of All Forms of Discrimination against Women **(CEDAW)**	**22nd July 1985**	**State parties are required to submit initial reports within one year of acceding to the convention and then periodic reports every four years**	**1st & 2nd reports - 1992; 3rd report – 2002; 4th -7th reports -2010; 8th report was due in 2014.[267] Report pending since 2014 (two, 8th & 9th reports are pending)[268]**	• Expeditiously enact the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill. • Raise awareness of legislators about the need to give priority attention to legal reforms in order to achieve de jure equality for women and compliance with the State party's international treaty obligations. • Continue to increase support for law reform through partnerships and collaboration with religious and community leaders, lawyers, judges, unions, civil society organisations and women's non-governmental organisations. • Strengthen the complaints system to ensure that women have effective access to justice, including through the adoption of an accessible complaints procedure to enforce constitutional guarantees and the provisions of the Equal Opportunities Commission (EOC) Act. • Accelerate the operationalisation of the EOC; ensure that it is provided with sufficient human, financial and technical resources for its effective functioning; and that its composition and activities are gender-sensitive and will fully address the issue of women's human rights. • Provide information and data on the number of complaints received by EOC from women and the actions taken. • Implement the FGM Act and punish perpetrators. • Increase awareness-raising and education efforts, targeted at both men and women, with the support of CSOs and religious authorities, to completely eliminate FGM and its underlying cultural justifications; to combat traditional and family pressures in favour of FGM, particularly among the illiterate, especially parents. • Fully involve women in the peacebuilding, reconciliation, rehabilitation and recovery processes. • Take all necessary measures to ensure that women and girls can return to their communities, that women and girls in the internally displaced persons' camps and those that have returned to their communities are adequately protected from sexual and gender-based violence and abuse, punish perpetrators, offer relief and remedies, and compensation to victims of violence. • Raise awareness of the importance of education as a human right and means of empowering women through and take measures to ensure: • Equal access of girls and women to all levels and fields of education and adopt measures to retain girls in school; • Safe transportation to and from schools and safe educational environments free from discrimination and violence. • Strengthen awareness-raising and training of school officials and students, sensitise children through the media and establish reporting and accountability mechanisms to ensure that perpetrators of all sexual offences against schoolgirls are prosecuted. • Take all necessary measures to improve women's access to healthcare and health-related services, strengthen efforts to reduce the incidence of maternal and infant mortality, increase women's access to health-care facilities and medical assistance by trained personnel, especially in rural areas. • Strengthen and expand efforts to increase knowledge of and access to affordable contraceptive methods throughout the country and particularly for women in rural areas. • Education on sexual and reproductive health and rights be widely promoted and targeted at adolescents with special attention to the prevention of early pregnancy and the control of STIs. • Provide updated information about measures taken to combat cervical cancer and information about women's mental health status and their access to mental health services, in its next periodic report. • Expeditiously pass the draft National HIV/AIDS policy and the HIV/AIDS Prevention and Control Bill. • Undertake awareness-raising campaigns among Government personnel in respect of prevention, protection and maintenance of confidentiality in order to systemise and integrate approaches for multiple government sectors; report on measures taken in this respect, obstacles encountered and results achieved.

567 https://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UGA-CO-7.pdf Accessed on 19th February 2020.
568 Ann Nyakato, Ministry of Foreign Affairs presentation at the Commission's 22nd Annual Report consultative meeting on 30th January 2020 in the Commission board room at the head office in Kampala

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
				• Continue to intensify the implementation of gender-sensitive poverty reduction and development programmes in rural and urban areas while paying particular attention to the Batwa women. • Take the necessary measures to increase and strengthen the participation of women in designing and implementing local development plans, pay special attention to the needs of rural women, women heads of household, by ensuring that they participate in decision-making processes and have improved access to health, education, clean water and sanitation services, fertile land and income-generating projects. • Eliminate all forms of discrimination with respect to the ownership, co-sharing and inheritance of land. Address negative customs and traditional practices, especially in rural areas, which affect full enjoyment of the right to property by women. • Pay special attention to the precarious situation of older women and women with disabilities; take all necessary measures to combat stigma and discrimination against them by actors and in government programmes. • Include through the introduction of a universal non-contributory pension within the framework of a broader strategy that expands social protection measures for different categories, as outlined in the National Development Plan. • Proide further information, including disaggregated data and information on specific programmes and achievements, on the situation of older women and women with disabilities. • Accelerate efforts to ratify the Optional Protocol to CEDAW. • Integrate a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals. **Dissemination** • Widely disseminate the concluding observations to all and to human rights organisations so that they are aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps that are required in that regard. **Ratification of other Treaties** • Consider ratifying pending treaties i.e., the International Convention for The Protection of All Persons from Enforced Disappearance. • Follow-up on concluding observations. **Technical assistance** • Avail itself to technical assistance in the development and implementation of a comprehensive programme aimed at the implementation of the above recommendations and the Convention as a whole. • Strengthen further cooperation with specialized agencies and programmes of the UN system, including the UNDP, UNDF for Women, UNICEF, UNPF, WHO, UNOHCHR, the Statistics Division and the Division for the Advancement of Women in the Department of Economic and Social Affairs of the Secretariat. **Preparation of next report** • Ensure the participation of all MDAs in the preparation of the next report and consult a variety of women's and human rights organisations. • The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including the guidelines on a common core document and treaty-specific documents, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006.

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**CAT**)	**3rd November 1986**	**State parties are required to submit initial report within one year of entry into force of the convention and thereafter submit supplementary reports every four years**	**Initial report considered by the committee in my 2005**[569] **Report pending since 2008 (three reports - 2nd, 3rd & 4th are pending)**	• Take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its territory, and in particular to adopt a definition of torture that covers all the elements contained in Article 1 of the Convention, and amend the domestic penal law accordingly. • Ensure compliance with several Articles of the Convention; Articles 6 to 9, for example, by setting up a Law Commission. • Reduce the length of pre-trial detention. • Enhance accessibility and effectiveness of habeas corpus. • Take vigorous steps to eliminate impunity for alleged perpetrators of acts of torture and ill-treatment, promptly investigate and punish perpetrators, and promptly compensate the victims. • Minimise the number of security forces and agencies with the power to arrest, detain and investigate and ensure that the police remain the primary law enforcement agency. • Abolish the use of "ungazetted" places of detention or "safe houses", and immediately provide information about all places of detention. • Allow independent human rights monitors, including the Uganda Human Rights Commission, full access to all official and non-official places of detention, without notice. • Strengthen the Commission and ensure that its decisions are fully implemented, in particular concerning awards of compensation to victims of torture and prosecution of perpetrators. • Take effective steps to ensure that all persons reporting acts of torture or ill-treatment are protected from intimidation and from any unfavourable consequences of their action in making such a report. • Establish and promote effective machinery within the prison system to receive and investigate reports of sexual violence and provide protection and psychological and medical assistance to victims. • Act without delay to protect the civilian population in areas of armed conflict in northern Uganda from violations by the Lord's Resistance Army and members of the security forces. In particular, the State party should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army. • Take the necessary steps to prevent abduction of children by the Lord's Resistance Army and to facilitate the reintegration of former child soldiers into society. • Take effective measures to prevent mob justice. • Take immediate and effective steps to put an end to customary torture in the area of Karamoja. • Establish an effective national legal aid scheme. • Enhance efforts to conclude the legislative process and enact the new refugee bill and subsequently take all measures to ensure its full implementation in practice, in line with international refugee and human rights law. • Continue the discussions with regard to the Optional Protocol to the Convention and consider becoming party to it as soon as possible. • Consider making the declaration under Article 22 of the Convention (recognising competence of the committee to receive complaints). • Provide in its next periodic report detailed statistical data, disaggregated by crimes, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on the related investigations, prosecutions and penal and disciplinary sentences. Information is further requested on any compensation and rehabilitation provided to the victims. • Widely publicize submitted reports and the concluding observations.

569 https://www.google.com/search?ei=aBxNXpDGGbuAhbIP8qux6AQ&q=status+of+submission+of+reports+to+CAT+committee+by+Uganda&oq=status+of+submission+of+reports+to+CAT+committee+by+Uganda&gs_l=psy-ab.3...6119.9474..11688...0.0..0.313.2085.0j5j4j1.....0....1..gws-wiz.DWjXyQwx7Vo&ved=0ahUKEwiQmuH1wd3nAhU7QEEAHfJVDE0Q4dUDCAs&uact=5 Accessed on 19th February, 2020

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
Convention on the Rights of the Child **(CRC)**	**17th August 1990**	**State parties are required to submit initial reports within two years of entry into force of the convention and thereafter submit reports every five years.**	**1st report -1996; 2nd report – 2003; 3rd report – 2012. Report pending since 2012, regional consultation was done in 2017 and 3rd, 4th & 5th reports on the CRC and the two Optional Protocols have been developed.**[570]	**Recommendations** • Continue to strengthen and expedite efforts to end the long-standing conflict, including by seeking assistance from the United Nations, strengthen the provision of necessary humanitarian assistance and security to children in camps for internally displaced persons. • Domesticate and effectively implement the provisions of the Convention. • Expedite the process of restructuring NCC in order to ensure full implementation of the Convention in line with general comment No. 5 (2003) on general measures of implementation of the Convention. • In line with general comment No. 2 (2002) on national human rights institutions, strengthen the institution to effectively monitor the implementation of the treaty. • In light of Article 4 of the Convention, prioritise and increase budgetary allocations for children at both national and local levels, especially for District Probation and Welfare Office, to ensure at all levels of the implementation; particularly pay attention to the protection of the rights of children belonging to vulnerable groups, such as those with disabilities, those affected by and/or infected with HIV/AIDS and those in remote areas. • Widely disseminate the provisions of the Convention, train professionals working with children and include human rights education in the official curriculum at all levels of education. • Support NGOs involved in the promotion of children's rights. **Right to life** Adopt legislative measures prohibiting the practice of child sacrifice at the local levels and ensure that people who sacrifice children are prosecuted; conduct awareness-raising campaigns through Local Governments on negative cultural practices especially in the districts concerned. **Respect for the views of the child** Strengthen efforts to ensure that children's views are given due consideration in the family, in schools, the courts and relevant administrative and other settings, in accordance with Article 12 of the Convention. **Civil rights and freedoms** In the light of Article 7, strengthen measures to ensure that all children born within the national territory are registered, make birth registration easy and free and introduce mobile units, especially in rural and remote areas and IDP camps. **Corporal punishment** Prohibit by law all forms of corporal punishment in the family, the schools and alternative childcare, implement those laws effectively. Conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child's human dignity and in conformity with the Convention, especially. Article 28, paragraph 2. **Family environment and alternative care** • Strengthen and effectively implement the National Strategic Plan of Interventions for Orphans and Other Vulnerable Children in Uganda for the years 2005/06-2009/10. In particular, the Committee recommends that the State party puts more focus on effective support programmes for children in vulnerable families, such as those affected by HIV/AIDS, single-parent families and families suffering from poverty. • Effective support to extended families which care for children of parents who have died of AIDS and for child-headed families. • The promotion of and support for family-type forms of alternative care for children deprived of parental care, in order to reduce the resort to residential care.

570 As above.

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				Child abuse and neglect • Take necessary measures to prevent child abuse and neglect; establish effective protection mechanisms and carry out preventive public education campaigns about the negative consequences of the ill-treatment. • Use the outcome of the Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005 as a tool for taking action, in partnership with CSOs, to ensure that every child is protected from all forms of physical, sexual or mental violence and take time-bound interventions. • Pay particular attention to the rights and status of children with disabilities in the context of the African Decade of Persons with Disabilities 1999-2009. • Ensure the full and effective implementation of a comprehensive policy to prevent HIV/AIDS that includes all preventive measures, and the complementarity of the different approaches for different age groups. **Standard of living** In accordance with Article 27 of the Convention, reinforce efforts to provide support and material assistance, particularly focus on the most marginalised and disadvantaged families, guarantee the right of children to an adequate standard of living, in particular pay attention to the rights and needs of children when implementing the Poverty Eradication Action Plan. **Education, leisure and cultural practices** • Takes into account the general comment No. 1 (2001) on the aims of education: should increase; public expenditure and enrolment in Education as well as reduce socio-economic, ethnic and regional disparities in access to and full enjoyment of the right to education. • That the state party undertakes additional efforts to ensure access to informal education to vulnerable groups, including street children, orphans, children with disabilities, child domestic workers and children in conflict areas and camps, including eliminating the indirect costs of school education. • Strengthen vocational training, including for children who have left school. • Provide detailed information on the implementation of the early childhood education policy in the next report. **Special protection mechanisms (refugee children)** Conclude the legislative process in order to enact the new refugee bill, and subsequently take all measures to guarantee full implementation, in line with international human rights and refugee law taking into account the Committee's general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin. **Children in armed conflict** • Take all possible measures to prevent the recruitment of children into armed forces and enforce legislation. Seek international assistance to reinforce the work of the UPDF Human Rights Desk to screen potential recruits more systematically, particularly for the UPDF 105 Battalion and LDUs. • Do everything possible to prevent the abduction of children by the LRA and rescue those in captivity. • The Committee also urged the State party to continue to strengthen its efforts, in close cooperation with national and international NGOs and United Nations bodies such to demobilize child soldiers, to provide them with adequate (short-term) shelter and to support their recovery, to reunite them with their families and reintegrate them in their communities. It is further recommended that the State party pays special attention to the needs of girls, who have often been the victims of sexual abuse, and to place particular emphasis on access to education that is tailored to their ages.

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				Street children • The Committee recommends that the State party: Undertake a systematic assessment of this phenomenon in order to get an accurate picture of its root causes and magnitude. • Develop and implement with the active involvement of street children themselves a comprehensive policy which, inter alia, should address the root causes, in order to prevent and reduce this phenomenon, and which should provide street children with the necessary protection, adequate health-care services, education and other social services. • Support family reunification programmes, when it is in the best interests of the child. **Economic exploitation including child labour** The Committee urges the State party to develop and implement, with the support of the ILO, UNICEF, and national and international NGOs, a comprehensive programme to prevent and combat child labour, in full compliance with ILO Conventions No. 138 and No. 182 which the State party has ratified. **Sexual exploitation** • The Committee recommends that the State party to: • Take appropriate legislative measures, including adoption of the long-standing bill on sexual offence, and develop an effective and comprehensive policy addressing the sexual exploitation of children, including the factors that place children at risk of such exploitation. • Undertake awareness-raising to prevent and eliminate the defilement of girls. • Avoid criminalizing child victims of sexual exploitation. • Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children. **Drug abuse** • The Committee recommends that the State party take measures to prevent and end drug abuse among children and to support recovery programmes for child victims of drug abuse. The Committee further recommends that the State party seeks technical cooperation from WHO and UNICEF. • The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), and in the light of the Committee's day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party: • Continue to increase the availability and quality of specialized juvenile courts and judges, police officers and prosecutors, inter alia, through systematic training of professionals. • Provide adequate financial, human and technical resources to the juvenile courts at sub-county level. • Strengthen the role of local authorities, especially with regard to minor offences. • Provide children with legal assistance at an early stage of legal proceedings. • Enhance the recruitment and training of probation and social welfare officers and facilitate the fulfilment of their key role, as provided for in the Children's Act. • Seek technical assistance and other cooperation from, inter alia, the United Nations Office on Drugs and Crime (UNODC), OHCHR and UNICEF.

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The International Covenant on Civil and Political Rights **(ICCPR)**	**21st June 1995**	**State parties are required to submit reports one year after acceding to the covenant and periodic reports every four years**	**1st report -2003.** **2nd report pending since April 2008 (two reports pending)**	**Recommendations** • Clarify the status of the Covenant in domestic law. • Rreview the Anti-Terrorism Act in line with the provisions of the Convention. • Adopt effective measures to prevent domestic violence, punish offenders and provide material and psychological relief to the victims and train law enforcement officials to deal with cases of domestic violence. • Take immediate and effective measures to protect the right to life and liberty of the civilian population in areas of armed conflict from violations by members of the security forces. In particular, it should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army. • Adopt comprehensive measures to allow a greater number of persons suffering from HIV/AIDS to obtain adequate antiretroviral treatment. • To ensure prosecution for any disproportionate use of firearms against civilians and to train police agents, members of the military and prison officers to scrupulously respect applicable international standards • To terminate practices contrary to Article 7, to bring prison conditions in line with Article 10 of the Covenant and the UN Standard Minimum Rules for the Treatment of Prisoners and take immediate action to reduce overcrowding in prisons. • Abolish imprisonment for debt. • Adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with Article 24 of the Covenant. • Ensure the full enjoyment of the right to freedom of association and ensure that the general elections effectively allow for multiparty participation.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families **(ICRMW)**	**14th November 1995**	**State parties are to submit initial reports within one year after entry into force of the Convention and thereafter periodic reports every five years**	**1st report submitted in 2015.** **2nd report is due 2020.**	• The Committee recommends that the State party take the necessary steps to ensure that its national laws and policies are in line with the provisions of the Convention and that they are streamlined. • Adopt and implement the National Migration Policy, the National Diaspora Policy, and the National Immigrants Policy in line with the Convention and in a gender-sensitive manner. • Strengthen its efforts to improve coordination among ministries and agencies for the effective implementation of the rights protected under the Convention, ensure that appropriate human and financial resources as well as capacity for key institutions engaged in handling migration issues are enhanced. • Provide information in the second periodic report on the application of the Convention by domestic courts. • Consider making the declarations provided for in articles 76 and 77 of the Convention. • Consider ratifying or acceding to the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the Domestic Workers Convention, 2011 (No. 189) as soon as possible. • In light of the importance of the Protocols to the effective implementation of the provisions of the Convention: • Establish a system for compiling migration-related statistics and information; both qualitative and quantitative, covering all aspects of the Convention, including migrant workers in an irregular situation, and that detailed data is collected on the status of migrant workers in the State party. • Compile information and statistics that are disaggregated by sex, age, nationality, reason for entry into and departure from the country, and type of work performed, in order to effectively impact relevant policies and the application of the Convention. • Develop education and training programmes on the Convention, make programmes to all officials and other persons working in migration-related areas and ensure that migrant workers have access to information about their rights under the Convention.

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (**OP-CRC-SC)**	30th November 2001	State parties are required to submit initial reports within two years after entry into force of the protocol and thereafter submit reports every five years.	Report submitted in 2008. Report pending since 2013. Regional consultation was done in 2017 and final report has been developed, will be submitted in 2020	• Establish a central database for registering violations of child rights and that it ensure that data relating to offenses covered by the Protocol, are systematically collected and disaggregated, inter alia, by age, sex, minority group and geographic location and analysed, as they provide essential tools for measuring policy implementation. • Adopt, as a matter of priority, the National Plan of Action to combat violations of the provisions of the Optional Protocol and implement it in consultation with relevant civil society actors. • Make the provisions of the Optional Protocol widely known. • Continue and strengthen systematic gender-sensitive education and training on the provisions of the Optional Protocol for all professional groups working with child victims of the crimes covered by the Optional Protocol. • Increase budget allocations for coordination, prevention, promotion, protection, care, investigation and suppression of acts covered by the Optional Protocol, • Include the provisions of the Optional Protocol in the National Poverty Eradication Action Plan. • Give the Commission unfettered access to any agency within its mandate. • Stringently scrutinise applications for legal guardianship of children in order to avoid practices contrary to the Protocol. • Ratify The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. • Ensure that all children affected by violations of the Optional Protocol be treated as victims, not offenders. • Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. • Protect the rights and interests of child victims of offences prohibited under the Optional Protocol. • Ensure access to adequate procedures and compensation.
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (**OP-CRC-AC)**	**6th May 2002**	**State parties are required to submit initial reports within two years after entry into force of the protocol and thereafter submit reports every five years.**	**Initial report submitted in 2008.** **Report pending submission since 2013. Regional consultation was done in 2017, report is pending submission.**	• Disseminate information relating to the provisions of the Optional Protocol, including in local languages, in order to make it widely known including to members of the armed forces. • The Committee recommends that the State party establish a central data collection system in order to identify the number of children who have been recruited or used in hostilities, as well as those children who are still abducted by military groups operating from beyond the border, those who have been released, rehabilitated and reintegrated into their families and communities and those who continue service in the military. • Ensure adequate resources allocation to the Commission and give unfettered access to facilities of the UPDF in order to properly investigate possible offenses under the Optional Protocol. • Ensure that the minimum age for voluntary recruits is strictly enforced. • Adopt the Action Plan and conclude an agreement with the Ugandan Task Force on Monitoring and Reporting (UTFMR) in order to ensure regular age verification visits at facilities of the Uganda People's Defence Forces (UPDF). • Take all necessary measures to protect every child from abduction and forced recruitment, seek the release of children from the LRA and punish perpetrators. In order to strengthen measures for the prevention of the recruitment of children and their use in hostilities, the Committee recommends the State party to: (a) Revise the provisions of its Penal Code and bring them in line with its international legal obligations, notably the Rome Statute of the International Criminal Court;

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				(b) Take due account of the stigmatization and victimization of former child soldiers in all stages of peace negotiations with the LRA and ensure that any durable peace agreement respects international norms with regards to truth, justice and reparations and that amnesties not be awarded for those who bear the responsibility for war crimes of child recruitment for the participation in hostilities; (c) Seek legal advice from the Office of the United Nations High Commissioner for Human Rights and the United Nations Children's Fund (UNICEF) on how to integrate minimum human rights standards and a child rights perspective in the legal framework of peace negotiations. • Make relevant laws compliant with the provisions and the spirit of the Optional Protocol. • Provide further information on measures adopted in this regard in the next report. • Ensure that children who have been demobilized from the LRA and the LDU are not recruited into the national army. • Ensure that any customary reconciliation practices avoid re-victimizing children who have been recruited or used in hostilities. • The Committee notes the arrest warrants issued by the Prosecutor of the International Criminal Court in 2005 and urges the State party to fully collaborate with the court in order to arrest those responsible for the recruitment of children. • Cooperate with neighboring States in order to achieve the above objective. • The Committee welcomes the State party's collaboration with the Office of the United Nations High Commissioner for Human Rights and encourages it to extend the agreement continuing the presence of the national country office in Uganda in order to further implementation of the Optional Protocol.
Convention on the Rights of Persons with Disabilities **(CRPD)**	**25th September 2008**	**State parties are required to submit initial reports within two years after entry into force of the convention and thereafter submit subsequent reports every four years.**	**1st report -2013.** **Initial report considered by the Committee on CRPD in April 2016.**	Implementation of the recommendations on the CRPD has been explained in detail in Section 14 below.
Convention for The Protection of All Persons from Enforced Disappearance (CED)	**Signed on 06th February 2007**		Not yet ratified	

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
African Charter on the Rights and Welfare of the Child	**17th August 1994**	**State parties are required to submit reports to the Committee of experts on the Rights and Welfare of the Child (CERWC) within two years of entry into force of the Charter and thereafter submit periodic reports every three years.**	**1st report -2007.** **2nd report – 15th-19th March 2010.**[571] **Report pending since 2010. MoGLSD is in the process of preparing the 3rd and 4th reports that will be presented when ready.**	• The Committee recommends the State party to raise the awareness of the population about giving up socio-cultural practices or other behaviors which are harmful to the rights and welfare of the child. • The Committee also recommends the multiplication of daycare centres for early childhood in zones where girls are forced to stay at home to look after the younger children. Pursue the activities of GEM clubs and the Sara Initiative; it encourages the promotion of the manual designed in synergy by the Government, UNICEF, the civil society, in favor of children, on the participation of children, with the establishment of a child representative leadership. Even though Article 18 of the Ugandan Constitution provides for the registration of births, the Committee finds that the rate of births and deaths declarations is low. The Committee recommends that registration of children at birth is made mandatory and free and raise awareness of local authorities and populations about the future consequences of the non-registration of children on the civil status registry. Include the registration of births and deaths, if it has not been done in the Investment Plan and the budgets of the Justice and Law Sectors. The Committee encourages the young people to talk and the continuation of the facilities granted to children in terms of access to media freedom of speech, right of access to information, which are rights provided in the constitution and which allow children to express their points of view, outside the family boundaries. Continue the school enrolment policies of girls; • continue universal primary education (UPE); liberalize the education sector so as to increase the proportion of private institutions which can compensate the shortage of public institutions. • Invest more resources in the secondary education so as to anticipate the massive influx of children from the primary to the secondary level. • Train teachers, increase their number and ensure their equitable distribution across the country and create motivation conditions for teachers; create conditions of completion of the primary cycle to increase the rates of enrolment in the secondary. • Give greater attention to children from disadvantaged zones, to emphasize measures for fighting against poverty. • Put in place a policy of integration of disabled persons with degrees in the administration and to build the capacity of specialized institutions and associations which strive for the wellbeing of disabled children. • The Committee recommends to the State party to carry out a campaign of awareness raising taking into account employers, trade unions, NGOs, parents and other stakeholders on detrimental effects of child labour. These measures show that the fundamental goal of the judiciary procedure against a child is his amendment and his reintegration in the family and the society.

571 African Committee of Experts on the Rights and Welfare of the Child "Recommendations and Observations sent to the Government of the Republic of Uganda by the African Committee of Experts on the Rights and Welfare of the Child on the Initial Implementation Report of the African Charter of the Rights and Welfare of the Child" page 2 available at http://www.acerwc.org/download/concluding_observations_uganda/?wpdmdl=8752 (accessed 12 February 2018).

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
				However, the Committee notes that: • Several districts do not always have provisional detention centres for children and the number of functional re-education centres is limited; • In some cases, children are held with adults in police detention centres. The Committee urges the state to make additional efforts to extend the reform centres for children at districts and train lawyers and judges on the rights of the child. Adopt a family code to standardize marriage practices, applicable to all Ugandans and which should take into account the rights and welfare of the child. **Article 22 Armed Conflicts** The Committee observes that the Report doesn't provide enough data on the status of child soldiers in Uganda; it recommends, consequently, that more information should be mentioned in the next reports. **Article 28: Drug Abuse** The Committee observes that the Report doesn't consider the appropriate measures taken to protect children against the illegal use of drugs and recommends that the situation of abuse of illicit substances and drugs by children as well as the data and arrangements taken to block this scourge be mentioned in the next reports. Continue with the implementation of the measures taken for the settlement of the issue of the abduction of children and put an end to this phenomenon. Article 30: Children of imprisoned mothers Provide information on the treatment given toincarcerated pregnant mothers and incarcerated mothers of babies and young children in the next reports. Article 31: Responsibility of child The Committee observes the nonexistence of a children's Parliament for the expression of their rights of participation and recommends for its establishment and avail substantial resources to enable the exercise of its mandate. **General observations and comments** The Committee recommends the State party to take all necessary arrangements to popularize the Charter across the whole country and if possible translating the Charter into national languages and to undertake the training of stakeholders regarding the Provisions of the Charter at a national level. The Committee observes that each year, the Human Rights Commission of Uganda publishes an Annual Report on the status of rights with a specific section on the violations of the rights and welfare of children. The Committee suggests that the data contained in this specific section be mentioned in the next reports. Adequately finance institutions that protect the rights of the child.

Treaty	Date of ratification	Frequency of reporting	Status of reporting	Accepted Recommendations from the Committees to Uganda from the last submitted reports
The Maputo Protocol	**22nd July 2010**	**Initial report was due in 2012.**	**State parties are required to submit one report every two years to the African Commission as per Article 62 of the Banjul Charter and Article 26(1) of the Maputo protocol.** **All the four reports including initial report are overdue.**	
Special procedures		Acceptance of the inquiry procedure for Uganda under CAT, Article 20	Accepted on 3rd November 1986.[572]	
		Acceptance of the inquiry procedure for Uganda under CRPD, Article 20	Accepted on 25th September 2008.[573]	
		Acceptance of individual complaints procedures for Uganda under CCPR-OP1 (Optional Protocol to the ICCPR	Accepted on 14th November 1995.	
		Standing invitation to Special procedures	There's none.[574]	Government of Uganda should issue an open invitation to special procedures both individual and thematic.

572 UNOHCHR. UN Treaty Body Database. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=UGA&Lang=EN Accessed on 16th March, 2020.
573 As above.
574 No. (12) above.

14.3 STATUS OF IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS FROM THE COMMITTEE ON THE CRPD AND THE UPR IN LINE WITH THE SUSTAINABLE DEVELOPMENT GOALS

In this section, the status of implementation of recommendations from two specific treaty bodies of the CRPD and the UPR mechanism is analysed in line with the 2030 Agenda for Sustainable Development. Agenda 2030 and human rights are mutually re-enforcing.

They both seek to realise the human rights for all; they are of similar characteristics, in that they are people-centred; and they are applicable to all countries and all peoples (universal). They are are indivisible; in that, they cover both the civil and political as well as socio-economic aspects of life. Both emphasise equality and non-discrimination (leave no one behind), have a participatory approach to issues and emphasise accountability for states to the people.[575] This accountability mechanism is through treaty body reporting and implementation of the accepted recommendations where states showcase their efforts in improving their human rights record and on their respective SDG performance.

It must be noted that the implementation of the Agenda 2030 on sustainable development was committed to by 193 UN member states including Uganda. The Agenda has 17 SDGs and 169 targets, aimed at eradicating poverty globally and accomplishing the unfinished business of the Millennium Development Goals (MDGs) that ended in 2015.

Therefore, the successful implementation of the 2030 Agenda greatly depends on the implementation of the human rights obligations assumed by states since they are interlinked. The correlation between the human rights recommendations/issues and the SDGs are summarised in tables 54 and 55 below.

14.3.1 Recommendations from the committee on the CRPD

Uganda ratified the Convention on the Rights of Persons with Disabilities (CRPD) and its two Optional Protocols in 2008. In 2012, in compliance with its international treaty body reporting obligation, Uganda submitted its initial report to the Committee on the CRPD. Consequently, in April 2016, Uganda's record on the implementation of the CRPD was reviewed by the Committee on the CRPD and Concluding Observations and Recommendations developed. The Government has since started implementing and monitoring the recommendations in order to realise the rights of PWDs.

In summary, the concluding observations and recommendations accepted by Uganda were harmonising definitions of disability in various laws and policies and a systematic review of all legislation to bring them in line with the Convention and adopting measures to amend and/or repeal legislation with derogatory terminology against PWDs. Others were providing for legal protection against disability-based discrimination; multiple and intersectional forms of discrimination facing PWDs; incorporating the concept of reasonable accommodation in the legislation as defined in Article 2 of the Convention; and recognition of the denial of reasonable accommodation as a form of discrimination based on disability.

In addition, the Committee recommended the repealing and elimination of legislation and practices that allow for deprivation of legal capacity on the basis of disability and the adoption of measures to prohibit deprivation of legal capacity on customary basis; adoption of measures to ensure that all PWDs have access to justice, including the establishment of free legal aid for PWDs concerning their rights; the dissemination of information in appropriate formats like braille, tactile, augmentative and alternative formats and in the Ugandan sign language; establishment of a National Coordination Team for the implementation of the concluding observations; development of an action plan for the implementation of the CRPD; and strengthening the capacity of the Commission and the National Council for Disability with sufficient budgetary allocation and human resources to fulfill their mandates effectively. The implementation process started with the dissemination of the Concluding Observations/ Recommendations.

575 Curry, G. (UNOHCHR). Human Rights, the SDGs and the 2030 Agenda for Sustainable Development available at https://www.ohchr.org/Documents/HRBodies/UPR/SDGs_2030_Agenda.pdf Accessed on 16th March, 2020.

TABLE 54:

Summary of recommendations from the CRPD Committee and the status of implementation in line with SDGs

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
The Committee called upon the State party to: (a) Harmonize definitions of disability in various legislations and to review all in line with the Convention's; (b) Adopt measures to amend and/or repeal legislation with derogatory terminology against PWDs.	Ministry of Justice and Constitutional Affairs Uganda Law Reform Commission (ULRC) Parliament JLOS Uganda Human Rights Commission	**THE UGANDA LAW REFORM COMMISSION (ULRC)** The Persons with Disabilities Act, 2019 was enacted by Parliament and assented to by the President in 2019. The new law prohibits all forms of discrimination against PWDs and promotes equal opportunities.[576] It streamlines the definition of disability as per the CRPD; defining disability as a substantial functional limitation of a person's daily life activities caused by physical, mental or sensory impairment and environment barriers, resulting in limited participation in society on equal basis with others and includes any impairment. The Constitutional Court pronounced itself on the constitutionality and legality of Sections 45 and 82(6) of the Trial on Indictments Act in the case of *CEHURD & Iga Daniel Vs Attorney General*. The court held that the use of language such as 'criminal lunatic' is derogatory and strips a person with psychosocial disabilities of their dignity under Articles 24 and 35 of the Constitution of Uganda, 1995 and the CRPD.[577] The ULRC continues to review and to amend unconstitutional provisions in various other legislations. A comprehensive study to establish the situation of persons with albinism in the country is ongoing. ULRC participated in the review of the Prisons Act, and recommended for the inclusion of provisions to effect Justice Batema's ruling on the Trial on Indictments Act, and the Magistrates Courts Act; reviewed the Penal Code Act and recommended for the use of gender-sensitive language, and language that upholds the dignity of persons with mental impairments; reviewed the law on the management of estates of persons of unsound mind, to provide for independent examination by qualified experts, and the concept of supported decision-making; and created awareness on the newly enacted Children's Act. ULRC is committed to ensuring that the principles of equity, non-discrimination, affirmative action and respect for human rights are mainstreamed in all the laws of Uganda through law reform. **THE UGANDA HUMAN RIGHTS COMMISSION** The Commission does advocacy on the rights of PWDs and on the need to harmonise the definitions of disability – CRC assessment. Reviewed the Mental Health Bill, Children (Amendment) Bill and the PWDs Bill and submitted to Parlaiment its position.	 

576 Patricia Arwako, Uganda Law Reform Commission. A presentation made at the Inter-ministerial Forum held on 17th March, 2020.
577 As above

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
(a) Increase awareness on the rights and dignity of persons with disabilities with the aim to combat disability and gender stereotypes which can lead to discrimination against persons with disabilities among the public in general, and in particular in rural and urban areas, in all aspects covered by the Convention, through the mass media, workshops and public information campaigns; (b) Ensure that human rights-based training programmes, including those organised by international cooperation are provided for all officials, judiciary, police, health professionals, teachers and social workers in all communities in consultation with organisations of persons with disabilities, including women and children with disabilities; (c) Strengthen efforts to raise awareness about the dignity and rights of persons with disabilities, particularly persons with albinism, persons with psychosocial and or intellectual disabilities and deaf-blind persons and ensure the involvement of their representative organisations in any campaigns aimed at eliminating stigmatization and myths that underpin violence against them; (d) Raise awareness among members of the parliament, the executive and judiciary with regard to the Convention and ensure their support in implementing the Committee's Concluding Observations, in consultation with organisations of persons with disabilities. Ensure the provision of information, services and support to the families of children with disabilities, so as to prevent the concealment, abandonment, neglect or segregation of such children.	MoGLSD National Council for Disability Equal Opportunities Commission Uganda Human Rights Commission Ministry of Education and Sports Ministry of Local Government Uganda Communications Commission (UCC)	**THE UGANDA HUMAN RIGHTS COMMISSION** Through radio talk shows, community barazas and training of local leaders, the Commission sensitises the public about rights of PWDs and promotes the use of the HRBA to development planning and programmes. Offered technical support to Parliament to revise the Human Rights Checklist of Parliament. Offered technical support to NPA to develop a National Action Plan on Human Rights (NAPHR) and a section on rights of PWDs was added on what Government needs to do. The NAPHR is at Cabinet level. Developed a total of 2,000 branded IEC materials on: 'What you need to know about the rights of older persons' and 'The Rights of Persons with Disabilities' to empower rights holders and duty bearers with knowledge on these rights. Disseminated the concluding observations and recommendations to Parliament and to all MDAs. Braille versions of the annual reports and Chapter 4 of the Constitution have been developed. Worked with persons with albinism and OHCHR to draft a National Action Plan on the Rights of Persons with Albinism. Monitored and reported on the plight of persons with albinisms and made recommendations in the annual report. Assessed the situation on access to justice for vulnerable persons in Uganda, including juveniles, PWDs, refugees and made appropriate recommendations. Monitored schools in 2019 to assess implementation of inclusive education for children with disabilities, especially focusing on identifying negative attitudes towards them, lack of specialised teachers and gaps in the legal framework in comparison to the provision of CRPD. Even though the Ugandan legislation recognises the right of parents of children with disabilities to assistance, it does not specifically authorise outreach designed to prevent the concealment, abandonment, neglect or segregation of children with disabilities. Assessed the national laws to ensure compatibility with the CRC. Monitored issues of mercy killings of children with disabilities for appropriate recommendations on how to enhance protection mechanisms for children with disabilities.	

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
(a) Adopt measures to ensure that all persons with disabilities have access to justice, including by establishing free legal aid for persons with disabilities who claim their rights, and information and communication in accessible formats, including in Braille, tactile, augmentative and alternative formats and the Ugandan sign language; (b) Ensure that the judiciary provides procedural accommodations according to gender and age for persons with disabilities; (c) Conduct regular training programmes and awareness-raising campaigns and information for court staff, judges, prosecutors and law enforcement agents, including the police and prison officials on the duty to provide access to justice for persons with disabilities on an equal basis with others, in consultation with organisations of persons with disabilities.	Ministry of Justice JLOS (Uganda Human Rights Commission, Judiciary)	**THE UGANDA HUMAN RIGHTS COMMISSION** Together with Network of Public Interest Lawyers (NETPIL), East Africa Centre for Disability Law and Policy (CDLP) and NUDIPU, developed the Judicature Rules for handling cases of PWDs in Uganda to enhance access to justice needs of PWDs. Advocates for the adoption of the Legal Aid Policy. **THE JUDICIARY** Developed a draft national disability strategy on dispensation of justice. Consultations on the strategy are ongoing. The JLOS is also working towards enhancing accessibility, availability and inclusiveness of all justice processes in the country.	
Systematically establish high-level formal mechanisms for consultation with organisations representing PWDs, on a regular basis, and allocate budgetary resources that promote meaningful participation for all organisations of PWDs.	MoGLSD NCD	**THE MOGLSD** The Ministry is collaborating with MDAs to enhance employment of PWDs, by providing on-job training and mentorship. The new Job Mentorship programme coordinated by the UNOHCHR in Uganda also focuses on disability. New targets on disability were developed and included in the implementation frameworks of the Uganda Women Entrepreneurship Programme, and the Youth Livelihood Programme. The Ministry issued new commitments for the realisation of rights of PWDs in Uganda, which were launched at the National Conference leading to the 2018 London Summit on Disability. The Ministry is working on a new programme to enhance inclusion of PWDs in the implementation of the National Social Protection Policy.	

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
Adopt a systematic approach to the rights of women and girls with disabilities and mainstream such rights across all legislation and programmes and collect data disaggregated by gender and disability; Ensure that gender as well as disability policy address the situation of women with disabilities and allocate appropriate human, technical and budgetary resources to promote the development, advancement, and empowerment of women with disabilities.	MoGLSD ULRC National Council for Disability National Women's Council UBOS EOC	**THE NATIONAL COUNCIL FOR DISABILITY (NCD)** The structures of the Council provides for effective representation of PWDs. The Council's three-year strategic plan (2016 -2019) seeks to address issues of women with disabilities, despite the fact that there is limited coordination with the Disabled Women's Council. The Council is yet to commission studies together with the Ministry for Gender, Labour and Social Development on the effectiveness of the various development and social protection programmes being implemented.	
Adopt an action plan to ensure accessibility to the physical environment, transportation, information and communications, technologies and systems, with allocation of resources and time-bound framework; Introduce a monitoring mechanism and effective sanctions for non-compliance with accessibility standards in all areas covered by the Convention, including in the transport sector;	Ministry of ICT and National Guidance Ministry of Works and Transport	**THE UGANDA COMMUNICATIONS COMMISSION** UCC has undertaken a study on access and use of ICTs by PWDs so as to enrich the content of the proposed Disability Policy on ICT. UCC procured and distributed computers to St. Francis School for the Blind, Soroti; Mbale School for the Deaf; and Wakiso School for the Deaf. This was intended to enhance training in ICT and enhance access to information. UCC is also working with Uganda National Association for the Deaf (UNAD) to digitalise Ugandan sign language. In executing its regulatory duties, UCC undertakes inquiries and consultations with all concerned groups including persons with disabilities.	

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
Strengthen measures, including public procurement to grant access by persons with disabilities to technologies of information and communication, including by the provision of low-cost software and assistive devices for all persons with disabilities, including those living in rural areas; Encourage the banking sector to recruit professional sign language interpreters to assist deaf persons in their banking transactions; Pay attention to the links between Article 9 of the Convention and Sustainable Development Goal 11, targets 11.2 and 11.7.	Ministry of Lands, Housing and Urban Development Uganda National Roads Authority (UNRA) Bank of Uganda UCC	**THE BANK OF UGANDA** All structures of the Bank of Uganda are accessible to persons with physical disabilities. The bank has not yet achieved inclusive recruitment processes and neither have all currency notes been made accessible to people with visual impairments. Bank of Uganda uses moral suasion to promote non-discriminatory financial services in the sector. Currently, most commercial banks provide sign language interpretation as part of corporate social responsibility. As part of regulation, Bank of Uganda does not approve structures of commercial banks that are not accessible to PWDs. Noted the general need for Bank of Uganda to undertake a comprehensive study on the compliance of commercial banks with regards to providing inclusive financial services. **THE NATIONAL INFORMATION TECHNOLOGY AUTHORITY – UGANDA (NITA-U)** NITA-U developed guidelines for the development and management of government websites. The guidelines emphasise accessibility and usability of websites to all including the visually impaired.[578] The M&E framework for NITA-U was modified to monitor and track performance towards the cross-cutting issues in which PWDs have been incorporated. The 345 websites developed have been revamped to cater for PWDs (low vision, blind, deaf and color blindness) through assistive technologies. NITA-U, conducted training for web managers in 19 District Local Governments with 66 staff on web usability (Creating website services that are responsive to all devices, color management and content lay-out, all-inclusive publishing, and access of public websites by people with disabilities (i.e. blind, low vision, elderly, dumb).	
Adopt a national plan to ensure the protection of persons with disabilities in situations of risk and humanitarian emergencies and to further ensure universal accessibility and disability inclusion at all stages and levels of all disaster risk reduction policies and their implementation; Provide information in accessible formats in all languages used in the State party, including Swahili and indigenous and refugee languages as well as sign language about early warning mechanisms in case of risk and humanitarian emergency; Monitor, in close consultation with organisations of persons with disabilities, the implementation of the Peace, Recovery and Development Plan (PRDP) to ensure the requirements of persons with disabilities in post-conflict districts of Northern Uganda are addressed, including refugees with disabilities; Finalise the draft Uganda National Disaster Risk Reduction and Management Policy, in close consultation with representatives of persons with disabilities to include provisions for identification and support for persons with disabilities, include persons with disabilities in the National Disaster Commission, and consider the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030.	OPM (Ministry of Disaster Preparedness and Refugees and Ministry of Northern Uganda)	OPM is working closely with the District Disaster Management Committees in disaster-prone districts to identify disability issues. OPM ensures that the development and integration of the refugee response action plan is in line with NDP II, and incorporates several issues of disability.	

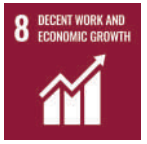
578 https://www.nita.go.ug/publication/guidelines-development-and-management-government-websites

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
Eliminate formal and/or informal substituted decision-making regimes and replace them with a system of supported decision-making, in line with Article 12 of the Convention and the Committee's general comment No. 1 (2014) on equal recognition before the law; Repeal legislation and eliminate practices that allow for deprivation of legal capacity on the basis of disability and adopt measures to prohibit deprivation of legal capacity on customary basis; Raise awareness among persons with disabilities, their families and community members, the judiciary and legislature on supported decision-making and legal capacity of persons with disabilities, in consultation with organisations of persons with disabilities.	Ministry of Justice and Constitutional Affairs Uganda Law Reform Commission JLOS Parliament MoGLSD NCD Uganda Human Rights Commission	The Persons with Disabilities Act, 2019 was enacted and assented to and takes care of most of these concerns. The Act provided for amendment of the Trial on Indictments Act and the Magistrates Courts Act on insufficient surety for persons with mental disabilities. The Justice, Law and Order Sector established justice centres across the country to provide legal services to vulnerable persons, including PWDs. Parliament repealed the 1964 Mental Health Act, and enacted a new Mental Health Act in 2018. The new Act repealed the use of 'mental disorder' and instead adopted 'mental illness'. The 2015 Sexual Offences Bill before Parliament seeks to repeal the use of derogatory language against persons with disabilities, as used in the Penal Code Act. The 2016 Children (Amendment) Act entrenches the protection of the rights of children with disabilities, imposing duties and responsibilities on parents to protect such rights. The 2015 Registration of Persons Act repealed some of the offending provisions of the 1970 Immigration Act, and the 2009 Citizenship and Immigration Control Act. The 2015 Registration of Persons Act makes it compulsory for all persons to be registered at no cost. Uganda ratified the Marrakesh Treaty on April 23, 2018 and came into force on July 30, 2018. The Uganda Communications Commission encourages investment in research into the development and use of new ICTs, including those that improve access to information to persons with hearing impairments. The Uganda Human Rights Commission has sensitised the public and local government workers about rights of PWDs and promotes use of the HRBA in development programmes. It has also offered technical support to Parliament to revise the Human Rights Checklist of Parliament.	

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
The Committee recommends for: (a) Provision of mandatory training on the rights of persons with disabilities to all healthcare staff; (b) Train and recruit professional guides and sign language interpreters to assist persons with disabilities in health centres; Include persons with albinism in the state party's cancer policy and ensure the availability of essential drugs for persons with mental health conditions in health centres across the country, especially in rural areas; Adopt measures to ensure that all education, information, healthcare and services relating to sexual and reproductive health, HIV/AIDS and STIs, including treatment, advice and counselling, are made accessible to persons with disabilities, in particular women and girls with disabilities in age-appropriate formats in both urban and rural areas. Investigate cases of physical ill-treatment, torture, inhumane and degrading treatment and adopt protocols that guarantee full respect of the human rights of PWDs; Review and revise the Mental Health Act to ensure compliance with the Convention; and ensure that the current Mental Health Bill (2014) is in compliance with the Convention; Ban forced hospitalisation and forced treatment and other non-consensual practices;	Ministry of Health Uganda Human Rights Commission ULRC	The Ministry of Health has procured and distributed across the country adjustable delivery beds for mothers with disabilities. There have been joint efforts by stakeholders to enhance physical accessibility to the environment in hospitals through the construction of ramps. The Mental Health Act, 2019 was revised in compliance with the Convention and in consideration of the recommendations of the Concluding Observations. The Act was passed by Parliament in 2018, and was assented to by the President. Activities executed under the medical oath and codes of conduct respect confidentiality and thus information about PWDs is always protected. The Uganda Human Rights Commission handles all complaints of human rights violations especially cases of discrimination on grounds of disability. The Commission also disaggregates by disability, its data on complaints on participation of stakeholders in activities.	
Repeal provisions in the Citizenship and Immigration Control Act (2009) and the Immigration Act (1970) that restrict the right to movement and liberty and acquisition of citizenship of persons with disabilities, particularly persons with psychosocial and intellectual disabilities; Ensure registration of all children with disabilities.	Ministry of Internal Affairs Ministry of Justice and Constitutional Affairs ULRC Parliament NCD	The Ministry of Internal Affairs initiated proposals to include soundness of mind on requirements for citizenship by naturalization. The ministry is undertaking structural renovation of its offices to enhance access for persons with physical disabilities.	
The Committee recommends the State party to: Expedite action and establish a timeframe for the transition process from segregated to inclusive education and ensure that budgetary, technical and professional resources are available to complete the process and collect disaggregated data on the advancement of the inclusive education system;	Ministry of Education and Sports Ministry of ICT and National Guidance	The ministry continues to implement several affirmative action programmes in grading students with disabilities. The ministry has a fully-fledged department that addresses disability issues. All constructions commissioned by the ministry are in accordance with the required national standards that take care of PWDs. All the architectural drawings in the ministry have provision for inclusive facilities; therefore, all newly constructed schools have provided ramps, accessible toilets and accessible facilities in all institutions of learning including universities.	

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
Ensure the accessibility to schools' facilities for all students with disabilities, including deafblind children and provide materials and curricula adequate to their requirements and generally take measures to prevent in-admission of children with disabilities at the education system; Undertake measures, including by encouraging public/private partnerships to ensure the provision of individualized accessible ICTs and assistive technologies in education; Undertake a comprehensive review of the teacher training curriculum at all levels of education and provide mandatory training on inclusive education in core curricula of teachers both pre- and in-service to provide for disability awareness, inclusive education pedagogy, sign language, Braille, easy read, and tactile training for all professionals; Develop disaggregated database on learners with disabilities to identify and provide specific learning aids; Pay attention to the links between article 24 of the Convention and Sustainable Development Goal 4, targets 4.5 and 4(a).		The development of the National Inclusive Education Plan is ongoing. The ministry, through the Education Management Information System (EMIS), is able to collect disaggregated data on learners with disabilities. Disability disaggregated indicators have been included in the EMIS tool to be used for data collection. In the implementation of its work, the ministry collaborates with several other MDAs, including the Ministry of Gender, Labour and Social Development. The ministry developed a National Learning Needs Identification Tool and Resource Guide showing all the different categories in a disaggregated manner. It was launched in July 2019.17 The document identified 21 conditions of children with disabilities. Dissemination and training on the different conditions in the resource guide and tool have been done for 15 Primary Teachers Colleges and teachers in 50 districts. The ministry is developing a national inclusive education policy and the idea for transition from segregated to inclusive education has been provided to move with the Twin Track Approach. Working with partners like UNICEF the ministry implemented an adaptive technology programme for children with disabilities to access curriculum materials using digitalised technology. To promote inclusion of children with disabilities, Ugandan Sign Language was introduced in lower secondary curriculum through the NCDC. In partnership with Sense International, the use of orbit reader 2.0, where children with disabilities can access reading materials, is being piloted. The ministry has procured different learning aids for children with disabilities. Pre-service training offers special needs and inclusive education at all levels from Primary Teachers College to University through which a component on inclusive education and special needs is being taught. In-service programmes for training teachers in inclusive education has been organised by the ministry and its partners like CRANE, Sight Savers, USD, and Cheshire Services Uganda and is continuous. The ministry through its vision: *Quality Education and Sports for All,* keeps focus on its obligations under Article 24 of the Convention as well as contributing to sustainable development through all its interventions. The ministry's strategic plan objectives are geared towards sustainable development through equitable access to education and training. The ministry is developing a National Inclusive Education Policy which will guide all partners and stakeholders in the implementation of SDG 4 and Article 24 of the Convention. Through the SNE Improvement and Development Project, teachers were trained in the use of sign language and functional assessment. MoES procured 350 cartons of braille paper, 250 sign language dictionaries, five braille embossers and computers, 28 Perkins braille machines and were distributed in schools. Over 2,000 learners with hearing impairment were fitted with hearing aid Under UTSEP project while 104 officials participated in the orientation meetings on Special Needs and Inclusive Education to support the education of children with disabilities.[579]	

579 As above

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
		NITA-U partnered with UNICEF, Ministry of Education and Sports, UCC and NCDC to roll out an e-learning platform (Kolibri) aimed at enhancing digital literacy in Uganda, to position in and out-of-school adolescents access to education content and improve their learning skills of sciences and mathematics. According to NITA-U the Kolibri E-Learning Platform strategy has been achieved in 25 districts, 40 public secondary schools, 12 youth-friendly ICT centres in refugee settlements in West Nile sub-region, and 20 primary schools catering for learners with disabilities through assistive devices. Over 190 teachers trained, more than 6,000 in and out-of-school adolescents access the service and the platform has been rolled out for special-needs students in two secondary schools in Gulu and Soroti districts.	
The Committee recommends that the State party: Adopt a strategy and incentive measures to facilitate access to the open labour market to persons with disabilities, in particular youth and women, including through the provision of training, and accessible information on job vacancies; ensure that persons with disabilities receive equal pay for work of equal value; Take measures to ensure accessible and adapted workplaces in the open labour market, including provision of reasonable accommodation regardless of disability; Pay attention to the links between Article 27 of the Convention and Sustainable Development Goal 8, target 8.5.	MoPS MoGLSD Public Service Commission District Service Commission Judicial Service Commission Health Service Commission Education Service Commission Uganda Police Force Uganda Prisons Service	The Ministry of Public Service undertakes merit-based recruitment and selection. It incorporates flexible reporting periods for PWDs in public service. The ministry is planning to commission a comprehensive study on the employment of PWDs in the public service. This is aimed at generating knowledge for the development of a quota policy on employment.	  
Repeal discriminatory legal provisions that restrict persons with disabilities from exercising their right to stand for elections; Provide voter education and awareness to persons with disabilities and adopt measures to ensure that the electoral process is accessible to voters with disabilities including voter registration, accessible polling centres and materials and assistance to vote by persons of their choice; Inform PWDs of their right to vote, provide financial support to organisations of persons with disabilities to conduct the election processes of PWDs in a transparent manner.	Electoral Commission Ministry of Justice and Constitutional Affairs ULRC NCD	Representation of PWDs at national and subnational levels is now a reality in Uganda. There is an ongoing debate by stakeholders to waive nomination fees required of them to stand for elective positions. The EC is currently consulting with NUDIPU and NCD on the need to benchmark from Namibia on the use of braille and tactile ballot papers for the upcoming election. Registration of voters by the EC is currently done jointly with the NIRA and taken up to parish levels to allow for registration of PWDs. This is sometimes limited by logistical requirements though. The current election law prescribes for open-ground polling centres which are usually accessible to PWDs. All financing for electoral processes is provided for by Government, although financing for local government elections is always insufficient.	 

RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
The Committee recommends the State party to take all necessary steps to ratify and implement the Marrakesh Treaty as soon as possible.	Ministry of Foreign Affairs Ministry of Justice and Constitutional Affairs Parliament URSB NCD	The Bureau led the ratification process of the Marrakesh Treaty, achieved on 1st March, 2018. The strategy to domesticate it is underway. Commenced processes of amending provisions of the Copyright and Neighboring Rights Act to allow for reproduction of written content to ease access for PWDs. Seeking partnership with World Intellectual Property Organisations and UNESCO to develop an implementation plan for the Marrakesh Treaty, to inform actions of all stake-holders in the implementation process.	
The Committee recommends that disability rights, as enshrined in the Convention, are mainstreamed in the national implementation and monitoring of the 2030 Agenda for Sustainable Development Goals, and these processes are undertaken in close cooperation and involvement with organisations of persons with disabilities.	NPA URSB	Disability was recognised as a cross-cutting issue in the second National Development Plan (NDPII) and in the draft NDP III as well as mainstreamed in all Sector Development Plans. NPA developed the National Disability Inclusive Planning Guidelines for all ministries, departments and agencies in drawing disability-inclusive plans and budgets. NDP II integrates over 70% of SDGs, and these same issues are integrated in the M&E framework. NPA also prepares the Annual Compliance Certificate on Equity which is presented to Parliament on evaluating the plans of MDAs intended to achieve equity. URSB gives PWDs clients priority and they are assisted in business registrations including by drafting for them MOUs.[580] The Bureau ensures that business clinics are brought nearer to the clients and that they are given their certificates the same day they register.[581]	

580 Abias Tumusiime. (Human Resource Officer, Uganda Registration Services Bureau). Presentation made at the Inter-ministerial Forum on Implementation of CRPD recommendations on 19th March, 2020.
581 As above.

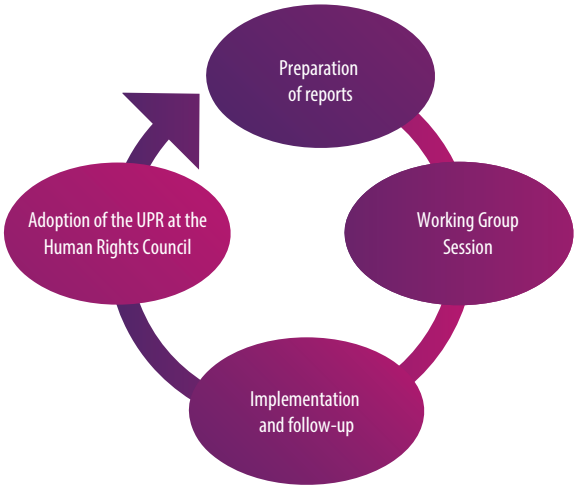
RECOMMENDATIONS	GOVERNMENT MDA RESPONSIBLE	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS &SDGS
Expedite the process of appointing focal points within ministries and other government bodies, with sufficient funding, to enhance implementation of the provisions of the Convention and ensure accountability of government departments to mainstream rights of PWDs;	EOC OPM MoGLSD NCD Uganda Human Rights Commission	The EOC is yet to disseminate the National Regulations on Recruitment and Employment of PWDs. It is making continuous engagements to make its work known to PWDs, through establishing equal opportunities forums at district levels, mainstream media, and IEC materials, among others. The EOC is supporting the implementation of the 2015 Building Control Act. It spearheaded the recently concluded assessment on accessibility in Kampala city. Government supports the Commission by providing 75% of its funding. With financial support from GIZ, the Commission monitored the status of older persons' homes in the country including the ones in Nkonkonjeru and in Mpumudde in Jinja. With support from JLOS, the Commission built the capacity of the Commission staff in issues of gender and equity budgeting in 2019 as well as trainings in Human Rights Based Approaches for all JLOS institutions in Uganda, and issues of disability were discussed. The Commission led the process of signing the MOU to improve the collection of disaggregated data including disability disaggregated data. The MOU was signed by Uganda Human Rights Commission, Office of the Prime Minister, Uganda Bureau of Statistics and the National Planning Authority. The Commission developed a database on all recommendations including those from the Committee on CRPD, particularly on developing a tool for monitoring compliance.	
CHALLENGES FACED DURING IMPLEMENTATION OF CRPD CONCLUDING OBSERVATIONS	• The inadequacy of facilities countrywide to enable PWDs to gainfully enjoy the right to education, health and work. • There is a general lack of a coordination mechanism in the process of harmonising laws, as well as enacting new ones. There is still need for Parliament and partners to draw out a strategy aimed at harmonising all disability-related legislations. • The 2018 Mental Health Act did not address the issue of forced detention, thus not fully responding to the concluding observations. • The Judicial Service Commission's work of inspecting premises of judicial centres is hampered by structures being too old to be remodeled to provide for accessibility of PWDs. • Lack of funds to support refresher trainings on disability for staff of the Ministry of Health. • The National Steering Committee for the implementation of the CRPD Concluding Observations established by the Ministry of Gender, Labour and Social Development has not been active due to financial constraints. • Inadequate funding limits the effectiveness of the National Council for Disability and other agencies responsible for treaty body reporting.		

14.3.2 Progress on the implementation of the Universal Periodic Review (UPR) recommendations and voluntary pledges

The Universal Periodic Review (UPR) is the state-level driven process managed by the United Nations Human Rights Council through which the human rights situations in each of the United Nations (UN) member states are reviewed and assessed on a four-yearly cycle. [582] It is a voluntary process based on cooperation and interactive dialogue that gives the state under review the opportunity to show steps taken to improve its human rights record.

FIGURE 54:

The Universal Periodic Review cycle



Uganda has so far been reviewed twice. The first review was in October 2011 during the 12th Session of the UPR Working Group in which a number of recommendations from the peers were received. They were mainly about the rights of PWDs, children and women; the rights to life; the right to vote and political participation; freedoms of assembly and expression; the right to education: civil society: cooperation with UN Human Rights Mechanisms; and strengthening National Human Rights Institution.

It should be noted that recommendations accepted in the first cycle and the voluntary pledges were implemented to a certain extent. These include the development of a National Action Plan on Human Rights which is pending approval by Cabinet; the enactment of a domestic framework prohibiting torture as well as the creation of vital institutional mechanisms such as the Parliamentary Standing Committee on Human Rights, the Inter-Ministerial Committee on Human Rights, and human rights focal points/desk officers in various MDAs to, among others, coordinate implementation of human rights commitments by the state.

On 3rd November, 2016, Uganda presented its second report before the UPR Working Group. During the session from 31st October to 11th November 2016, Uganda received 226 recommendations, out of which 148 were accepted and 78 noted. The third review cycle will be in October 2021.

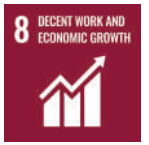
582 Office of the United Nations High Commissioner for Human Rights (OHCHR). Universal Periodic Review Available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx Accessed 1st January, 2018.

TABLE 55:

Summary of status of implementation of accepted recommendations from the UPR mechanism in line with SDGs – December 2019

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Continue to ratify and domesticate international human rights instruments	Enhance ratification of international human rights instruments. Integrate international human rights instruments into domestic law.	Ministry of Foreign Affairs Ministry of Justice and Constitutional Affairs Uganda Law Reform Commission Equal Opportunities Commission Parliament	Uganda is considering ratification of key international instruments such as the ILO Domestic Workers Convention, 2011 (No. 189); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights; and the Third Optional Protocol to the Convention on the Rights of the Child, among others. Government has domesticated international human rights instruments in various laws such as the Children (Amendment) Act, 2016 which is in conformity with the Convention of the Rights of a Child; the Data Protection and Privacy Act, 2019 and the Human Rights Enforcement Act, 2019 are in compliance with the International Covenant on Civil and Political Rights; the Mental Health Act, 2018 is in line with the Convention on the Rights of Persons with Disabilities; the Minimum Wage Bill, 2015 is in conformity with Minimum Wage Fixing Machinery Convention; and the Prevention and Prohibition of Torture Regulations, 2017 to operationalise the Prevention and Prohibition of Torture, Act, 2012 (PPTA) are in compliance with the Convention Against Torture, Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT).	 
Civil and political rights	Take necessary measures to allow the enjoyment of civil and political rights by all, including the right to participate in political and public affairs. Strengthen measures to end any possibility of alleged police brutality, arbitrary arrests and politically motivated prosecution of opposition leaders. Adopt the Prevention and Prohibition of Torture Regulation to make the Prevention and Prohibition of Torture Act, 2012 operational and train security agencies on the Act. Implement the Prevention and Prohibition of Torture Act, whose definition of torture complies with the Convention Against Torture, in order to effectively prevent all forms of torture.	Ministry of Justice and Constitutional Affairs Ministry of Internal Affairs Ministry of Defence and Veterans Affairs Ministry of Security Ministry of Gender, Labour and Social Development Uganda Police Force Office of the Director of Public Prosecutions Uganda Prisons Service	A number of platforms such as Inter-Party Organisationj for Dialogue (IPOD) and Elders Forum of Uganda are in place to provide the space for multi-party dialogue. The Government has drafted bills to amend electoral laws (Presidential Election Act, Parliamentary Elections Act, Local Government Act and the Electoral Commission Act). NIRA is in the process of registering all citizens for purposes of ensuring their right to vote is realised. A total of 24.2 million citizens have been registered and issued with National Identification Numbers, of whom 17.6 million are eligible voters. The regulations for the Prevention and Prohibition of Torture Act were adopted. The Commission did capacity building for Police in 2019 on the Anti-Torture Act and continues to do the same. The Professional Standards Unit was established to handle complaints and professional misconduct by Police Officers. Inspections and Quality Assurance Department was established in Uganda Prisons Service to address compliance and the discipline of officers.	

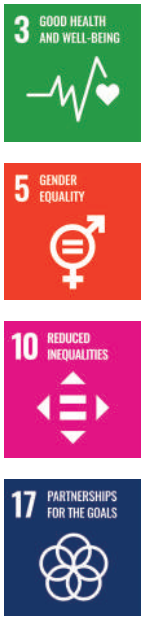
Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
		Uganda Human Rights Commission Parliament Judiciary	In 2017/18, the Professional Standards Unit of the UPF investigated and concluded 461 cases related to corruption and human rights violations including torture that were reported. In 2016, the Inspector General of Police was charged under the PPTA in the Chief Magistrate's Court and two officers of the UPDF were tried and convicted in Divisional Court Martials. The Commission received 299 complaints on torture, cruel inhuman and degrading treatment and punishment in 2019. The Commission continues to handle torture complaints through its tribunals.	
Elections and press freedom	Enact electoral reforms to address problems noted by multiple observers during February 2016 elections, including by making the process for appointment to the Electora Commission more inclusive and transparent. Conduct full and transparent investigations into alleged cases of excessive use of force by security agents especially during and after the 2016 elections, ensuring accountability for possible human rights violations. Improve the transparency of the electoral process. Provide equal conditions for all candidates. Prevent obstruction of the media and the Internet. Ensure the independence of the Electoral Commission and impartial investigation of allegations of election fraud and violence. Carry out the electoral reforms proposed by the Supreme Court of Uganda and independent observers to ensure future elections can be held while respecting human rights.	Ministry of Justice and Constitutional Affairs The Electoral Commission Parliament Uganda Human Rights Commission Uganda Police Force Ministry of Information and Communications Technology and National Guidance Uganda Media Council	A number of bills to effect constitutional reforms and respective amendment to electoral reforms have been tabled before Parliament for consideration. The Presidential Elections (Amendment) Bill, Parliamentary Elections (Amendment) Bill, Electoral Commission (Amendment) Bill, the Political Parties and Organisations (Amendment) Bill, 2019 and the Local Governments (Amendment) Bill, 2019 have been tabled before Parliament for first reading and the bills have since been forwarded to the Legal and Parliamentary First Council for scrutiny. Gazzetting of polling stations by Electoral Commission was done in 2019. Updating of voters' registration was completed.	 
Women's rights, equality andnon-discrimination	Abolish all discriminatory laws and practices in accordance with its international obligations under CEDAW. Strengthen the enforcement of the Domestic Violence Act and adopt the Sexual Offences Bill. Continue to strengthen the existing legal framework and deepen measures aimed at preventing gender-based violence. Eliminate all harmful traditional practices and stereotypes, including female genital mutilation.	Ministry of Gender, Labour and Social Development Equal Opportunities Commission Parliament Uganda Human Rights Commission	Some provisions that were found discriminatory under the Marriage Act were declared null and void. A department was created under Police to handle SGBV cases and offer support to victims. Some women shelters have been established by MoGLSD to support victims of gender-based violence.	 

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
	Enforce the law against female genital mutilation as soon as possible. Provide adequate resources for the full implementation of domestic laws that prohibit harmful traditional practices against women. Step up the fight against all harmful traditional practices, inter alia, by effectively enforcing the Prohibition of Female Genital Mutilation Act in all parts of the country and by increasing the human and financial resources of the Anti-Human Sacrifice and Trafficking Task Force. Fully implement the National Gender Policy Action Plan. Enhance efforts to implement the National Action Plan on Women, in particular their participation and integration in the economy.			
Children's rights	Strengthen the Juvenile Justice System, in particular by ensuring the designation of specialized courts and judges, which would apply procedures that take into account the specific needs of children. Ratify the Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption. Continue increasing the enrolment rate of children in primary schools and achieve equal gender opportunities; particularly in setting up policies that strengthen the rights of girls in education and provide education to all those who have been deprived (vulnerable groups), and improve the quality of the public education system. Develop a national action plan to eliminate child marriage. Strengthen police training on how to investigate sexual and gender-based violence, including against children, and ensure that perpetrators of these acts are appropriately prosecuted. Separate juveniles from adults in detention and rehabilitation centres. Prioritise implementation of the Child Justice Strategy and the National Diversion Guidelines for children in the criminal justice system.	Ministry of Gender Labour and Social Development Ministry of Justice and Constitutional Affairs Uganda Law Reform Commission Uganda National Children Authority Uganda Police Force Uganda Prisons Service Parliament	Government is drafting an inclusive education policy to cater for children with disabilities in schools. MoGLSD developed a National Action Plan on Children with Disabilities, 2018; the National Children Authority has been set up with functions of taking appropriate steps where necessary for securing the safety and protection of children involved in criminal investigations and prosecutions. Kampala Capital City Authority (KCCA) passed the Kampala Child Protection Ordinance, 2019 to address trafficking of children from rural to urban areas with a motive of engaging them in petty businesses and soliciting for money along streets. The Judiciary has proposed the establishment of Specialised Gender-Based Violence Courts to handle GBV cases in order to foster a uniform approach to treatment of offenders and victims of violence. Even though JLOS has provided separate cells for juvenile offenders, emphasis is placed on diversion of children where appropriate, and using detention of children as a last resort. As a result, the diversion rate increased to 76.3% in 2018.	   

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
	Continue to develop strategies to protect children, including measures to ensure that children living in the streets and in foster care institutions have the right to live in a family and have access to health and education. Strengthen efforts to ensure eradication of child labour by introducing penalties for violating the provisions on employing children and young persons. Adopt a National Action Plan on Children with Disabilities.			
Persons with disabilities	Increase the job quota for people with disabilities. Intensify its efforts to raise public awareness on the rights of persons with disabilities. Promote and respect the basic rights of persons with disabilities without distinction. Implement legal provisions for better protection of persons with disabilities.	Ministry of Gender, Labour and Social Development National Council for Disability (NCD) Equal Opportunities Commission Uganda Human Rights Commission	The legal provision for a quota is in place; PWD Act Section 13(2) provides for equal terms and for setting up a quota system. There has been an increment on special grants to PWDs from UGX 3 billion to UGX 5 billion from FY2018/19 to FY 2019/20 respectively. The Ministry of ICT and National Guidance is in the process of developing the Information and Communications Technology (ICT) for Disability Policy which seeks to guide the development and supply of accessible ICTs in Uganda that are aimed at improving the quality of life of PWDs. A number of interventions have been made for the protection of persons with albinism. The Persons with Disabilities Bill, 2018, provides for a member of Parliament to represent persons with albinism. The Parliamentary Commission raised UGX 35,000,000 towards construction of the albinism centre. In 2016, the National Action Plan Against Child Sacrifice was passed to protect children with albinism. Government has recognised persons with albinism under PWDs categories and has given a tax waiver on sun screens. 60 persons with albinism received free eye examination, two pairs of lenses each and one pair of sunglasses at Grade B Hospital in Entebbe. Government has celebrated Albinism Day as a means to raise awareness on the rights of persons with albinism.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Migrant workers and refugees	Continue its efforts to improve the livelihood of refugees and IDPs by taking measures aimed at further improving the health-care system in refugee settlements, ensuring that all refugees attain the highest level of access to health services. Take active measures to eliminate gender-based violence against women, specifically refugee women, and take immediate appropriate measures to eliminate all forms of discrimination against women, in line with the provisions of CEDAW. Seek necessary assistance for its efforts to improve human rights in its territory, particularly the rights of migrants and asylum seekers.	Office of the Prime Minister Ministry of Gender, Labour and Social Development Ministry of Health	On 25th January, 2019, Ministry of Health launched the Health Sector Integrated Refugee Response Plan, 2019-2024 (HSIRRP) to cater for refugees and host communities. The HSIRRP five-year plan is intended to benefit both the refugees and over seven million host communities across the refugee-hosting districts in Uganda. The HSIRRP will support refugees and host communities to improve basic social services, expand economic opportunities and enhance environment through Development Response to Displacement Impacts Project (DRDIP).	
Rights of minorities	Continue strengthening the country's successful social policy in favour of the most vulnerable sectors of society, ensuring that they have the assistance and cooperation of the international community that the country requires. Continue to implement policies for the development of its people, including measures taken for equal opportunities for women and persons with disabilities in the economic and social development of the country.	Ministry of Gender, Labour and Social Development Equal Opportunities Commission Uganda Human Rights Commission	By 2019, a total of 157,493 older persons (94,544 females and 62,949 males) had been reached in 61 districts. Each older person is supported with UGX 25,000 per month. The Special grant for PWDs increased from UGX 3 billion in FY 2018/19 to UGX 5 billion in FY 2019/20.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
	Establish an information and prevention strategy to combat discrimination against and the persecution of the albino population in the country, as well as protection for these persons, in particular for albino children. Take concrete measures to eradicate harmful practices against women and children, especially children with albinism. Take appropriate measures to eliminate all forms of discrimination against women and girls as well as persons with albinism.		By close of 2018, the Youth Livelihood Programme supported 17,850 projects, 33% of which were in agriculture, 28% in trade and 21% in industry. A total of 216,366 youth were benefiting from the programme and of these, 46% are female.	 
Statelessness and the right to nationality	Adopt measures to reduce the number of children without birth registration. Exert further efforts to ensure that all children born in the national territory are registered.	Ministry of Gender, Labour and Social Development Ministry of Health NIRA	No update.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Right to health	Continue to develop the health system. Pursue national efforts to combat HIV and provide health services for all. Strengthen the response against the HIV/AIDS pandemic by combating discriminatory attitudes and stigmatization of persons living with the virus. The guides on HIV and human rights are a valuable tool for this goal. Improve the health sector by increasing the national budget for health and ensuring full and equal access to health in line with the health sector development plan. Further strengthen the standardization of the health management information system and share experience in this regard. Intensify efforts to reduce maternal and child mortality rates. Strengthen measures to combat maternal mortality and morbidity with a human rights-based approach. Continue to cooperate with other countries in the health sector. Ensure a sufficient health budget, full and equal access to health services, in particular adolescent, reproductive and family planning services and relevant education. Implement the Abuja Declaration on Roll Back Malaria in Africa with particular emphasis on concluding the enactment of the National Health Insurance Scheme Bill to cover vulnerable groups, such as those in the informal sector, low-income households, people with disabilities, the elderly and children. Increase the percentage of the national budget allocated to health, and extend, to all persons without distinction based on gender, the right to healthcare.	Ministry of Gender, Labour and Social Development Ministry of Health NIRA Uganda AIDS Commission	Free vaccinations are being given to the population. There are efforts to combat HIV. Uganda has adopted the 90-90-90 strategy which is the Test and Treat strategy. There is free access to ARVs, and boosters are being given to those infected.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Right to education	Continue efforts to advance the rights of women and combat discrimination against women and girls, to achieve equal access to education and prevent girls dropping out of school. Continue to take positive efforts and measures to maintain access to education for all. Improve fair access to and the quality and sustainability of primary education. Reinforce policies that favour access to education in rural and marginalised areas. Continue increasing the enrolment rate of children in primary schools and achieve equal gender opportunities, particularly in setting up policies that strengthen the rights of girls in education and provide education to all those who have been deprived (vulnerable groups), and improve the quality of the public education system.	Ministry of Education and Sports Ministry of Gender, Labour and Social Development Uganda National Children Authority	Government has continued to implement affirmative action in schools and universities. The Education Policy has been reviewed to cater for gender issues that cause girls to drop out of schools. Government has committed to providing sanitary pads to girls in schools. The policy to have at least one primary school per parish is being implemented. The National Teacher Policy, 2017 to improve the working conditions of teachers was approved by Government and emoluments for teachers in hard-to-reach areas have been enhanced. Government has developed a National Strategy for Girls' Education in Uganda (2015-2019) which provides a framework that narrows the gender gap in education, specifically through promoting girls' education as a form of affirmative action. Government is also implementing the Guidelines for Water, Sanitation and Hygiene (WASH) in schools and the Guidelines on School Feeding and Nutrition Intervention Programme 2013, for use in universal primary education and training schools. Regional distribution of tertiary institutions and private universities improved as they have increased from 31 in 2016 to over 40 in 2019. Public universities increased from six in 2016 to nine in 2019. A Parliamentary Committee was set up by Parliament in 2018 to investigate sexual harassment in educational institutions. The findings in the Interim Report of Parliament revealed that sexual violence exists in primary, secondary and tertiary institutions.	
Right to adequate food	Strengthen implementation of the National Agricultural Policy to ensure access to food and address malnutrition.	Ministry of Agriculture, Animal Industry and Fisheries	The volume of agricultural production of major crops such as bananas and maize has gradually increased over the years. The production of bananas increased from 4,623,000 tonnes in FY 2015/16 to 4,660,000 tonnes in FY 2017/18. The percentage of children below five years who are stunted has reduced from 33% to 29% in FY 2016/17 through encouraging exclusive breastfeeding for six months and predominant breastfeeding up to 23 months.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Economic rights	Implement the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework to guarantee labour and land rights. Adopt a national action plan for business and human rights, building on the Guiding Principles on Business and Human Rights. Expedite the implementation of the second five-year National Development Plan. Continue to promote sustainable economic and social development and improve the living standards of the people. Continue to implement socioeconomic and development policies for safeguarding the rights of the youth. Step up the fight against corruption, including in ensuring a level playing field and competitive bidding in public procurement. Enhance the efforts made to improve the economic rights of the people.	Ministry of Finance, Planning and Economic Development Ministry of Trade, Industry and Cooperatives Ministry of Energy and Mineral Development National Planning Authority Office of the Prime Minister Uganda Human Rights Commission	Government has taken steps to implement the Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework at the National level to among others guarantee labour and land rights. The Action Plan on Business and Human rights is at national stakeholder consultation level. The committee composed of several MDAs and civil society organisations have conducted seven regional meetings and is planning to consult 74 local governments. The Minimum Wage Bill, 2015 is pending assent by the President and the Land Acquisition Bill, 2019 is at stakeholder consultation level. The Ministry of Lands and the Ministry of Justice are finalising the National Eviction Guidelines.	

Rights/issues	RECOMMENDATIONS	RESPONSIBLE INSTITUTION/ MDA	STATUS OF IMPLEMENTATION	LINKAGE BETWEEN RIGHTS & SDGs
Right to a clean and healthy environment	Ensure that companies exploiting natural resources conclude agreements with affected communities to allow them to access cultural sites or resources and be compensated. Enact and implement a comprehensive national urban policy to address the human rights problems arising from rapid urbanization.	Ministry of Water and Environment Ministry of Lands, Housing and Urban Development National Environment Management Authority (NEMA)	The National Urban Policy in place seeks to address spatially integrated urban development, facilitates balanced regional development, promotes urban competitiveness and productivity for employment creation, and promotes urban environmental conservation, climate change mitigation, adoption mechanisms and good governance.	 
National Human Rights Institutions	Continue to strengthen national human rights institutions and mechanisms and democratic institutions. Provide adequate funding for the national human rights institution and reduce its reliance on external sources. Further strengthen the financial and human resources of the Commission a sustainable manner.	Uganda Human Rights Commission Ministry of Justice and Constitutional Affairs Ministry of Finance, Planning and Economic Development Parliament	The Uganda Human Rights Commission Act is currently under review; with a view to incorporate the Paris Principles on independence, composition and funding of NHRIs. The Commission budget allocation increased from UGX 18,308,369,785 in 2018 to 20,224,836,676 in 2018/2019, there was a slight increment of 10.4% to enhance salary for members of the Commission.	
Recommendations on human rights issues generally	Maintain and strengthen measures to enhance the promotion and protection of human rights. Create in Parliament a process to control the conformity of the country's laws with the international community's in the field of human rights. Adopt the National Action Plan on Human Rights in the coming period.Continue its efforts to implement the National Action Plan on Human Rights. Strengthen the capacity of the Government and of the citizens in the protection and promotion of human rights. Step up the fights against corruption including in ensuring a level playing field and competitive bidding in public procurement. Continue to implement social economic and development policies for safeguarding the rights of the youth. Make efforts as set out in the Sustainable Developments Goals, especially those related to poverty, education, health, agriculture and nutrition.	Ministry of Lands, Housing and Urban Development Ministry of Water and Environment National Environment Management Authority Ministry of Finance, Planning and Economic Development National Planning Authority The Public Procurement and Disposal of Public Assets Authority.	The Human Rights Committee of Parliament was set up as one of the standing committees of Parliament to track and report on human rights concerns in every business of Parliament and monitor Government compliance with international and national human rights standards. The Human Rights Committee developed a Human Rights Checklist against which an assessment of compliance with human rights in policy, bills, budgets, government programmes is done. The Committee has summoned various MDAs to follow up on implementation of recommendations of the Commission and has played a central role in criticizing government on excesses including where incidents of torture have been reported and it has demanded for accountability. The draft National Action Plan on Human Rights is pending approval by Cabinet.	

14.4 STATUS OF THE NATIONAL ACTION PLAN ON HUMAN RIGHTS (NAPHR)

In 2015, the Government of Uganda embarked on the process of developing a National Action Plan on Human Rights (NAPHR) arising out of a voluntary pledge made by Government during the 2011 Universal Periodic Review.

The Ministry of Foreign Affairs coordinated the development of the NAPHR with technical support from the Commission. A consultative and participatory process by various stake-holders including government agencies, private sector, academia, religious and cultural leaders and civil society organisations was used to develop the draft NAPHR. Best practices from other countries that have a similar action plan were shared.

The NAPHR will be implemented under the Ministry of Justice and Constitutional Affairs. By the time of compiling this report, the Commis-sion had established that the draft NAPHR is pending approval by Cabinet.

14.5 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

1. Overly slow process in developing, preparing and submitting periodic reports.

2. There are several overdue reports to the treaty bodies as indicated above.

3. Lack of a functional, centralised national database for depository of accomplished tasks by responsible MDAs; for example, the status of implementation of the concluding recommendations or the status of reports submitted or those overdue.

4. Inadequate funding to MDAs involved in fulfilling treaty body reporting obligations.

14.6 RECOMMENDATIONS

1. 1. There is need for implementing agencies to utilise the database on recommendations that has beed developed by the Commis-sion.

2. 2. The Ministry of Finance, Planning and Economic Development should increase budget allocations for MDAs to effectively implement the treaty body reporting obliga-tions.

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