







# THE 27<sup>TH</sup> ANNUAL REPORT ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA IN 2024

SUBMITTED TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA

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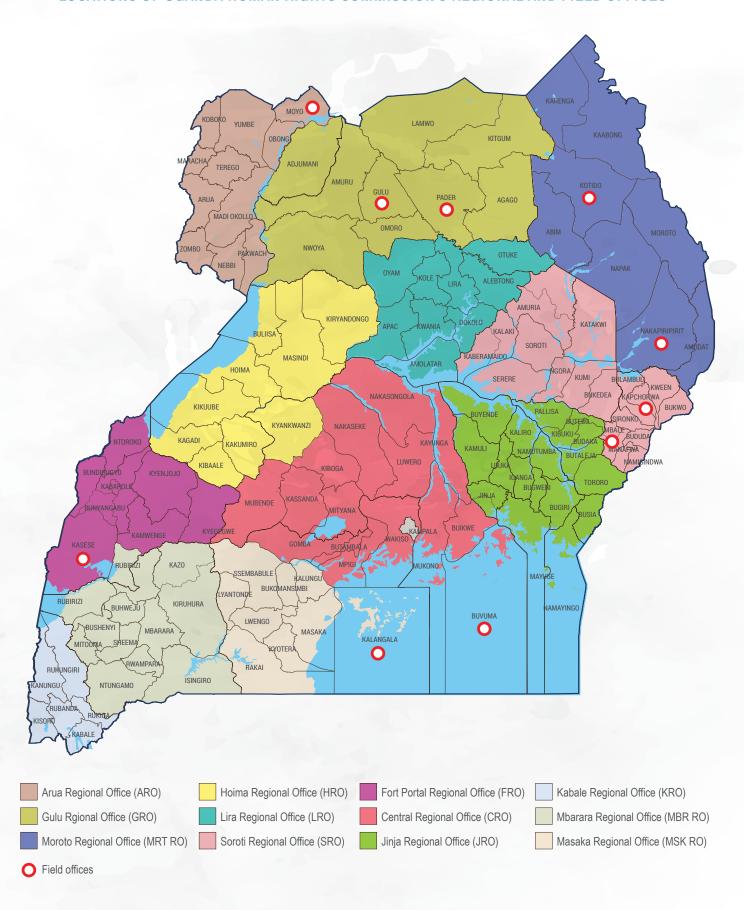
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# LOCATIONS OF UGANDA HUMAN RIGHTS COMMISSION'S REGIONAL AND FIELD OFFICES



# **FOREWORD**

The Rt. Honorable Speaker of Parliament

Parliament of Uganda P.O. Box 7178 Kampala

Dear Madam,

#### RE: UGANDA HUMAN RIGHTS COMMISSION 27TH ANNUAL REPORT TO PARLIAMENT

In accordance with Article 52 (2) of the Constitution of the Republic of Uganda, the Uganda Human Rights Commission (UHRC) is mandated to publish periodic reports on its findings and submit annual reports to parliament on the state of human rights and freedoms in the country. It is therefore, in fulfilment of this mandate that the UHRC has the honor to present its 27<sup>th</sup> Annual Report on the state of human rights in 2024.

This report comprises of thirteen (13) chapters, on different thematic issues and areas that UHRC monitored in the reporting period. These include: The Human Rights implications of Uganda's Tax System and the 2024 traders strike; Liberalization of Education and Human Rights concerns in Uganda; Overcrowding in Uganda's Prisons: Human rights implications; The Refugee Situation in Uganda; Domestic Workers in Uganda: Human Rights Concerns; The Situation of Women Human Rights Defenders in Uganda and Plight of the Boy child in Uganda: Human Rights concerns.

Chapters 8 to 11 highlight UHRC interventions in complaints management, including investigations and tribunal sessions; monitoring and inspection in places of detention; human rights education, as well as finance and administration. Chapter 12 considers the Commission's position on Bills that were tabled before the Parliament of Uganda in 2024. Chapter 13 assesses Uganda's performance in reporting to international and regional human rights mechanisms.

This Report therefore, presents a carefully conducted and useful assessment of the state of human rights in the country in 2024. It also gives an appraisal of previously identified challenges and recommendations and takes note of the progress made by Government in respecting, protecting and fulfilling human rights.

It is our hope as the UHRC, that Parliament, the Executive, and all Institutions of Government to which recommendations have been made, will give due attention to the respective issues raised. We are fully convinced that implementation of recommendations made, will greatly enhance the protection and promotion of human rights in the country.

For God and my Country.

Mufo Wangadya

CHAIRPERSON, UGANDA HUMAN RIGHTS COMMISSION

# **ACKNOWLEDGEMENTS**

The Uganda Human Rights Commission (UHRC) has come to the end of yet another year of execution of its constitutional mandate which includes, complaints receipt, investigations, tribunal hearing, monitoring the state of human rights in the country, human rights education and research as well as a public and stakeholder engagement.

The topics highlighted in UHRC 27<sup>th</sup> Annual Report on the state of Human Rights and Freedoms in Uganda in 204 include; The Human Rights Implications of Uganda's Tax System and the 2024 Traders Strike-The Impact of EFRIS; Liberalization of Education and Human Rights Concerns in Uganda; Overcrowding in Uganda's prisons; human rights implications; The Refugee Situation in Uganda; Domestic Workers in Uganda: Human Rights Concerns; The Situation of Women Human Rights Defenders in Uganda; Plight of the Boy Child in Uganda: Human Rights Concerns. Other Topics highlights of UHRC interventions in complaints management, including investigations and tribunal sessions; monitoring and inspection in places of detention; human rights education, as well as finance and administration.

In 2024, the Commission reviewed one Bill on Human Assisted Reproductive Technology Bill, 2023 to ensure that it complies with human rights standards. The report also gives an update on Uganda's reporting to international and Regional human rights mechanisms.

In a special way, the Chairperson and Members of the Commission are acknowledged for providing leadership, policy guidance and strategic direction which has been instrumental in the successful production of this report.

Appreciation is extended to the Directorate of Monitoring and Inspections, drafts persons and Members of the Editorial Board for their technical guidance. Members of the editorial board include; The Chairperson, Ms. Mariam Wangadya, Hon. Crispin Kaheru (Member of the Commission), Hon. Jacklet Atuhaire Rwabukurukuru (Member of the Commission), Hon. Shifra Lukwago (Member of the Commission), Hon. Lamex Omara Apitta (Member of the Commission), Hon. Col (Rtd) Stephen Basaliza (Member of the Commission), Hon. Simeo Muwanga Nsubuga (Member of the Commission), Directors: Ms. Ruth Ssekindi, Mr. Christopher Turigye, Ms. Ida Nakiganda (now Lady Justice of the High Court), Mr. Kamadi Byonabye and Ms. Sarah Nakhumitsa.

The Commission acknowledges the invaluable input from various individuals and organizations during the consultative processes. These include: Mr. Aloysious Kittengo Programme Coordinator SEATINI Uganda, Ms. Brenda Kugonza Executive Director Women Human Rights Defender Network Uganda, Ms Catherine Kyokunda Donovan Commissioner Legal - Uganda Revenue Authority, Ms. Angella Kasule Nabwowe Executive Director, ISER, Mr. Ronald Nyenje Makumbi Manager Tax Expenditure and Policy Analysis (TEPA) Uganda Revenue Authority, Mr. Mupeyl Denis Senior Labour Officer MGLSD, Mr. Sekiito Issa KACITA, Ms. Daina Nabukalu UBOS, Mr. Rama Omonya Civil Society Budget Advocay Group (CSBAG), Ms. Hafsah Seguya N. Supervisor. Tax Education Uganda Revenue Authority, Mr. Junda Nuwamanya UBOS Senior Statistician, Ms. Bwite Lydia Director Programmes Platform for Labour Action (PLA), Ms. Akello Carolyne Protection Officer UNHRC, Mr. Robby Omongo Prog-Specialists Gender and Child Rights UNICEF, Ms. Harriet Senkaali Department of Private Schools and Institutions Ministry of Education and Sports, Mr. Timothy Musoke Ssejjoba Assistant Commissioner University Education and Training Ministry of Education and Sports (MOES), Ms. Doreen N. Kyazze Director, Penal Reform International, Anthony Masake Executive Director Chapter Four Uganda, Robert Kirenga Executive Director National Coalition for Human Rights Defenders, Dr. Fred Muhumuza MUBS, Dr. Dainah Ateenyi Ahumuza Makerere School of Law, Dr. Rose Agoi Secretary

General (SG) Uganda National Commission for UNESCO, Mr. Ngabirano Fred Commissioner Youth MOGLSD, Mr. Godfrey Kuteesa Director Men and Boys Rights Centre, Dr. Dan Ngabirano School of Law Makerere, Mr. Agaba Collins Sector Coordinator, Private Sector Foundation Uganda, and Mr. Kassim Mulumba Economist Ministry of Finance Planning and Economic Development (MOFPED). The information that was provided during the consultative processes greatly enriched and enhanced the Annual report.

Finally, the Uganda Human Rights Commission extends its sincere appreciation to the Government of Uganda (GOU) for its invaluable financial support during the period under review which enabled the development of this annual report.

Margaret Lucy Ejang

SECRETARY, UGANDA HUMAN RIGHTS COMMISSION

# **MEMBERSHIP OF THE COMMISSION**















# **MANAGEMENT**



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MR. KAMADI BYONABYE
DIRECTOR, RESEARCH, EDUCATION
AND DOCUMENTATION



MR. CHRISTOPHER TURIGYE DIRECTOR, FINANCE AND ADMINISTRATION



# ABOUT UGANDA HUMAN RIGHTS COMMISSION

# WHO WE ARE

# **Our Vision**

A society that observes human rights.

# WHAT WE ASPIRE TO DO

# **Mission Statement**

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

# **Our Values**

- Fairness
- Accountability
- Integrity
- Responsiveness
- Professionalism

# **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;
- 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 the Constitution as the fundamental law of the people of Uganda;
- To educate and encourage the public to defend the 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
- 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 its 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:

- 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;
- 3. To require any person to disclose any information within his/her knowledge relevant to any investigation by the Commission; and
- 4. 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:

- 1. The release of a detained or restricted person;
- 2. Payment of compensation; or
- 3. 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 to 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 Procedure, 1998.

# UGANDA HUMAN RIGHTS COMMISSION ORGANOGRAM



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# ABBREVIATIONS AND ACRONYMS

FIDA-Uganda The Uganda Association of Women Lawyers

AAH	Action Against Hunger
ACHPR	African Charter on Human and People's Rights
ACRWC	African Charter on the Rights and Welfare of the Child
<b>ACTV</b>	African Center for Treatment and Rehabilitation of Torture Victims
AIIJ	African Institute for Investigative Journalism
AU	African Union
Baraza	Human Rights Community Meeting
BFP	Budget Framework Paper
C189	Convention on Decent Work for Domestic Workers
CAO	Chief Administrative Officer
CARE	Cooperative for Assistance and Relief Everywhere
CAT	Convention against Torture, and other Cruel, Inhuman or Degrading Treatment o Punishment
CCTV	Closed-Circuit Television
CDO	Community Development Officer
CERD	Convention on Elimination of All Forms of Racial Discrimination
CPA	Certified Public Accountant
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CRRF	Comprehensive Refugee Response Framework
<b>CSOs</b>	Civil Society Organisations
CUUL	Consortium of Uganda University Libraries
DCDO	District Community Development Officer
DEO	District Education Officer
DES	Directorate of Education Standards
Dr	Doctor
DRC	Democratic Republic of Congo
DRDIP	Development Response to Displacement Impacts Project
DTS	Digital Tax Solution
DTT	Double Taxation Treaties
ED	Executive Director
EFD	Electronic Fiscal Device
<b>EFRIS</b>	Electronic Fiscal Receipting and Invoicing Solutions
<b>ESCR</b>	Economic Social and Cultural Rights
FGM	Female Genital Mutilation

- **FPT** Fort Portal
  - FY Financial Year
- **GBV** Gender-Based Violence
- **GDP** Gross Domestic Product
- **GIZ** German Cooperation for International Development
- **GLU** Gulu
- **GOU** Government of Uganda
- **GWED-G** Gulu Women's Economic Development and Globalization
  - H.E. His Excellency
  - **HC III** Health Centre Three
  - Hon. Honourable
  - **HRAPF** Human Rights Awareness and Promotion Forum
  - HRBA Human Rights-Based Approach
  - **HRD** Human Rights Defender
  - **ICCPR** International Covenant on Civil and Political Rights
  - ICESCR International Covenant on Economic, Social and Cultural Rights
  - ICMW United Nations Convention on the Protection of the Rights of All Migrant
    - Workers and Members of Their Families
    - **ICT** Information and Communications Technology
    - **IDI** Infectious Diseases Institute
    - **ID** Identification
  - **IDUAI** International Day for Universal Access to Information
    - **IEC** Information, Education, and Communication
    - IFRC International Federation of Red Cross and Red Crescent Societies
    - **ILO** International Labour Organization
    - **IOM** International Organization for Migration
    - **IRC** International Rescue Committee
    - **ISER** Initiative for Social and Economic Rights
    - ISO Internal Security Organisation
    - IT Information Technology
  - JLOS Justice, Law and Order Sector
  - **KACITA** Kampala City Traders Association
    - KCCA Kampala Capital City Authority
    - KGs Kilogrammes
    - KISU Kampala International School Uganda
      - LC Local Council
    - LC3 Local Council Three
    - **LG** Local Government
    - LHT Local Government Hotel Tax
    - LWF Lutheran World Federation
    - MBR Mbarara
    - MCA Magistrate Courts Act

MDA	Ministries, Departments and Agencies
MoGLSD	Ministry of Gender, Labour, and Social Development
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MRT	Moroto
MSF	Médecins Sans Frontières
MSME	Micro, Small and Medium Enterprises
MTEF	Medium Term Expenditure Framework
MUBS	Makerere University Business School
NAP	National Action Plan
NCHRDU	National Coalition of Human Rights Defenders in Uganda
NGBV	National Policy on the Elimination of Gender-Based Violence
NGO	Non-Governmental Organisation
NIRA	National Identification and Registration Authority
NITA-U	National Information Technology Authority-Uganda
NRM	National Resistance Movement
NSSF	National Social Security Fund
NTP	National Teacher Policy
NTR	Domestic Non-Tax Revenue
OAU	Organisation of African Unity
OC	Officer in-Charge
ODPP	Office of the Director of Public Prosecutions
OPM	Office of the Prime Minister
OSR	Own Source Revenue
OVC	Orphans and Vulnerable Children
PAYE	Pay-As-You-Earn
PDC	Parish Development Committee
PDM	Parish Development Model
PIASA	Partners in Community Social Action
PIST	Project Implementation Support Team
PLA	Platform for Labour Action
POMA	Public Order Management Ac
PPTA	Prevention and Prohibition of Torture Act

RWC Refugee Welfare Committee

SACCO Savings and Credit Cooperative Organisation

SAGE Social Assistance Grant for Empowerment

Resident District Commissioner

Rationalization of Agencies and Public Expenditure

**SDG** Sustainable Development Goal

Primary Teachers College

Person with Disability

PTC

**PWD** 

RAPEX RDC **SEATINI UGANDA** Southern and Eastern Africa Trade Information and Negotiations Institute SG Secretary General **SGBV** Sexual and Gender-Based Violence SHRPC School Human Rights and Peace Club SIP Strategic Investment Plan SMC School Management Committee SRT Soroti SSS Senior Secondary School TC **Trading Centre** TELA Teacher Effectiveness and Learner Achievement **TEPA** Trade and Economic Partnership Agreement TIA Trial on Indictments Act UAE **United Arab Emirates** UAERA Uganda Association of External Recruitment Agencies **UBC Uganda Broadcasting Corporation UBOS** Uganda Bureau of Statistics Uganda Country Refugee Response Plan UCRRP **UDHR** Universal Declaration of Human Rights **UDHS** Uganda Demographic and Health Survey UGX **Uganda Shillings UHRC** Uganda Human Rights Commission UN **United Nations UNESCO** United Nations Educational, Scientific and Cultural Organization UNFPA **United Nations Population Fund** UNHCR United Nations High Commissioner for Refugees UNICEF United Nations Children's Fund UNODC United Nations Office on Drugs and Crime UPDF Uganda People's Defence Forces **Universal Primary Education** UPE UPF Uganda Police Force UPPC Uganda Printing and Publishing Corporation UPR Universal Periodic Review UPS **Uganda Prisons Services** URA Uganda Revenue Authority USŚ **United States Dollar** USE Universal Secondary Education VAT Value Added Tax VHT Village Health Team WFP World Food Programme WHRDN-U Women Human Rights Defenders Network- Uganda WHRD Women Human Rights Defender

WPFD

World Press Freedom Day

# **EXECUTIVE SUMMARY**

The 27<sup>th</sup> Annual Report of the Uganda Human Rights Commission (UHRC) presents Uganda's human rights and freedoms situation in 2024. The report covers both the activities the UHRC carried out and an assessment of human rights in the country in 2024. It is based on the UHRC's monitoring and documenting throughout the reporting year, complaints of human rights violations and research on thematic human rights areas in 2024. In each chapter, the UHRC makes recommendations to relevant authorities to improve the human rights situation under review.

The first seven chapters in the Commission's 27<sup>th</sup> Annual Report cover human rights concerns and implications in Uganda related to:

- 1. Uganda's tax system, the 2024 traders' strike, and the impact of the Electronic Fiscal Receipting and Invoicing System (EFRIS).
- 2. The liberalisation of education.
- 3. Overcrowding in prisons.
- 4. The refugee situation.
- 5. Domestic workers.
- 6. The situation of women human rights defenders.
- 7. The plight of the boy child.

Other chapters cover the following:

- 8. Highlights of the UHRC's interventions and complaints management regarding human rights concerns.
- 9. Highlights of the UHRC's monitoring and inspection of places of detention.
- 10. Highlights of the UHRC's human rights civic education.
- 11. Highlights of the UHRC's finance and administration in the financial year 2023/2024.
- 12. The UHRC's review of the Human Assisted Reproductive Technology Bill 2023.
- 13. Updates on Uganda's reporting obligations to international and regional human rights mechanisms in 2024.

In the compilation of the report, the Commission refers to its findings during monitoring and inspections as well as emerging issues during human rights education activities; information provided during interviews, and the Commission's stakeholder engagements and consultative meetings; and, where relevant, references to secondary information. Below are the recommendations for each of the 13 chapters.

# **CHAPTER ONE**

# The Human Rights Implications of Uganda's Tax System and the 2024 Traders Strike

- 1. The Uganda Revenue Authority should develop and implement a comprehensive tax education strategy to create tax awareness and cultivate a positive tax compliance culture among taxpayers in the country.
- 2. The Ministry of Finance, Planning and Economic Development, the Ministry of Local Government, and the Uganda Revenue Authority should enhance the application of Human Rights Based Approach (HRBA) in tax law or policy formulation and implementation and reporting.
- 3. The Ministry of Finance, Planning and Economic Development and the Ministry of Local Government should enhance the performance of State fiscal social contract obligations by clearly linking tax expenditures to service provision in the critical sectors of the economy.

# **CHAPTER TWO**

# Liberalization of Education and Human Rights Concerns in Uganda

- 1. The Minister of Education should comply with the obligations under Section 4 & 57(g) and 58 of the Education (Pre-Primary, Primary and Post-Primary) Act to issue regulations on school fees charged by all schools in the country and management of schools whether Government owned or private.
- 2. The Ministry of Finance and Planning and Economic Development should prioritize the strengthening of public schools by increasing funding, improving infrastructure, and providing more teachers and thus eliminate costs that are borne by parents.
- 3. The Ministry of Education and Sports, the Directorate of Education Standards and Local Government should ensure that all private schools comply with basic requirements and minimum standards.
- 4. Ministry of Education and Sports should expeditiously adopt a policy of private education and training to enable effective regulation of private schools in Uganda.

# CHAPTER THREE

## Overcrowding in Uganda's Prisons: Human Rights Implications

- 1. Judiciary should expedite the judicial processes of handling cases to reduce the number of prisoners on remand.
- 2. Government should consider the decriminalization of certain petty offenses, and using non-custodial measures or alternative sentencing practices (e.g., community service or house arrest), and parole reforms
- 3. Ministry of Finance Planning and Economic Development should increase the budget allocation for the prison system to ensure inmates are kept in humane conditions.
- 4. Parliament should expeditiously enact a Legal Aid and Witness Protection Law to enhance access to justice for all.

# CHAPTER FOUR

# The Refugee Situation in Uganda

- The Office of the Prime Minister should increase budgetary allocation to the Ministry of Education and Sports to enable increased investment in educational infrastructure to provide quality education in refugee settlements, provide and facilitate vocational training and skills development programmes to equip both refugees and locals with marketable skills for the future.
- 2. The Ministry of Foreign Affairs should encourage peace talks between the warring parties that have continued to cause instability in neighbouring countries, like South Sudan, Rwanda and the Democratic Republic of Congo (DRC) because they have exacerbated the refugee crisis in Uganda.
- 3. The Ministry of Finance, Planning and Economic Development should provide resources to Uganda Police Force to be able to repair damaged motorbikes and buy fuel to enable officers to respond timely and conduct investigation of refugee cases.
- 4. The Ministry of Finance, Planning and Economic Development should increase budgetary allocation to the Ministry of Health to enable fuel allocation for ambulances and generators operating at health facilities.

# **CHAPTER FIVE**

# **Domestic Workers in Uganda: Human Rights Concerns**

- 1. All persons employing domestic workers should treat them with dignity and respect in accordance with the Constitution of the Republic of Uganda and international human rights standards.
- 2. Parliament of Uganda should expedite the enactment of the proposed Domestic Workers Protection and Welfare Bill. The law should provide for the regulation of domestic work, prescribe minimum standards for terms and conditions of employment, provide mechanisms for dispute resolution, and offer protection against abuse, exploitation, and discrimination of domestic workers.
- 3. Domestic workers should equally respect the rights of their employers and their families, including children, in the course of their duties.

# **CHAPTER SIX**

# The Situation of Women Human Rights Defenders in Uganda

- 1. The Uganda Law Reform Commission should amend laws the Public Order Management Act, 2013 (POMA) to ensure protection of women human rights defenders and the Domestic Violence Act (2010) to include specific protections against gender-based violence in public or political spheres.
- 2. The Ministry of Finance, Planning and economic development should increase budgetary allocations to capacitate GBV prevention and justice institutions to fulfil their mandates including support services for survivors.
- 3. The Uganda Police Force should investigate the officers who conduct arrest in an inhumane manner and conclude all investigations concerning violations against human rights defenders, and bring the perpetrators to book.
- 4. The Uganda Police Force should sensitize their officers on how to be sensitive during arrests and maintain the dignity of a woman by having a woman being arrested by a female officer.

# **CHAPTER SEVEN**

# Plight of the Boy Child in Uganda: Human Rights Concerns

- Ministry of Gender Labour and Social Development (MoGLSD) should conduct research to identify
  the specific challenges faced by the boy child, including issues like drug abuse, school dropout, and
  involvement in hazardous work. The findings should guide the development of targeted policies and
  interventions to address these issues. Additionally, the Ministry should strengthen data collection
  systems to track the progress and effectiveness of these efforts.
- 2. Ministry of Gender Labour and Social Development (MoGLSD) should collaborate with communities, religious organizations, and relevant Civil Society Organizations to reinforce the family unit as the ideal environment for nurturing children's growth and development.
- 3. Ministry of Education and Sports should strengthen guidance and counselling programmes and incorporate life skills education in schools, as children learn through observation and imitation, making it essential for parents and educators to serve as positive role models.
- 4. Government affirmative action initiatives should be based on sex-disaggregated data to identify beneficiaries and assess the differential impact on boys and girls. Regular reviews should be conducted to determine whether boys or girls require interventions, considering cultural, economic, and regional factors.

# **CHAPTER EIGHT**

# **Highlights UHRC Interventions in Complaints Management**

1. Ministry of Health, UPF, UPDF and UPS should put in place mechanisms for proper keeping and retrieval of records. Furthermore, the aforementioned agencies should avail documentary evidence to the Commission during the course of its investigations.

# **CHAPTER NINE**

# Highlight of UHRC Interventions in Monitoring and Inspection of Places of Detention

- 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. Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should review the civil procedure rules to include a provision prohibiting the detention of civil debtors.
- 3. Ministry of Internal Affairs, Ministry of Gender Labour and Social Development, should ensure that juveniles are separated from adult offenders in all detention facilities and that children who are incarcerated with their imprisoned mothers are catered for.
- 4. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
- 5. The Uganda Police Force should adequately facilitate all its Stations and posts with the necessary stationary, equipment and transportation to enable officers do their policing work.

# **CHAPTER TEN**

## Highlight of UHRC Interventions in Human Rights Education

- 1. Ministry of Finance, Planning and Economic Development should increase the funding of the UHRC to support comprehensive and continuous civic and human rights education activities especially in the FY 2025/2026 to conduct special civic education focusing on the 2025/2026 general elections.
- 2. Ministry of Local Government should prioritize the rehabilitation of impassable feeder roads to enhance service delivery in the communities.
- 3. Ministry of Justice and Constitutional Affairs should expedite the approval of the proposed National Civic Education Policy to enhance coordination and oversight of human rights and civic education in Uganda.
- 4. Ministry of Local Government should take the initiative to develop and implement specific by-laws and ordinances aimed at reducing specific human rights violations within their jurisdictions, such as early, child and forced marriages, alcohol and drug abuse, among others.

# **CHAPTER ELEVEN**

# Highlight of UHRC's Finance and Administration in the Financial Year 2023/2024

- 1. The GOU should improve the Medium-Term Expenditure Framework (MTEF) of the Commission to address the underfunding challenge and enable the Commission to:
- Reduce donor dependency for finances to implement the Commission's core activities.
- Construct Commission headquarters, and Regional Offices premises to save on the funds spent on renting office premises and allocate more Government funding for core activities.
- Acquire more new motor vehicles and speed boats for the two field offices (Buvuma and Kalangala) based on the islands for effective implementation of activities.
- 2. As was previously recommended, the Commission staff structure which was approved by the Ministry of Public Service should be fully funded and implemented to address the human resource gaps and improve efficiency.

## CHAPTER TWELVE

# The UHRC's Review of the Human Assisted Reproductive Technology Bill 2023

- 1. The UHRC reviewed the following Bill with multiple recommendations for each that can be found in the relevant sessions of the Chapter:
- The Human Assisted Reproductive Technology Bill, 2023.

# **CHAPTER THIRTEEN**

# Updates on Uganda's State Reporting Obligations to International and Regional Human Rights Mechanisms

- 1. Uganda should expeditiously ratify all pending human rights treaties or conventions including- OPCAT, the Hague Convention on the Protection of Children and the Second OP ICCPR among others.
- 2. Uganda through the MoFA should continue fast tracking to ensure that the overdue reports are submitted and treaties pending ratification are ratified.
- 3. All MDs should make use of the data base on recommendations to enhance efficiency reporting obligations.
- 4. Government should also issue standing invitations to UN Special Procedures Mandate Holders and accept requests, as a wide range of engagements in human rights work enhances the State's level of adherence to human rights standards that binds it.
- 5. The Ministry of Foreign Affairs should strengthen its work with the Inter-Ministerial Committee on Human Rights and other actors to ensure that we strengthen our Treaty reporting coordination function in order to increase efficiency, timeliness and accuracy in Treaty reporting.

# The Human Rights Implications of Uganda's Tax System and the 2024 Traders Strike



# 1.0 INTRODUCTION

The term tax refers to a compulsory contribution to State revenue levied by the Government on workers' income and business profits, or added to the cost of some goods, services, and transactions. Taxes provide Governments with the necessary revenue to fund public services such as education, healthcare, infrastructure and security. Tax revenues help to reduce inequality in society and promote public good by curbing public harm, such as substance abuse and carbon emissions. Taxation is also key to stabilising the economy by allowing the Government to invest in projects that stimulate growth and manage inflation. Progressive tax systems, where wealthier individuals or corporations are taxed at higher rates, can help reduce income inequality by redistributing wealth to lower-income groups through social programmes, welfare, and subsidies. The inseparable link between tax and human rights is rooted in the social contract where the people obligate to pay taxes to the Government in exchange for social order, protection and service provision. Thus, tax is a glue and 'lifeblood' of social contract and the basis upon which Government fulfils its human rights obligations towards citizens.

The duty to pay taxes is not only a legal responsibility, but also a religious obligation. For instance, Christians who believe in the Bible may refer to Romans 13:6-7, which emphatically calls upon all Christians to pay taxes to the Government: "This is also why you pay taxes, for authorities are God's servants, who give their full time to governing. Give everyone what you owe him; if you owe taxes, pay taxes...". Additionally, for those of the Muslim faith, the Quran 9:5 states that: "But if they repent, perform prayers, and pay alms-tax, then set them free."

Article 17 (1) (g) of the Constitution makes paying taxes a civic responsibility of every eligible person in Uganda. However, tax compliance is greatly influenced by the nature of the tax system in place. A tax regime that ensures fairness, equity, collectability, simplicity, and convenience encourages compliance. Otherwise, tax resistance and evasion are likely to arise<sup>1</sup>.

<sup>1</sup> Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (first published 1776, Edwin Cannan ed, University of Chicago Press 1976)

In April 2024, some traders in Kampala, Mubende, Wakiso and Mukono undertook a close-shop industrial action, protesting the enforcement of a digital tax administration system called the Electronic Fiscal Receipting and Invoicing Solutions (EFRIS). The aggrieved traders cited the high compliance costs of EFRIS and harsh penalties coupled with aggressive enforcement by Uganda Revenue Authority (URA) as the immediate cause of industrial action.<sup>2</sup> Accordingly, the UHRC closely monitored the industrial action that informed the need to examine the human rights implications of Uganda's tax system, hence this chapter. The UHRC consulted stakeholders, including Kampala city traders and their leadership, the Private Sector Foundation, the Faculty of Law at Makerere University and URA, which provided enriching information for this chapter.

This chapter therefore presents UHRC's findings on the human rights implications of Uganda's tax system. The chapter consist of the introduction, the legal framework underpinning taxation in Uganda, situational analysis of taxation systems in Uganda and the human rights concerns followed by recommendations and conclusion.

# 1.1 LEGAL FRAMEWORK

# 1.1.1 International Legal Framework

The Universal Declaration of Human Rights (UDHR), 1945, the International Covenant on Civil and Political Rights (ICCPR), 1967 and the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 lay a firm foundation for human rights standards applicable to all human beings across the globe. With regard to taxation, the ICESCR obliges States to realise economic, social and cultural rights, to the maximum of available resources, including to "contribute to creating an international environment that enables the fulfilment of these rights."<sup>3</sup>

# 1.1.2 Regional Legal Framework

Besides 'Africanising' the global human rights standards, the African Charter on Human and **People's Rights (ACHPR)** in Article 29 (6) declares payment of taxes a civic obligation for all Africans. Additionally, Uganda ratified the East African Community Agreement on the Avoidance of **Double Taxation**, a multilateral Treaty for the avoidance of double taxation and prevention of fiscal evasion concerning taxes on income. The other sub-regional instrument is the East African Community Customs Management Act, 2004, for the management and administration of customs. Uganda is a signatory to several **Double Taxation** Treaties (DTT) with Mauritius, South Africa, India, Netherlands, Denmark, Norway and the United Kingdom on income tax.4

# 1.1.3 National Legal Framework

The Constitution of the Republic of Uganda, 1995 (hereinafter referred to as the Constitution) empowers both the Central and Local Governments (LGs) to impose taxes upon citizens, with the corresponding civic duty to pay taxes placed on citizens. However, the taxes must be legally imposed under the law enacted by Parliament. Consequently, the Parliament of Uganda has enacted various tax legislations in the country over the years, including the Public Finance Management Act, Local Government Act Cap 138, Uganda Revenue Authority Act Cap 218, Tax (Procedure) Code Act Cap 343, Income Tax Act Cap 338, Value Added Tax Act Cap 344, and Excise Duty Act 336, among others.

# 1.2 CANONS AND CHARACTERISTICS OF TAXATION

Adam Smith, in his book The Wealth of Nations, lays down four canons for a good taxation system. These include equity, certainty, convenience, and economy. Other canons can include simplicity,

<sup>2</sup> The Business Community Presentation on Traders Strike in 2024 against the EFRIS, submitted to the Chairperson, UHRC, Kampala, on 17<sup>th</sup> December, 2024.

United Nations Committee on Economic, Social and Cultural Rights (CESCR). (2016). General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. E/C.12/GC/24.

<sup>4</sup> Double Taxation Treaties in Uganda; Impact and policy implications, July 2014, page 9: https://ura.go.ug/en/category/legal-policy/double-taxation-agreements/accessed on 20th January 2025

<sup>5</sup> Article 152 and 191 of the Constitution of the Republic of Uganda.

<sup>6</sup> See Article 17 (1) (g) of the Constitution.

<sup>7</sup> Article 152 (1) of the Constitution of the Republic of Uganda, Cap 1.

diversity, elasticity, and productivity.8

Additionally, taxes can be characterised as progressive, regressive and proportional depending on their impact on income. A progressive tax is structured in such a way that the tax rate increases as the person's income increases. Most income taxes are progressive in nature, with higher incomes taxed at a higher rate. A regressive tax is structured such that the effective tax decreases as the income increases, and a proportional tax is a form of tax whose rate remains fixed regardless of the amount of the tax base. It may be considered regressive despite its constant rate when it is more burdensome for low-income than high-income payers.

# 1.3 SITUATIONAL ANALYSIS

Uganda operates a two-tier tax system, namely, the Central Government tax system administered by the URA and the LG system run by district or urban local councils (LCs). While the Central Government tax system is more robust, broadbased and fairly developed, the LG tax system is narrow-based and characterised by several non-tax collections. To cater for the peculiarity surrounding the two systems, each tax system will be handled independently in this section, beginning with the Central Government tax system.

## 1.3.1 Central Government Tax System

Uganda Revenue Authority is the national tax collector in the country, mandated to assess and collect specified tax revenue, administer and enforce laws relating to such revenue, and account for all revenue collected. Accordingly, the taxes enforced by URA are broadly categorised into three pillars: direct domestic taxes, indirect domestic taxes and international trade or customs taxes.

 Direct domestic taxes are levied directly on individuals, businesses, and other entities based on their income, profits, or property, and it is paid by the person on whom it is directly imposed. Examples include pay-asyou-earn (PAYE), corporate tax, rental tax,

- casino tax, tax on bank interests, presumptive tax, withholding tax, and other taxes. 10
- Indirect domestic taxes refer to a levy on the consumption of goods and services imposed on a person but paid partly or wholly by another person, including Value Added Tax (VAT) and Local Excise Duty (LED).
- 3. Custom/international trade taxes<sup>11</sup> encompass a variety of levies and duties imposed on goods entering (imports) and leaving the country (exports). The key tax heads include petroleum duty, import duty, excise duty, VAT on imports, withholding tax on imports, and surcharge on imports, generally referred to as customs tax collection.

In addition to taxes, URA also collects non-tax revenue, including levies on stamp duty and embossment fees. The Uganda Revenue Authority administers a centralised tax assessment and collection system enabled by an online tax register with an assigned tax identification number issued to every taxpayer. By June 2024, the URA tax register had 4,523,234 taxpayers, of whom 216,947 were non-individuals and 4,306,287 individual taxpayers in the financial year (FY) 2023/24. However, a total of 4,262 taxpayers, consisting of LGs and corporate taxpayers, were exempted from tax.<sup>12</sup>



URA Commissioner General John R. Musinguzi speaking at a press conference, © URA

<sup>8</sup> Bastable, C. F. (1892). Public Finance. London: Macmillan and Co.

<sup>9</sup> See Section 3 of the URA Act.

See URA Annual Performance Report, 2023/24.

<sup>11</sup> URA's presentation to UHRC Annual Report Consultative Meeting, December 2024 at UHRC's boardroom.

<sup>12</sup> Ura.go.ug/en/domestic-taxes/tax-exemption/withholding-tax-exemption-list.

While Uganda's tax revenue has increased over the years, from UGX 9.4 trillion in the FY 2014/15 to UGX 27.7 trillion in the FY 2023/24<sup>13</sup>, the country's tax-to-GDP ratio has remained low at 13.6% in 2023/2024 compared to the Sub-Saharan average of 16%. This is due to various reasons, including high rates of revenue leakage, tax avoidance and evasion, inadequate tax education among citizens, high rates of exemptions and exclusion of the informal sector. The Uganda Revenue Authority collected UGX 322 billion over its mid-year 2024/25 revenue target of UGX 14,926.85 billion.<sup>14</sup>

# 1.3.1.1 Tax evasion and smuggling of goods

Tax evasion and the smuggling of goods are significant issues that negatively affect the country's economy, as they result in lost revenue for the Government and create an unfair business environment. In many cases, tax evasion in Uganda involves individuals, businesses, and even foreign entities avoiding paying taxes to URA through:

- Underreporting income: Business owners underreport the actual earnings of their businesses, especially in sectors such as retail, hospitality, and agriculture, to reduce their taxable income.
- Non-declaration of assets: Individuals or companies hide assets (e.g., property or investments) to avoid paying taxes on them.
- False declaration of expenses: Businesses inflate their expenses or misclassify them to reduce their taxable income. For example, a business may claim personal expenditures as business costs.
- Offshore tax havens: Some businesses or individuals move money or assets to countries with low tax rates or less stringent financial regulations to avoid paying taxes in Uganda.
- Tax fraud: This includes activities such as creating false invoices or altering financial records to reduce tax liabilities.

The URA has indicated that smuggling of goods into the country to evade taxes continues to affect the economy. Uganda's geographical location makes it a transit point for smuggling goods into and out of neighbouring countries. Smuggling typically involves avoiding customs duties, taxes,

and other legal requirements. The common forms of smuggling in Uganda include smuggling of good like electronics, alcohol, fuel, cigarettes, and textiles and avoiding paying customs duties, which makes these goods cheaper than the legally-imported. Transit smuggling is also used to transport goods through Uganda to other countries (such as South Sudan, Rwanda, and Burundi), in an attempt to avoid paying taxes and customs fees in Uganda or the destination country.

The Commission noted that due to continued smuggling, counterfeit goods, such as fake pharmaceuticals, electronics, and clothing, have ended up in the country. These goods are often sold at lower prices, but they pose a danger to consumers. Such illicit trade has also contributed to the illegal export of Uganda's natural resources, such as minerals, timber, and wildlife products. These goods are often illegally extracted and sold across borders without proper permits, depriving the Government of revenue and harming the environment.



Smuggled skin oils intercepted by the URA while concealed within avocado.



The URA impounded over 1,000 jerricans of smuggled cooking oil in Kampala

<sup>13</sup> Ministry of Finance Budget Speech for FY 2024/25.

<sup>14</sup> URA surpasses the mid-year collection target - Uganda Revenue Authority accessed on 20<sup>th</sup> April 2025

As a stop-gap measure, URA introduced and implemented strategies to enhance revenue collection, including closing revenue leakages. Among other strategies, URA introduced digital approaches to tax administration, including the use of Digital Tax Solution (DTS) and EFRIS. However, the enforcement of EFRIS resulted in a traders' strike in 2024. The other avenues used by URA are tax audits and investigations. The URA conducts regular audits and investigations to identify underreporting or fraudulent activity. The URA also runs programmes to educate businesses and the public on the importance of paying taxes and the consequences of tax evasion.



# **1.3.1.2** The Electronic Fiscal Receipting and Invoicing Solution

The Solution (EFRIS) is a tax administration system designed and managed by the Uganda Revenue Authority to enhance the issuance, management, and regulation of invoices and receipts electronically. It facilitates the direct transfer of Value Added Tax (VAT) billing information between businesses and the URA in real-time to ensure accurate and instant tax reporting. It seeks to close all possible channels of revenue leakages, including non-declaration or under-declaration of tax returns by businesses.

Therefore, UHRC clarifies that EFRIS is not a new tax, as was widely perceived by some members of the public in 2024. However, section 93 of the Tax Procedure (Code) Act penalises a taxpayer who fails to use an electronic fiscal device when mandated to do so. It is therefore highly probable that the enforcement of a penalty for non-compliance with

EFRIS was responsible for some members of the public's wrong perception about the system.

By June 2024, URA reported positive progress concerning usage of EFRIS. Accordingly, the EFRIS register stood at 77,967 taxpayers, out of which 35,375 were VAT registered taxpayers and 42,592 were not VAT registered. EFRIS usage was at 91% (25,871 taxpayers issuing against 28,369 active/filing taxpayers). EFRIS usage by non-VAT registered persons was at 41% (17,548 persons issuing e-receipts against 41,834 non-VAT registered persons).

EFRIS usage benefits the taxpayer, the general public and the Uganda Revenue Authority. To the taxpayers, EFRIS aids citizens in fulfilling their civic duty to pay taxes to enable service delivery. To businesses, EFRIS remedies the business problem of maintaining proper records, aids remote and real-time monitoring of their business transactions and generates business transaction reports at will. Thus, making it easy for businesses to claim tax refunds, it fosters transparency through electronic transaction records, enhancing integrity within the business sector. To the Government (URA), EFRIS simplifies tax processes, alleviating administrative burdens. It also minimises administrative overheads for URA by enabling real-time monitoring, digital record-keeping, and tax filing. Accordingly, URA reportedly surpassed their target for the first half of FY 2024/25 by 322 billion due to the enforcement of the EFRIS.

# 1.3.1.3 Challenges identified in the implementation of EFRIS

EFRIS is a good system that will optimise domestic revenue collection for socio-economic transformation in the country. However, the UHRC observed operational, technical and infrastructural gaps that undermined the efficacy of the system and triggered a traders' strike in 2024.

# 1. Inadequate awareness regarding EFRIS

EFRIS is a multi-stakeholder system whose implementation required buy-in from traders and the general public, among others. The UHRC noted that negative public perception about EFRIS was due to inadequate sensitisation of the general public (taxpayers) and businesses to enable them to embrace, use, and monitor it.



Shops closed in Kampala City in 2024 due to the traders' strike, © Informer Uganda, 2024.

# 2. Lack of capacity to acquire the necessary tools

Implementing EFRIS depends on the availability of necessary hardware and software. However, some businesses lacked the financial capacity to acquire the necessary equipment, such as the Electronic Fiscal Device (EFD) (which costs UGX 1,100,000 each), to sustain its implementation without support.

# 3. Limited training and support to traders on the implementation of EFRIS

Like any other sector, the business sector is composed of people of varying academic backgrounds, including categories who require deeper training and support on the utilisation of the system.

# 1.3.1.4 The 2024 traders' strike

In April 2024, some traders in Kampala, Mubende, Mukono and Wakiso engaged in a four-day close-shop strike against the enforcement of EFRIS by URA. Despite the call for a nationwide strike, traders from other districts did not participate in the strike

According to KACITA-Uganda, 15"The manner in which URA introduced and enforced EFRIS created

significant challenges for traders across the country, triggering the strike." Traders cited multiple reasons. First and foremost, traders contended that the high cost of compliance with EFRIS greatly affected the normal business operations of small and medium-sized enterprises. Second, there was a harsh penalty (of UGX 6 million- or 10-years imprisonment) for non-compliance with EFRIS, coupled with aggressive penalties enforcement by some URA personnel. Lastly, the traders cited high levels of corruption exhibited by some URA officials, especially during the enforcement of EFRIS.

In addition to the above issues, traders also cited other pre-existing, longstanding issues that affected businesses in the country. These included the new tax policy of charging import duty of 3.0 and 3.5 US\$/Kg for textiles, fabrics and garments imported into the country; very low VAT threshold of UGX 150 million and high VAT rate of 18%; unstandardised valuation guidelines for both imported and exported goods; high interest rate of (18%-36%) on bank loans; loss of business markets especially the DRC, Rwanda, South Sudan, Burundi and the claim for income tax arrears for the coronavirus disease (COVID-19) period (2019, 2020, 2021 and 2022) by URA.

<sup>15</sup> This is a multi-sectoral business support association in Uganda established in 2001 with over 3 million members consisting of micro, small and medium enterprises (MSMEs), manufacturers, importers, exporters, individual associate members, diplomatic agencies and Government ministries, departments and agencies (MDAs).





Traders meeting with the President of Uganda, His Excellency Yoweri Kaguta Museveni.

## 1.3.1.5 Government's intervention in the traders' strike

Following engagement meetings between traders and Government representatives, including the President of the Republic of Uganda, His Excellency General Yoweri Kaguta Museveni, in July 2024, a temporary suspension of enforcement of penalties on non-compliance with EFRIS was pronounced pending further consultations by the Government on the application of the system. This resulted in the suspension of the strike.

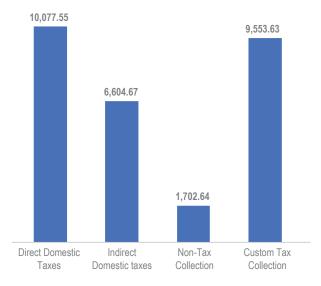
# 1.3.2 A Snapshot of Central Government's Tax Contribution to Domestic Revenue in Uganda

Over the years, Uganda's domestic revenue has increased from UGX 9.4 trillion in the FY 2014/15 to UGX 27.7 trillion in the FY 2023/24. Overall, indirect taxes such as VAT, LED and an assortment of international/custom taxes formed the largest proportion of Uganda's tax revenue. In the FY 2023/24, for instance, indirect taxes accounted for 58% of the total domestic revenue collected, while direct taxes contributed 36%, and 6% was from non-tax collection.<sup>16</sup>

In terms of pillar contribution, direct domestic taxes such as pay-as-you-earn (PAYE), rental tax, corporate tax, withholding tax, casino tax, and others contributed the highest amount of revenue to the national treasury in the FY 2023/2024 at 36%, followed by international trade/customs taxes at 34%, with indirect domestic and non-tax collections contributing 24% and 6%, respectively.<sup>17</sup> The

figure below illustrates the tax pillar contribution to the overall national domestic revenue pool in the FY 2023/24.

Figure 1: Contribution of each Tax Category to Domestic Revenue in FY 2023/24



Data Source: URA Annual Report FY 2023/24.

The FY 2023/24 was the first time in the last five financial years that direct taxes contributed the highest revenue to the national treasury compared to indirect and international/customs taxes, as indicated in the figure below. This signifies a move towards a progressive tax regime.

Uganda's tax revenue is predominantly from a combination of indirect sources consisting of VAT, excise duty and assorted international trade/customs taxes.

<sup>16</sup> URA Annual Performance Report for FY 2023/24.

<sup>17</sup> Supra.

12,000.00

8,000.00

4,000.00

2,000.00

2,000.00

Direct Domestic Taxes Indirect Domestic Taxes International/Customs taxes

Figure 2: Five-Year Tax Category Contribution to Domestic Revenue in Uganda

Data Source: URA Annual Report FY 2023/24.

### 1.3.2.1 Tax situation under direct domestic taxes

Within the direct domestic tax pillar, PAYE contributed the highest proportion of tax, followed by corporate tax in second position. This indicates that Uganda's tax burden was felt more by employees who also paid VAT and LED in addition to PAYE. Withholding tax and tax on treasury bills were in third and fourth positions, respectively, as illustrated in the figure below.

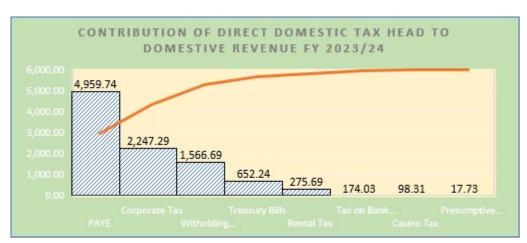


Figure 3: Contribution of Direct Domestic Taxes

Data Source: URA Annual Report.

Uganda's tax burden in FY 2023/24 was shouldered mostly by PAYE taxpayers who also contributed to VAT and LED.

The mining and quarrying sector generated the highest PAYE revenue at 48.95%, compared to the public administration sector at 46.63%, construction at 34.33%, and the financial and insurance sector at 16.37%. The public administration sector's contribution was low, mainly because of tax exemptions for certain categories of employees.

<sup>.8</sup> URA Annual Performance Report FY 2023/24.

#### 1.3.2.2 Situation under indirect domestic taxes

VAT was the second largest tax contributor to national domestic revenue after PAYE. Within the indirect domestic pillar, VAT was the largest contributor. The top five VAT performing sectors in the FY 2023/24 included wholesale and retail, real estate, construction, hotel and restaurant and insurance services, while oil and gas, public administration and defence, as well as agriculture, contributed the least revenue in the financial year, as illustrated below.

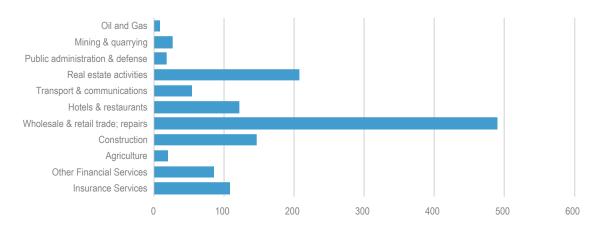


Figure 4: VAT Performance by Sector in 2023/2024

Data Source: URA's Annual Report for FY 23/24.

Excise duty is a tax imposed on specific items such as alcoholic beverages, tobacco, and fuel, targeting consumption patterns. Excise duties are typically applied to specific products to address negative influence on human behaviour in society, such as taxing alcohol and cigarettes. In the period under review, beer was the greatest revenue contributor under the excise duty.

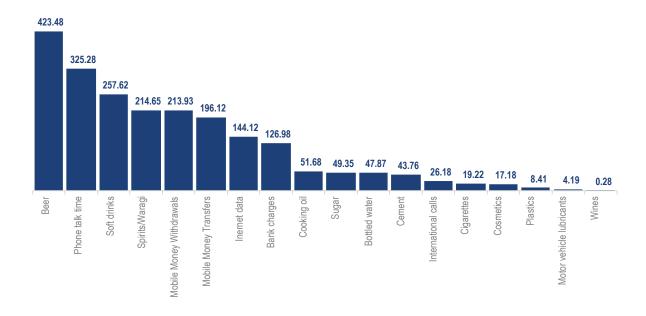


Figure 5: Performance of Local Excise Tax in FY 2023/24

Beer is the greatest revenue contributing commodity in Uganda, followed by phone talk-time, soft drinks and mobile money services.

## **1.3.2.3** Situation of international trade/customs taxes

In the FY 2023/24, substantial growth in customs tax head revenue collections was registered in petroleum duty, surcharge, infrastructure levy on imports and withholding tax.

#### 1.3.2.4 Domestic non-tax revenue (NTR)

The Central Government's non-tax revenue sources include stamp duty and embossing fees, mainly charged on the provision of services. The main contributors are the Directorate of Citizenship and Immigration Control, public universities, the Ministry of Works and Transport, Kampala Capital City Authority and Uganda Coffee Development Authority.

### 1.3.3 The Local Government Tax System

The power of LGs to levy, charge, collect, and appropriate fees and taxes is entrenched in Article 191 of the Constitution, 19 re-echoed in section 80 of the Local Government Act. Accordingly, Parliament of Uganda enacted the Local Government Act, Cap 138, and the Local Government (Rating) Act, Cap 140, to provide for taxes and other non-tax levies applicable to LGs. Therefore, LGs' own source revenue in Uganda consisted of only three taxes, namely, local service tax, local hotel tax and property tax.

- Property taxes are rates imposed by district or urban local council authorities on immovable property such as commercial, residential and industrial buildings within urban areas and commercial buildings outside urban areas of jurisdictions, payable on a financial year basis.<sup>20</sup>
- The Local Service tax (LST) is a remedial tax introduced to fill the vacuum created by the abolition of the graduated tax. It is imposed on the wealth and income of persons in gainful employment, self-employed and practising professionals such as doctors, lawyers, accountants, and self-employed artisans, businessmen and women and commercial farmers.<sup>21</sup>

• The Local Government Hotel Tax (LHT) is an indirect tax levied by LGs on hotel and lodge accommodation occupants per room per night. 22 In this context, the term hotel is defined as a house intended for accommodating travellers or visitors for payment. Management of every hotel or lodge is legally bound under the Act to collect and remit LHT so imposed to the relevant LG.

The other sources of LG revenue were non-tax charges, fees and rates levied on certain services such as street parking, park fees, market dues, trading license, loading fees, charcoal burning fees, and public toilet fees, to mention but a few. However, unlike taxes, there are no clear identifiable criteria for setting fees and charges, creating inequity and resistance to pay. Secondly, the practice of tax farming negatively impacts on service provision, transparency and accountability. Tax farming is a system where governments hires private individuals or companies to collect taxes on their behalf, allowing them to keep any extra money they collected as profit. While it helped states raise money quickly, it often led to corruption, abuse, and over-taxation, causing hardship and public resentment. Thirdly, the multiplicity of rates, fees and charges levied on the provision of services, including public toilets, undermines access to services.

Thus, LG's own-source revenue (OSR) is narrow-based and less developed. Additionally, some taxes, such as the local service tax rate for commercial farmers, were not clearly defined. Consequently, LG OSR accounts for about 5% of total budget revenues across LGs in Uganda.<sup>23</sup> In terms of tax head contribution, property tax is the largest contributor at 23% of the total OSR, followed by local service tax at 16%. Business license fee (16%), market dues, rents (10%) and the group of other non-tax charges constitute 26%.<sup>24</sup>

In terms of the rural-urban divide, the local service tax, market dues, and some royalties are mostly collected by rural LGs, while property tax, local hotel tax, and parking charges are predominantly

<sup>19</sup> The Constitution of the Republic of Uganda, 1995 as amended in 2005.

<sup>20</sup> Regulation 11 of the Local Government (Revenue) Regulation and Section 3 of the Local Governments (Rating) Act 2005.

<sup>21</sup> See section 2 of the Act for examples of categories of payee under the Act.

<sup>22</sup> Section 1 (a) and 7 of the Local Government (Amendment) Act No. 2 of 2008.

<sup>23</sup> Local Government Own Source Mobilization Strategy 2020 Page 4.

<sup>24</sup> Ibid

urban-based revenues.<sup>25</sup> Within the East African region, LG OSR in Uganda is still very low at 0.2% of GDP compared to Kenya, 0.5%, Tanzania, 0.4% and Rwanda, 0.9% of GDP.<sup>26</sup>

## 1.4 HUMAN RIGHTS CONCERNS OF UGANDA'S TAX SYSTEM

Uganda's tax system is largely human rights compliant in many aspects, including promoting the rights of vulnerable categories of persons, such as women and people with disabilities, to mention but a few. However, features in the legal provisions, practice, and enforcement undermined established human rights standards, as discussed below.

## 1.4.1 Infringement of the Right to Equality and Freedom From Discrimination

The right to equality and freedom from discrimination is enshrined under Article 21 of the Constitution and Article 2 of the ICCPR. Article 21 (1) of the Constitution provides that: "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law".

Accordingly, discrimination against any person on any grounds is prohibited.<sup>27</sup> The term "discriminate" means giving different treatment to different persons attributable only or mainly to their respective description by sex, origin, social and economic standing, political opinion or disability.<sup>28</sup>

The UHRC noted with concern some of the tax laws and practices that tend to promote unequal or preferential treatment of some taxpayers to the detriment of others. For instance, the UHRC noted that section 21 of the Income Tax Act, insofar as it exempts from tax employment income of certain categories of Government employees, undermines the principle of equity and, as such, is a discriminatory provision. Additionally, the UHRC noted that section 9 of the Local Government (Amendment) Act<sup>29</sup> gives preferential treatment

to salaried employees regarding payment intervals for Local Service Tax, which is discriminatory against self-employed professionals, self-employed artisans, businessmen and women, and commercial farmers. The UHRC observed with concern that while salaried employees have the leeway to pay the taxable amount in four equal instalments, other taxpayers are obliged to pay the full amount at once.

Furthermore, while the UHRC appreciates the Government's efforts to encourage domestic and foreign investment in the country, it noted with concern that the practice of exempting some (domestic and multi-national) companies from taxes not only overburdens other taxpayers but also underscores the principles of equality and non-discrimination. The UHRC emphasises the need to strike a fair balance between investment interests and adherence to human rights standards.

#### 1.4.2 Unfair Taxation Practices

The Black's Law Dictionary defines the term unfair to mean 'not conforming to standards of justice, ethics, or honesty. International tax norms emphasise that tax should be fair. The UHRC observed some aspects of unfairness regarding both the local and central Government tax systems For example, the UHRC noted that the conflict in the Income Tax Act and Local Government (Amendment) Act regarding PAYE and LST results in double taxation, consequently reducing the disposable income of taxpayers. The UHRC observed that in 2008, section 22 of the Income Tax Act was amended to include local service tax as an allowable deduction. Accordingly, the local service tax should be deducted before PAYE (income tax). However, the Local Governments (Amendment) (No2) Act of 2008 introduced LST and in paragraph 3(2) Part II of the fifth Schedule to the Act, clearly defines take home salary as gross salary after deducting PAYE (income tax) thereby providing for payment of local service tax after payment of PAYE. This results in confusion as to which tax is considered an allowable deduction of the other, hence double taxation.

<sup>25</sup> Ihid

<sup>26</sup> Ibid.

<sup>27</sup> Article 21(2) of the Constitution.

<sup>28</sup> Article 21 (3) of the Constitution.

<sup>29</sup> Act No. 2 of 2008.

Secondly, the UHRC noted that the lack of consideration of employment expenses such as transport and accommodation costs incurred while computing taxable employment income is unfair. The UHRC observed that, unlike business income, where allowable deductions in terms of costs on inputs such as rent, electricity and others are considered while determining taxable business income, the Income Tax Act disregards such crucial employment expenditures, leading to a perception of unfairness.

## 1.4.3 Infringement of the Right to Access the Court and a Fair Hearing

The right to access to court is a fundamental human right guaranteed by Article 21 of the Constitution. It provides that: "All persons are equal before and under the law and shall enjoy equal protection of the law". This right is ring-fenced by Articles 28 and 44 of the Constitution, which, among other things, emphasise the fairness of the Court or tribunal in determining any civil rights and obligations between parties.

However, the UHRC noted with concern that some of the tax dispute resolution processes and practices tend to undermine the provisions of Articles 21, 28, and 44 of the Constitution. For instance, the UHRC observed that section 15 of the Tax Appeal Tribunal Act states that a taxpayer who is dissatisfied with the decision of the Commissioner General of URA may appeal the decision to the Tax Appeals Tribunal. The UHRC further noted that this provision, which requires the taxpayer first to pay 30% of the tax assessed or the tax not in dispute, whichever is higher, before the case is heard, undermines the right to access court and be heard. This provision was challenged in the Constitutional court in the case of Fuelex (U) Ltd Vs Uganda Revenue Authority Constitutional Petition No. 3 of 2019. The Court held that, "Section 15 of the Tax Appeal Tribunal Act in so far as it compels an objector to a tax assessment, whose challenge is not with regard to the amount of tax payable, to pay to the tax authority 30% of the tax assessed is inconsistent with Article 4430 of the Constitution, hence it is unconstitutional."

Although URA appealed to the Supreme Court, the current ruling buttresses the unequal protection the section accords to the parties. "The Court observed that section 15 of the Tax Appeal Tribunal Act is unjust as it favours one of the disputants to the detriment of the other. This is exacerbated by the provision that the objector must make the impugned payments to the adversary in the dispute".

Similarly, the UHRC noted that section 28 of the Local Government (Rating) Act compels any property owner to pay the declared property valuation rate to the urban council, notwithstanding that an appeal against the decision is pending in the High Court. This contravenes the right to a fair hearing, which is a non-derogable right under Article 44 of the Constitution.

### 1.4.4 Inadequate Standard of Living

Article 25(1) of the Universal Declaration of Human Rights (UDHR) and Article 11 of the ICESCR provide that 'everyone has the right to a standard of living adequate for the health and well-being of himself and his family'. Adequate standard of living refers to a level of living that provides enough basic necessities like food, water, shelter, clothing, healthcare, and sanitation to maintain a healthy and decent quality of life for oneself and one's family.<sup>31</sup> A person's ability to attain an adequate standard of living heavily depends on the size of disposable income, which directly influences the ability to meet basic needs, essentially hindering the realisation of this fundamental human right.

The UHRC noted with concern that some taxes such as PAYE and LST had very low threshold (UGX 235,000 for PAYE and UGX 100,000 for LST) hence subjecting persons with very low income to tax thereby limiting their ability to afford necessities of life such as food, healthcare, education, shelter to mention but a few. The UHRC noted that the current PAYE threshold was established in 1997 when the purchasing power of Uganda shillings was stronger. An upward revision of the threshold tenable should be considered to facilitate the attainment of a modest standard of living among the low-income earners.

<sup>30</sup> Article 44 of the Constitution of Uganda provides for non-derogable rights, including freedom from torture, cruel, inhuman or degrading treatment or punishment, and the right to fair hearing.

<sup>31</sup> https://www.google.com/search?client=firefox-b d&q=UNOHCHR+defination+of+adequate+standard+of+living.

In addition, the UHRC noted that the equal treatment in the indirect taxes (VAT and excise duty) is regressive as it does not consider the difference in earning/income, especially between the poor and the rich, forcing some people to forego some of the essential services necessary for a dignified standard of living. UHRC observed that due to human rights' interdependent and interrelated nature, the taxpayer's ability to afford basic services should not be negated by imposed taxes.

## 1.4.5 Inadequate Protection Against Harmful Commodities and Behaviours

Internationally, and in line with the fiscal social contract obligations, the Ugandan Government is obliged to adequately protect citizens against the effects of the consumption of harmful commodities such as alcohol and cigarettes and engage in unproductive behaviours like sport betting and gambling. While the UHRC appreciates the Government's efforts to deter consumption of alcohol and cigarettes as well as engagement in betting or gambling by increasing the tax rates applicable to such commodities, it noted that the protection accorded was inadequate.

The UHRC observed, for instance, that the increase of the tax rate on casinos from 20% to 30% of the total money staked under the Lotteries and Gaming Amendment Act did not deter sports betting. Accordingly, the UHRC noted with concern that sports betting and gambling in 2024 was a money-spinning venture in Uganda, especially among the youth. It was estimated that about 40% to 57% of the young people between the ages of 17-35 years have participated in gambling activities.<sup>32</sup> The UHRC is concerned that gambling/ betting deprives families of the requisite resources to meet basic necessities of life and discourages productivity, which is a key enabler to the attainment of Uganda's vision of socio-economic transformation.

Furthermore, UHRC observed that the low-rate imposition of excise duty on alcohol and cigarettes did not deter consumption, as alcohol intake remained high. According to URA's annual perfor-

mance report of 2023/24, consumption of beer contributed the highest amount of revenue, implying that beer was generally affordable to the average Ugandan. The World Health Organization (WHO) statistics for 2023 show exceedingly high alcohol consumption in Uganda, with per capita rates at 12.21 litres per year. This is reportedly much higher than the African average of 6.3 litres, and the global average of 6.18 litres per person per year (WHO Global Status Report on Alcohol and Health, 2018).<sup>33</sup> Additionally, statistics show that 10% of the adult population in Uganda experiences an alcohol use disorder, with men significantly more likely to be affected than women.<sup>34</sup>

Furthermore, the UHRC noted that besides the health consequences of alcohol, its consumption limits productivity and discourages saving, thereby undermining the country's strategy for the realisation of the National Vision 2040. The UHRC noted that more severe and protective tax rates on such potentially harmful and non-essential commodities will deliver a more energetic, healthy and productive citizenry.

## 1.4.6 Restriction of Freedom of Expression and Access to Information

Access to the internet is one of the cornerstones through which individuals exercise their right to freedom of expression and access to information. Article 29 of the Constitution and Article 9 of the ACHPR guarantee protection of the freedom of expression, which includes freedom of the press and other media, including social media. In addition, Article 41 of the Constitution and Section 5 of the Access to Information Act<sup>35</sup> protects the rights of access to information for all persons. The UHRC noted that a high tax rate on the internet, which is the 'lifeblood' of freedom of expression and access to information, directly hampered the enjoyment of the rights by some segments of the Ugandan society. Internet tax makes the internet less affordable, ultimately affecting the enjoyment of freedom of expression and access to information.

According to the Inclusive Digital Economy

<sup>32</sup> Gambling among Adolescents in Uganda: A cross-sectoral survey study by National Institute of Health in Uganda.

<sup>33</sup> Uganda; New WHO data reveal worryingly high levels of Alcohol Use, May 27<sup>th</sup> 2023.

<sup>34</sup> Global Health Action, Alcohol use among Adults in Uganda: Findings from the countrywide non-communicable disease risk factor cross-sectional survey.

<sup>35</sup> Access to Information Cap. 95 of Laws of Uganda.

Scorecard 2021, groups that were most excluded from the digital economy were the elderly (77%), rural communities (73%), persons with disabilities (71%), the youth (43%), refugees (71%) and migrants (65%). Additionally, in 2021, the Uganda Bureau of Statistics (UBOS) revealed that the proportion of household members who used the internet was lower for women (5%) relative to men (8%). The UHRC considers the reduction of the tax rate on the internet crucial in promoting the digital economy, but also the observance of freedom of expression and access to information in Uganda.

## 1.4.7 Inadequate Participation of People in Tax Matters

The right to development is a fundamental human right of every person. The United Nations Declaration on the Right to Development guarantees the right of every person to participate in, contribute to, and benefit from economic, social, cultural, and political development.<sup>36</sup> Objective X of the National Objectives and Directive Principles of State Policy obliges the Ugandan Government to take necessary steps to involve the people in formulating and implementing development plans and programmes that affect them. The UHRC observed that since tax matters directly affect individual taxpayers, their direct and prior participation in determining the nature, form and collection methodology would enhance compliance. In this regard, UHRC noted with concern that the controversy and negative perception regarding EFRIS was a manifestation of inadequate direct participation of taxpayers in policy formulation and implementation.

## 1.4.8 Lack of Transparency and Accountability

The UHRC observed that the practice of tax farming, especially among LGs, undermines accountability processes. Tax farming is a financial management technique in which the management of a variable revenue stream is assigned by legal contract to a third party, and the revenue stream holder receives fixed periodic rents from the contractor.

It is most commonly used in public finance, where Governments (the lessors) lease or assign the right to collect and retain the whole of the tax revenue to a private financier (the farmer), who is charged with paying a fixed amount into the treasury. An example of a tax farming scheme is street parking fees levied by the District/urban or city council authority to vehicle owners seeking a parking space, but are collected by private firMs

The UHRC noted that tax-farming discourages effective interplay of fiscal social contract obligations between taxpayers and governments as it breaks the chain of service provision and accountability. Secondly, it also encourages aggressive enforcement by the business-oriented tax farmer, some of whom have exhibited very little regard for the observance of fundamental human rights as enshrined in Chapter IV of the Constitution. Further, UHRC observed that limited awareness regarding the rights, duties and responsibilities of taxpayers and the Government negatively impacts transparency and accountability.

# 1.4.9 Infringement of Freedom from Cruel, Inhuman or Degrading Treatment or Punishment

Freedom from torture or cruel, inhuman or degrading treatment or punishment is an absolute right under Article 24 and 44 of the Constitution and under the Prevention and Prohibition of Torture Act. The UHRC noted that allegations of aggressive enforcement of EFRIS adopted by some URA officials, including alleged physical harassment and gunpoint locking of shops, had a significant physical and mental impact on some traders, contrary to established human rights standards.

### 1.5 RECOMMENDATIONS

- Uganda Revenue Authority should develop and implement a comprehensive tax education strategy to create tax awareness and cultivate a positive tax compliance culture among taxpayers in the country.
- The Ministry of Finance, Planning and Economic Development, the Ministry of Local Government, and Uganda Revenue Authority should enhance the application of the human rights-based approach in tax law or policy formulation, implementation, and reporting.

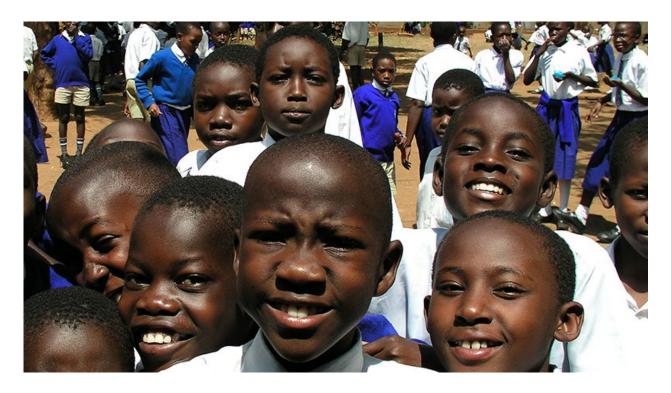
https://www.google.com/search?client=firefox-b-d&q=the+right+to+development.

3. The Ministry of Finance, Planning and Economic Development and the Ministry of Local Government should enhance the performance of State fiscal social contract obligations by clearly linking tax expenditures to service provision in the critical sectors of the economy.

### 1.6 CONCLUSION

National development is for the greater benefit of the people, whose fiscal contribution provides the necessary catalyst to steer the attainment of the desired development goal. Therefore, the civic obligations to pay taxes should be enhanced through efficient and effective service delivery, transparency and accountability. Additionally, Government development programmes must be reflective of the HRBA principles of participation, empowerment, equality, non-discrimination, and legality as envisaged in the National Development Plan (NDP) IV for sustainable socio-economic transformation in the country.

# Liberalization of Education and Human Rights Concerns in Uganda



### 2.0 INTRODUCTION

In 1993, the Government liberalised<sup>37</sup> the education sector, leading to a significant increase in private schools.<sup>38</sup> By 2008, the Ministry of Education and Sports reported that private investors had established thousands of private schools.<sup>39</sup> In the secondary sub-sector, the number of private schools had grown to about 4,000, more than double the number of Government-funded schools.<sup>40</sup> Privatisation of education refers to a process of the "transfer of assets, management, functions or responsibilities [relating to education] previously owned or carried out by the State to private actors."<sup>41</sup> The International Covenant on Economic, Social, and Cultural Rights empha-

sises that education is universal and for all to enjoy regardless.<sup>42</sup> As of June 2024, there were **30,983** private primary schools and **6,051** private secondary schools in Uganda. The Commission established that there are both pros and cons of liberalisation of education in any given State. In Uganda, too, privatisation of education has both advantages and disadvantages.

This chapter, therefore, will explore the positive impact of liberalisation of education in Uganda with special focus on primary and secondary, as well as human rights concerns, and provide recommendations for policy reform.

<sup>37</sup> See the Government White Paper on Education of 1992.

<sup>38</sup> https://www.right-to-education.org/issue-page/privatisation-education.

<sup>39</sup> The exact numbers for 1993 were not available.

<sup>40</sup> Private Schools & Institutions - Ministry of Education and Sports accessed on 11th February 2025.

<sup>41</sup> See https://www.right-to-education.org/issue-page/privatisation-education accessed on 11th February 2025.

<sup>42</sup> See Article 13(2).

### 2.1 LEGAL FRAMEWORK

### 2.1.1 International Legal Framework

The Universal Declaration for Human Rights (UDHR) provides that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

Article 13(3) of the International Covenant on Economic, Social, and Cultural Rights (ICESR) grants freedom to parents and guardians to choose for their children's schools of their own choice, other than those established by the public authorities. However, the covenant emphasises that the schools should conform to such minimum educational standards as the State may have laid down or approved.<sup>43</sup> By effect, this provision envisages the existence of schools other than only public schools.

The ICESCR recognises the right to education and articulates specific obligations for State parties to take as a way of moving towards the full realisation of this right. These include<sup>44</sup> free, compulsory and available primary education for all.<sup>45</sup> The ICESCR also requires States to encourage and intensify fundamental education for learners who drop out of primary school, and the establishment of schools at all levels is actively pursued, including the continuous improvement of the material conditions of teaching staff.<sup>46</sup> Parents are still given the liberty to choose the kind of school for their children, including private schools, though the State is required to regulate and supervise these private entities closely.<sup>47</sup>

Additionally, for the right to education to be attained, education at all levels must have the following interrelated but critical features that are relevant in the context of liberalised education: availability, (presence of functional schools in suffi-

cient quantities); accessibility, physically, financially and without discrimination; acceptability, subject to the minimum standards set by the State; and adaptability, and flexible to the changing contexts.<sup>48</sup>

The Convention on the Rights of the Child (CRC) almost replicates the standards articulated in the UDHR and ICESCR, while obligating State parties to take measures to ensure learners' regular attendance at school and reduce school dropout rates.<sup>49</sup>

Regarding a State's obligations, General Comment No. 16(2013),<sup>50</sup> notes the impact and role of the business sector on children's rights to an education. However, States are not exempt from liability for any effects arising from their encouragement of privatisation.<sup>51</sup> Regarding inclusive education, the **Convention on the Rights of Persons with Disabilities (CRPD)** provides for the right to inclusive education, without discrimination, and on an equal basis with others.<sup>52</sup>

### 2.1.2 Regional Legal Framework

At a regional level, **the Banjul Charter** provides for the right to education with emphasis on cultural relevance, and the need to protect the morals and traditional values of communities.<sup>53</sup> The **African Charter on the Rights and Welfare of the Child (ACRWC)** provides for the right to education for all.<sup>54</sup> The charter does not introduce new obligations except for the need for States to 'take special measures in respect of female, gifted and disadvantaged children, to ensure equal access to education for all sections of the community'. It also includes the obligation on States to ensure that children who become pregnant before completing their education are given the right to do so.<sup>55</sup>

<sup>43</sup> https://www.refworld.org/legal/resolution/unga/1966/en/11181 accessed 8th February 2025.

<sup>44</sup> Article 13(2) of the ICESCR.

<sup>45</sup> Article 13(2) (a) of the ICESCR.

<sup>46</sup> Article 13(2) (e) of the ICESCR.

<sup>47</sup> Article 13(3) and (4) of the ICESCR.

<sup>48</sup> Para 6 of General Comment 13 of the ICESCR.

<sup>49</sup> See Article 28 (1), specifically (e) of the CRC.

<sup>50</sup> CRC

<sup>51</sup> The Committee does not prescribe the form of delivery of such services but it emphasises that States are not exempted from their obligations under the Convention when they outsource or privatise services that impact on the fulfilment of children's rights.

<sup>52</sup> Article 24(1) of the CRPD.

<sup>53</sup> Article 17 of the Banjul Charter.

<sup>54</sup> See Article 17 of the African Chapter on Human and Peoples Rights.

<sup>55</sup> See Article 11 (3) (e) and (6) of the ACRWC.

The **2019 Abidjan Principles**<sup>56</sup> stipulate that States must not permit the freedom to set-up or attend private schools, to infringe on either the right to free, equitable, and inclusive education for all, or the rights to equality and non-discrimination. The Principles provide a frame of reference for the resolution of other tensions which may emerge in the context of growing liberalisation of education.<sup>57</sup>

Similarly, the African Commission on Human and Peoples' Rights passed General Comment 7, which is premised on the fact that social services such as education are not commodities bought by only those who can afford them, but human rights for all. As such, States should comply with acceptable human rights standards in their provision so that Governments can meet their respect, protect, and fulfil obligations.<sup>58</sup>

### 2.1.3 National Legal Framework

### **Key Elements of the Right to Education**

The right to education is a fundamental human right recognised globally, enshrined in international treaties, national constitutions, and human rights laws. It serves as the key to empowering individuals, fostering personal development, and promoting social, economic, and cultural progress. The right to education ensures that everyone, regardless of gender, socio-economic background, or disability, can access quality education at all levels. Several key elements define this right, each crucial for guaranteeing that education is accessible, equitable, and of high quality for all.At the domestic level, the Constitution of the Republic of **Uganda, 1995**, provides for the right to education.<sup>59</sup> The National Objectives and Directive Principles of State Policy provide that (i) the State shall promote free and compulsory basic education; (ii) the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible; and (iii) individuals, religious bodies and other non-governmental organisations (NGOs) shall be free to found

and operate educational institutions if they comply with the general educational policy of the country and maintain national standards.

The Education Act Cap 247 Section 5 provides for the roles of the different stakeholders in education, and Section 58(g) gives power to the Minister to enact regulations. In addition, Sections 32 and 33 of the Education (Pre-Primary, Primary and Post-Primary) Act provide for requirements for establishing private schools. The law envisages a school being in operation by the time of application for licensing.<sup>60</sup>

### 2.2 IMPORTANCE OF EDUCATION

Education is one of the most powerful tools for shaping the future. It transcends borders, cultures, and backgrounds, offering a universal pathway to empowerment, enlightenment, and progress. From an early age, education equips individuals with the necessary skills, knowledge, and values to navigate life's challenges and contribute to developing their communities and societies.

## 2.2.1 Personal Empowerment and Development

At its core, education is a vehicle for personal growth. It nurtures critical thinking, creativity, and problem-solving skills, allowing individuals to make informed choices and decisions. Whether through formal schooling or self-directed learning, education encourages curiosity, self-discipline, and a thirst for knowledge, helping individuals develop a sense of purpose and identity.

In addition, education boosts self-esteem and confidence. When individuals acquire knowledge and skills, they feel more capable of achieving their goals and overcoming obstacles. This sense of empowerment fosters resilience, which is vital for personal and professional success.

<sup>56</sup> The Abidjan Principles unpack and compile existing provisions in international human rights law and provide guidance on how to put them into practice in the context of the rapid expansion of private sector involvement in education.

<sup>57</sup> The Abidjan Principles.

<sup>58</sup> Part B (10) of General Comment 7.

<sup>59</sup> See Article 30.

<sup>60</sup> Education (Pre–Primary, Primary and Post–Primary) Act, Section 32 (3).

### 2.2.2 Expanding Economic Opportunities

One of the most tangible benefits of education is its role in enhancing economic opportunities. The more educated an individual is, the more likely they are to secure well-paying jobs, experience career advancement, and access diverse career paths. Education opens doors to professions in various fields, including medicine, law, technology, engineering, and the arts, creating a dynamic and skilled workforce. Moreover, education is a key driver of economic growth. An educated workforce attracts investment, fosters innovation, and stimulates entrepreneurship, leading to more jobs, higher standards of living, and greater economic stability. In this sense, education is an individual benefit and a broader societal and economic asset.

## 2.2.3 Reducing Inequality and Breaking the Cycle of Poverty

One of the most powerful ways education can impact society is by addressing inequality and providing individuals with the means to escape poverty. Education gives people the tools they need to break free from the cycle of poverty by providing access to better job creation or employment opportunities and higher income levels. For marginalised communities, education acts as a leveller, offering equal opportunities for growth and advancement. When everyone has access to quality education, the gap between the rich and the poor narrows, leading to more equitable societies where people are judged by their abilities, not their socio-economic backgrounds.

## 2.2.4 Promoting Social Cohesion and Tolerance

Education plays a significant role in fostering social cohesion, unity, and understanding. It helps individuals develop a sense of empathy and respect for people from diverse cultural, social, and economic backgrounds. Through education, people learn the values of tolerance, cooperation, and peaceful coexistence, which are crucial for maintaining harmonious societies. Education enables people to understand and appreciate different cultures, ideologies, and beliefs in a globalised world. This understanding is essential for addressing issues such as racism, discrimination, and xenophobia, and for building societies that are inclusive, respectful, and just.

### 2.2.5 Advancing Health and Well-being

Education and health are inextricably linked. Studies have shown that educated individuals tend to make healthier choices, access healthcare more easily, and live longer lives. Education empowers people to understand the importance of nutrition, exercise, mental health, and preventive care, leading to healthier lifestyles and reduced disease rates. Moreover, educated individuals are better equipped to access and utilise healthcare services. In many parts of the world, education is a key factor in improving public health outcomes, from preventing the spread of diseases to addressing mental health challenges. In this way, education is essential for fostering physical well-being and overall societal health.

## 2.2.6 Encouraging Active Citizenship and Democracy

In a democratic society, education is vital for an informed citizenry. It provides individuals with the knowledge of their rights, responsibilities, and the functioning of their Government. Educated citizens are more likely to participate in political processes, such as voting, advocacy, and policymaking, leading to stronger, more accountable democratic institutions.

Furthermore, education promotes critical thinking and the ability to evaluate information, which is crucial in an age of misinformation and fake news. An educated electorate is better equipped to make sound and rational decisions that benefit society as a whole.

## 2.2.7 Fostering Innovation and Technological Progress

Education is a cornerstone of innovation. It provides the foundation for scientific research, technological development, and creative expression. Through education, individuals are trained in specialised fields such as medicine, engineering, technology, and the arts, leading to ground-breaking advancements that drive progress. Education fosters adaptability and lifelong learning in a constantly changing world. As new technologies and challenges emerge, education equips individuals with the skills to navigate and shape the future. Education facilitates addressing global issues such as climate change, energy sustainability, and access to clean water.

## 2.3 KEY ELEMENTS OF THE RIGHT TO EDUCATION

The right to education is a fundamental human right recognised globally, enshrined in international treaties, national constitutions, and human rights laws. It is the key to empowering individuals, fostering personal development, and promoting social, economic, and cultural progress. The right to education ensures that everyone, regardless of gender, socio-economic background, or disability, can access quality education at all levels. Several key elements define this right, each crucial to ensuring that education is accessible, equitable, and of high quality for all.

### 1. Accessibility

This is one of the foundational elements of the right to education and means that education must be available to all people without discrimination. Accessibility encompasses various aspects:

- Physical access: Schools and educational facilities must be within reasonable proximity to where children and adults live. This includes overcoming geographical, transportation, and infrastructure barriers, particularly in rural or underserved areas.
- Economic access: Education must be free, or at least affordable. While primary and secondary education is often mandated to be free, tertiary education and other forms of higher learning should be affordable or subsidised for those in need. Scholarships, grants, and financial aid can help bridge the economic gap.
- Non-discrimination: The right to education is universal, meaning that no one should be excluded based on race, gender, ethnicity, religion, or any other discriminatory factor. Education systems must ensure that marginalised groups, such as girls, children with disabilities, and ethnic minorities, are given equal access to educational opportunities.

In practice, this element ensures that education is truly available to everyone and that no group is excluded from the benefits of education due to external barriers.

### 2. Availability

For education to be a right, there must be **availability** of adequate educational institutions, facilities, and materials. This includes:

- Adequate infrastructure: Schools must be available in sufficient numbers, equipped with essential facilities such as classrooms, libraries, and sanitation. Education should be offered in safe environments where students can learn without fear of harm.
- Qualified educators: Availability also means having qualified and well-trained teachers who deliver the curriculum effectively. Ensuring that teachers are adequately trained, supported, and compensated is essential for the overall effectiveness of the educational system.
- Educational materials: Students must have access to textbooks, digital tools, and other resources that support their learning process. The availability of such resources ensures that students are not deprived of the materials they need to succeed.

This element emphasises that the State or relevant authorities must invest in and prioritise building the necessary infrastructure and human resources to make education accessible.

### 3. Acceptability

The principle of **acceptability** ensures that the education offered meets basic standards of quality. The content, methods, and language of instruction should be:

- Relevant and inclusive: The curriculum should reflect the needs, interests, and backgrounds of all students, ensuring that it is inclusive and relevant. This means addressing not just academic subjects but also life skills, social-emotional learning, and citizenship education.
- Respectful of diversity: Education must respect students' cultural, linguistic, and religious diversity. It should be designed to promote understanding and tolerance, celebrating diversity while fostering social cohesion and equality.
- Effective and well-structured: Education must be delivered in a manner that promotes learning and development. Teachers should use appropriate, effective teaching methods that engage students and support their academic growth.

In essence, acceptability guarantees that the education provided is of good quality, respects the needs of diverse students, and fosters holistic development.

### 4. Adaptability

Education must be **adaptable** to meet the changing needs of individuals and societies. The element of adaptability ensures that education systems evolve to remain relevant and responsive. This includes:

- Flexibility in learning: Education should cater
  to different learning styles, abilities, and life
  circumstances. This may involve offering alternative pathways for learners who require
  different approaches, such as vocational
  training, adult education programmes, or
  online learning options.
- Responding to social change: As society progresses, education systems should adapt to new challenges and demands. This could involve integrating new technologies, teaching relevant skills for the workforce, or addressing emerging social issues such as climate change, mental health, and technological literacy.
- Lifelong learning: Education is not limited to childhood or adolescence. The right to education also supports the concept of lifelong learning, recognising that individuals must continue to acquire knowledge and skills throughout their lives, whether for personal development or professional advancement.

Adaptability is crucial for ensuring that education remains relevant to learners at all stages of life and continues to address the evolving needs of society.

### 5. Quality

The **quality** of education is perhaps the most critical element of the right to education. Access to education is not enough if the quality of that education does not meet basic standards. Quality education includes:

- Curriculum standards: A curriculum that is academically rigorous, comprehensive, and aligned with national or international standards.
- Teaching competence: Teachers must be welltrained and continually supported through professional development to ensure effective instruction and student success.

 Student-centred approaches: Education should focus on the needs of students or learners, using teaching methods that are engaging, interactive, and foster critical thinking and creativity. The goal is not only to impart knowledge but to develop skills that will serve students throughout their lives.

Quality education encompasses fair assessments, accountability mechanisms, and a focus on students' well-being, ensuring that schools serve as environments where students feel safe, respected, and valued.

# 2.4 BACKGROUND TO COMMERCIALISATION AND PRIVATISATION OF EDUCATION IN UGANDA

Commercialisation in schools involves creating, marketing and selling educational goods and services for undue financial/material gain.<sup>61</sup> In Uganda, commercialisation of education manifests through exaggerated school fees structures that require parents and guardians to pay for requirements that are non-essential for learning. This is happening in public, Government-aided and private for-profit schools in Uganda. On the other hand, privatisation is a challenge to the traditional public provisioning of education, and instead encourages non–State actors to take a leading role in delivering education, sometimes regardless of the quality.

Historically, formal education in Uganda was started by the Christian missionaries who had established their foothold before the eventual colonisation by the British in the late 19th century. The education was offered under missionary schools, mainly catering to children of the nobles, prominent families, tribal heads and the clergy. This explains the special position that non-State actors, especially religious institutions, like the church, have held in the delivery of education in the country to date. Upon attaining independence in 1962, the immediate post-colonial Governments undertook to expand access to primary education by constructing several primary and secondary schools across the country and also implemented

<sup>61</sup> Education International, Marketisation, Privatisation and Commercialisation in Education: Defining Key Terms, 2018 at https://www.ei-ie. org/en/item/26108:marketisation-privatisation-commercialisation-in-education-defining-key-terms accessed on January 6<sup>th</sup>, 2025.

<sup>62</sup> Initiative for Social and Economic Rights, Context Analysis and Policy Mapping of the Existing Legal and Policy Framework on Inclusive Primary Education: Financing, School Management and Accountability.

<sup>63</sup> Ministry of Education and Sports (2016), National Education Accounts Report, p. 1.

the grant–aiding arrangement with religious-founded schools.<sup>64</sup>

The National Resistance Movement (NRM) Government furthered the agenda of expanding access to education, particularly in 1993, when it liberalised the sector to allow private actors to supplement Government efforts. This has since resulted in the exponential growth of private provision of education. 65

### 2.5 SITUATIONAL ANALYSIS

### 2.5.1 Ownership of Schools in Uganda

In Uganda, the ownership of primary and secondary schools is divided between the Government and various non-State actors. At the primary level, the Government owns approximately 64% of schools, while non-State actors, including private entrepreneurs, faith-based organisations, and communities, own the remaining 36%. In contrast, at the secondary level, non-State actors own about 62% of schools, leaving the Government with ownership of 38%. According to the Ministry of Education and Sports, Uganda has 30,983 private and 12,551 Government primary schools. The pupil-teacher ratio in private primary schools is 41:1 compared to 60:1 in Government schools. At the secondary level, the country has 1,415 Government schools and 6,051 private schools. This distribution highlights a significant role for non-State actors in providing education, especially at the secondary level.

Private schools in Uganda can be broadly categorised into three categories: low-cost private schools, mid-range private schools, and high-end private schools. Low-cost private schools primarily serve low-income families, mid-range private schools cater to middle-income families, while high-end private schools target wealthy families and expatriates.<sup>66</sup>

Table 1: Primary School Enrolment in Uganda

CATEGORY	GOVERNMENT	PRIVATE	TOTAL	
Total Enrolment	9,235,431	1,741,347	10,976,778	
Boys	4,813,802	889,771	5,703,573	
Girls	4,421,629	851,576	5,273,205	
Teaching Staff	154,326	42,043	196,369	
No. of Schools	12,551	30,983	43,534	

Data Source: Education Management Information System Ministry of Education and Sports<sup>67</sup>

Table 2: Secondary School Enrolment in Uganda

CATEGORY	GOVERNMENT	PRIVATE	TOTAL	
Total Enrolment	1,056,867	653,536	1,710,403	
Boys	522,913	300,229	823142	
Girls	533,954	353,307	887261	
Teaching Staff	42,258	29,660	71,918	
No. of Schools	1,415	6,051	7,466	

Data Source: Education Management Information System Ministry of Education and Sports<sup>68</sup>

Table 3: Teacher-Student Ratios in Primary and Secondary Schools in Uganda

RATIOS	GOVERNMENT	PRIVATE
Primary schools pupil-teacher ratio	60:1	41:1
Secondary schools pupil-teacher ratio	25:1	22:1

Data Source: Education Management Information System Ministry of Education and Sports<sup>69</sup>

<sup>64</sup> Ibid

<sup>65</sup> Initiative for Social and Economic Rights and The Global Initiative for Social and Economic Rights, Privatization, Discrimination and the Right to Education in Uganda, Alternative Report Submitted by the Initiative for Social and Economic Rights and the Global Initiative for Social and Economic Rights, 2015 at https://iser-uganda.org/wpcontent/uploads/2022/05/privatisation\_discrimination\_and\_right\_to\_education.pdf.

<sup>66</sup> Presentation made by the Ministry of Education and Sports at the first 27th Annual Report consultative meeting held on 18<sup>th</sup> December 2024, in the UHRC Boardroom.

According to Ministry of Education and Sports that the above statistics are partial especially for private schools because they have been slow in uploading data onto the Education Management Information System.

<sup>68</sup> According to Ministry of Education and Sports that the above statistics are partial especially for private schools because they have been slow in uploading data onto the Education Management Information System.

<sup>69</sup> According to Ministry of Education and Sports that the above statistics are partial especially for private schools because they have been slow in uploading data onto the Education Management Information System.

In addition, the number of teachers in primary stands at 196,369 (154,326 Government: 42,043 private), representing a pupil teacher ratio of 60:1 for Government schools and 41:1 for private schools.<sup>70</sup>

## 2.5.2 Models of Delivery of Primary and Secondary Education

Currently, Uganda has three primary and secondary education delivery models. The education sector incorporates a hybrid system that has public schools, Government grant-aided schools, and purely private schools. This hybrid system was credited for expanding access to education. It is, however, costly, especially for the most vulnerable and the poor. The three models are elaborated below.

# (a) Public and Government-aided secondary schools implementing Universal Primary Education (UPE) and Universal Secondary Education (USE) programmes

Through LGs and the Ministry of Education and Sports, the central Government recruits and deploys teachers and pays their salaries, constructs school infrastructure, and provides capitation grants (operation unit costs) per learner per term. These schools are not supposed to charge any tuition, except under circumstances where parents agree through the Parent-Teacher Associations and School Management Committees/Board of Governors and set a cost for feeding the children.<sup>71</sup>

However, contrary to the law and objective of the UPE and USE programmes, it has been established that almost all UPE and USE schools have been charging non-tuition fees to meet pressing school needs such as staffing gaps and development costs.<sup>72</sup> This is largely attributed to the Government's inadequate funding of the programmes, thus rendering the initiatives subsidised and not free education.<sup>73</sup>

Regrettably, the non-tuition fees levied by the UPE and USE schools are not regulated, thus, there is a lack of uniformity. For example, Kyotera Central Primary School (UPE) charges UGX 130,000 while Aloi Primary School (UPE) in Alebtong District charges UGX 172,000 and Kabirizi S.S. (USE) in Rubanda charges UGX 364,000. In some schools, parents are even required to contribute items unessential to the learners' education.



Students performing at Kira S.S., a public school in Kampala.

<sup>70</sup> Education, Sports and Skills Development Sub Programme Annual Performance Report FY 2023/24 Page 62.

<sup>71</sup> Section 10 of the Education (Pre-Primary, Primary and Post-Primary) Act.

<sup>72</sup> https://iser-uganda.org/wp-content/uploads/2024/10/Governance-and-Accountability-in-the-Provision-of-Public-Primary-Education-in-Uganda.pdf.

<sup>73</sup> National Planning Authority, Comprehensive Evaluation of the Universal Primary Education (UPE) Policy, Thematic Report 5: Financing and Costing of UPE, 2018.



The entrance to King's College Budo, a Government-aided school



Kampala Parents School, a private school in the capital city.

## (b) Government grant-aided schools that are not implementing UPE and USE programmes

Government grant-aided schools refer to those not founded or owned by the Government but which receive statutory grants in the form of aid, and are jointly managed by the foundation body and the Government.<sup>74</sup> These schools are mainly religious and community-founded schools that receive Government funding in terms of salaries for teachers and infrastructure support, but they do not implement UPE and USE programmes.

In practice, access to these schools, for primary education, is based on a child completing pre-primary and, for secondary, excellence in Primary Leaving Examinations and affordability of the tuition and other functional fees. Over the years, the cost of accessing these schools has become

increasingly hard to the extent of either matching or exceeding their private for-profit counterparts operating in the same locality, despite receiving Government funding. Just like with UPE and USE schools, there is no regulation of the fees charged by Government grant-aided schools.

### (c) Private not-for-profit and for-profit primary and secondary schools

Following the liberalisation of the education sector, anyone who meets the criteria can operate a primary or secondary school. A private school means a school not founded by, and which does not receive statutory grants from the Government. Educational privatisation takes many forms, such as private schools, home schools, international schools, and public schools that charge fees, among others. In practice, these schools determine their school fees structures and are not yet subject to any form of regulation by the Government.

## 2.6 POSITIVE IMPACT OF LIBERALISATION OF EDUCATION

### 2.6.1 Increased Access to Education

Liberalisation has significantly increased access to education in Uganda. With the increase of private schools, more children have had the opportunity to receive an education, contributing to higher enrolment and improved literacy levels.

### 2.6.2 Improved Quality of Education

Private schools often offer better facilities, smaller class sizes, and more qualified teachers compared to public schools. This has led to improved academic performance and better overall quality of education. Private schools also tend to be more innovative in their teaching methods and curricula, which can lead to more engaging and effective learning experiences. However, not all private schools provide quality education, it is mainly schools in the urban areas that have improved the quality of education compared to those in rural areas. Private schools are often perceived to offer better quality education than public schools,

<sup>74</sup> Section 3 of the Education (Pre–Primary, Primary and Post–Primary) Act, Cap 247.

<sup>75</sup> ibid, section 3.

<sup>76</sup> ibid.

<sup>77</sup> Presentation made by Ministry of Education and Sports at the 1st 27th Annual Report Consultative meeting in the UHRC Boardroom held on 18<sup>th</sup> December 2024.

leading to higher demand. However, the quality varies significantly among private institutions, with some lacking adequate infrastructure and qualified teachers." — Dr. Rosie Agoi, Secretary General, Uganda National Commission for UNESCO.<sup>78</sup>

### 2.6.2.1 Employment

Private schools provide employment opportunities to teaching and non-teaching staff, giving a livelihood to thousands of families across the country and providing revenue through income taxes.

# 2.7 GOVERNMENT EFFORTS TO REGULATE THE PRIVATISATION AND COMMERCIALISATION OF EDUCATION

# 2.7.1 Government enactment of the Education (Pre-Primary, Primary and Post-Primary) Act

This is the primary legislation on the regulation of private sector involvement in education; it has special provisions relating to private schools, such as requirements for establishing private schools, classification of private schools, licensing and registration of private schools, cancellation of registration, change of ownership, closure and re-opening, and management. The Act also obliges the Ministry of Education to issue regulations from time to time dealing with issues of management, governance, and control of schools, such as procedures and functions of School Management Committees (SMCs) and Boards of Governors as well as school fees payable at any school, uniforms and meals. 80

Unfortunately, since the enactment of the Act in 2008, the Ministry of Education and Sports has not issued regulations, including those on school fees. However, it is worth noting that the Ministry has, over the years, opted to issue Circulars and Guidelines to school authorities.

## 2.7.2 Development of the National Teachers Bill 2024

In 2024, the Government introduced the National Teachers' Bill 2024 to give effect to the National Teacher Policy, 2019.<sup>81</sup> The Bill seeks to strengthen the regulation of the Teaching Profession and criminalises engagement in teaching without qualifications or employment of unqualified teaching staff. The Bill introduces rigorous standards for teachers' registration, licensing, discipline and professional development.



## 2.7.3 Strengthening of the Directorate of Education Standards

The Ministry of Education and Sports is conducting continuous training of the Inspectors, providing transport, and initiating technology-based systems, such as the Teacher Effectiveness and Learner Achievement (TELA). According to the Ministry of Education, the system uses time-on-task performance management to monitor the real-time attendance of teachers and headteachers, using a smartphone with global positioning system and biometric features. Besides tracking absenteeism, TELA also monitors timetable implementation by providing information on which lessons are being taught in each school. A total of 6,365 schools were able to use the TELA system, enhancing teacher attendance, tracking and accountability.

<sup>78</sup> Presentation made by Dr Rosie Agoi, Secretary General, Uganda National Commission for UNESCO at the 1st 27<sup>th</sup> Annual Report Consultative meeting in the UHRC Boardroom held on 18<sup>th</sup> December 2024

<sup>79</sup> See Sections 32-45.

<sup>80</sup> See Sections 4 & 58.

<sup>81</sup> Status of the Bill - 2nd reading.

### 2.7.4 E-inspection

This is an electronic inspection system that uses mobile tablets that are GPS-enabled and can work online and offline. It enables inspectors and assessors to carry out real-time school and institution inspections and reporting.

### 2.7.5 Policy Development

The government is in the process of developing the Private Education Provision Policy that will streamline the operation and regulation of private education provision.

# 2.7.6 Physical Education and Sports Policy and the Early Childhood Care and Education Policy

Cabinet approved the Physical Education and Sports Policy and the Early Childhood Care and Education Policy to enhance physical education and early childhood development.

## 2.7.7 Licensing and Registering of Private Schools

The Ministry of Education registered a total of three hundred (300) private primary schools, while four hundred (400) were licensed. There was a 73% increase in the number of schools registered and a 32% decline in the number of private primary schools licensed. In addition, 2,000 new registration certificates were printed and issued for private schools to improve regulatory compliance.

## 2.7.8 Establishment of the Department of private schools and Institutions (PSI)

The Department of private schools and Institutions (PSI) was established in 2008, following the restructuring of Ministry of Education and Sports so as to address the varying gaps in the drastic growth of Private sector investment in education provision. Referring to the Ministry of Education and Sports Restructuring Report of 2007, the Department took up the mandate of oversight of policy, regulations and guidelines for operations of ECDs, Private Primary schools, and Private Secondary Schools and Private Post Primary certificate-awarding institutions as well as international schools.

Consequently, the Department of Private Schools and Institutions is charged with the overall coordination, regulation, policy formulation and guidance on all matters regarding private schools and institutions. It is specifically vested with the powers to address issues and concerns in pre-primary, private primary, private secondary schools and the international schools. It is also the responsibility of the department to coordinate, initiate and implement policies and deal with matters pertaining to foreign students in Ugandan schools.

## 2.8 HUMAN RIGHTS CONCERNS OF LIBERALISATION OF EDUCATION

Despite the above positive developments of liberalisation of education in Uganda, there have been various challenges related to the concept in the context of General Comment 13 of the ESCR including quality, availability, affordability, accessibility and acceptability of this education including inadequate regulation and monitoring; high costs; and poor working conditions and terms of employment.

## 2.8.1 Inadequate Budget Allocation for the Education Sector

Education is often described as the foundation of any society, a critical driver of economic development, social mobility, and national progress. It is indeed a fundamental pillar for national development. <sup>82</sup> Quality education has the potential to transform lives, break the cycle of poverty, and pave the way for a more prosperous future for individuals and communities. However, despite the immense value that education brings, one of the most persistent challenges faced by Uganda is the inadequate budget allocation for the education sector. Insufficient funding has led to overcrowded classrooms, outdated learning materials, underpaid teachers, and a lack of essential resources, all of which hinder the delivery of quality education.

The total budget allocation for the Education, Sports and Skills Development Sub- programme was UGX 4,439.12 billion in the FY 2023/2024, representing 8.4% of the national budget. This is an increase from the FY 2022/2023 allocation of

50

<sup>82</sup> Can Uganda's Future be Secure with the 2024/25 Education Budget Allocation – Leadership Magazine accessed on 8<sup>th</sup> February 2025.



The Minister of Finance, Planning and Economic Development, Hon. Matia Kasaija (Centre) along with other ministers at Kololo independence grounds during the budget reading for FY 2024/25.

UGX 4,116.02 billion, which represented 11.2% of the national budget for the fiscal year. However, the proportion of the sub-programme budget as a percentage of the national budget decreased by 2.78%.<sup>83</sup>

According to UNESCO, Governments are encouraged to allocate at least 4-6% of their GDP and 15-20% of their national budgets to education to ensure equitable access to quality learning opportunities. <sup>84</sup> However, the reality is often much lower, particularly in low- and middle-income countries, where competing priorities, such as healthcare, defence, and infrastructure development, often take precedence.

Inadequate funding for education has far-reaching consequences that extend beyond the classroom as it affects the entire education ecosystem, from teacher training and curriculum development to infrastructure, digital learning tools, and school safety. As a result, millions of children and young adults are deprived of the opportunities they need to succeed and contribute meaningfully to society.

## 2.8.2 Inadequate Oversight and Accountability Mechanisms

The State is responsible for ensuring that the right to education is upheld regardless of the provider of education. As such, the Government is obligated to regulate and monitor private education institutions to ensure that private providers meet the minimum standards for the realisation of the right to education.<sup>85</sup>

Uganda currently lacks a regulatory framework on how private schools should operate. There have also been public and media reports that regulators are major owners of private schools in the country, causing glaring levels of conflict of interest and thus leading to ineffective regulation. "The monkey cannot determine the fate of the forest," said a respondent during a UHRC survey. Dr Diana Ahumuza, a professor from Makerere University, also stated that, "The unregulated private sector has led to evident inequities in the realisation of the right to basic education, with those at the societal margins hit the most. The available option for the poor and vulnerable for free and compulsory UPE faces financing bottlenecks that affect its viability.""86

<sup>83</sup> Education, Sports and Skills Development Sub programme Annual Performance Report FY 2023/24 Page xxv.

<sup>84</sup> Government expenditure on education as % of GDP | UNESCO UIS.

<sup>85</sup> See ICESCR, 1966, Article 13; CESCR General Comment 13, 1999: Para. 30.

<sup>86</sup> Dr. A Ahumuza 'Tax incentives and the realization of economic and social rights: The right to basic education in Uganda' LLD Thesis University of Pretoria (2022) unpublished 59.





Some of the structures at a Bridge International Academy campus in Uganda.

The Commission notes that privatised education without adequate regulation and monitoring of standards has led to the violation of acceptable and quality education parameters.<sup>87</sup> A case in point is the Bridge International Academies. These schools were closed in Uganda and Kenya for failure to meet acceptable standards, even when they had funding from international institutions. The High Court of Uganda ruled<sup>88</sup> in favour of the Ministry of Education's directive to close down the schools after the Court established that academies were operating in contravention of the law. The schools were accused of poor sanitation, poor infrastructure, and not following the proper curriculum.

In closing the academies which were a chain of low-cost private schools backed by Bill Gates and Mark Zuckerberg, the founders of Microsoft and Facebook, respectively, Justice Patricia Basaza Wasswa ruled that the 63 Bridge International Academies provided unsanitary learning conditions, used unqualified teachers and were not properly licensed.

The Bridge International Academies situation may not be isolated; if there were adequate supervision and monitoring standards, many more private schools would be closed. 99 Indeed, there are several reports in private schools of unqualified teachers, unacceptable teacher-to-learner ratios, educational facilities that are not inclusive and that violate provisions of inclusive education, among other concerns. 90

### 2.8.3 Unregulated Fees Structures

One major issue that has emerged in recent years is the rising costs associated with private education, particularly in the form of unregulated school fees. While private institutions often justify these fees as necessary for providing high-quality education, the lack of oversight can have serious consequences for both families and the broader education system. Unlike public schools, where fees are typically either capped or subsidised by the Government, private institutions have the freedom to set their own fees. This has led to a significant increase in the cost of tuition in certain private schools, often with little transparency or accountability.

The Commission established that different private schools ask for non-tuition fees for a variety of things like school uniforms, infrastructure development, school vehicle acquisition, school maintenance, extracurricular activities, and other miscellaneous items that are not always clearly disclosed. Such costs have increased the cost of education and made schools very expensive for several parents and guardians. In January 2024, several schools raised their school fees and other non-tuition fees, including registration and examination fees, among others.

In many cases, the final cost of attending a private school can be far higher than the initial tuition fee that families anticipate. For many families, this escalating cost is becoming a heavy financial burden, sometimes even forcing them to remove their children from these schools mid-year or to make drastic changes to their lifestyles to afford tuition.

<sup>87</sup> Paper presented at the 27<sup>th</sup> UHRC Annual Report Consultative Meeting held on 21<sup>st</sup> January 2025 by Dr. Dianah Ateenyi Ahumuza, Lecturer, School of Law and Head, Clinical Legal Education (CLE), Makerere University.

<sup>88</sup> Bridge International Academies (K) Ltd vs Attorney General MISC. Cause No. 160 of 2016.

<sup>89</sup> ibid.

The Commission noted that the multiple layers of fees are unaffordable by many parents, and this is exacerbated by high levels of unemployment, acute poverty and limited sources of income or livelihoods. Currently, about 30% of households in Uganda have to borrow to meet the fees and school requirements for their children's education, both for public and private. The unaffordability of school fees results in school dropouts. According to the Uganda Bureau of Statistics in the Uganda National Household Survey 2019/20, 67.7% of boys and 62.1% of girls who dropped out of school did so because of the inability to afford education. When schools reopened for the first term in 2024,

those joining Senior One in Government-aided schools paid about UGX 3 million, excluding non-tuition fees and other requirements like co-curricular activities, development fees, among others.

"High tuition fees in private schools is a barrier for many families and this has affected the most vulnerable, especially the poor." - Dr Rosie Agoi Secretary General Uganda National Commission for the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Table 4: Snapshot of the Fees Structure in Selected Schools in Uganda

NO.	SCHOOL	FEES IN UGX (TERMLY)	TYPE OF SCHOOL
1	Luwero Girls Primary School, Luwero District	150,000	UPE
2	Kyotera Central Primary School, Kyotera District	130,600	UPE
3	Mary Immaculate Primary School, Gulu District	170,000	UPE
4	Mbarara Municipal Primary School, Mbarara District	155,000	UPE
5	Elgon Primary School in Kapchorwa District	10,400	UPE
6	Kinoni Girls School in Rwampara District	324,000	USE
7	Sugu Seed Senior School in Buikwe	110,000	USE
8	Karera Seed School	138,000	USE
9	Soroti SS	250,000	USE
10	Mbale SS	282,500	USE
11	Nabisunsa Girls	1,950,000	Government non-USE School
12	Gombe SSS	2,100,000	Government non-USE School
13	Ntare School	2,020,000	Government non-USE School
14	Nyakasura School	977,000	Government non-USE School
15	Jinja College	1,100,000	Government non-USE School
16	St Mary's Kitende	3,300,000	Private Secondary School
17	Uganda Martyrs Namugongo	2,225,000	Private Secondary School
18	Seeta High School	2,340,000	Private Secondary School
19	Seroma Christian School	2,000,000	Private Secondary School
20	Buddo SS	1,900,000	Private Secondary School

Data Source: Equal Opportunities Commission, Annual Report on the State of Equal Opportunities in Uganda FY 2023/2024.

In addition, co-curricular activities such as swimming, sports, debate, music and drama come with at a cost to the parents, hence increasing the cost of school fees and expenses. Some schools take children outside the country, and those who cannot afford it feel ostracised/stigmatised. Some additional challenges are as follows:

(a) Lack of transparency: The UHRC further noted that one of the key challenges with unregulated school fees is the lack of transparency. Many private schools do not provide a breakdown of how the fees are allocated, leaving parents to wonder exactly where their money is going. Without clear communication from schools, it becomes difficult for parents

<sup>91</sup> UNESCO (2021), Global Education Monitoring Report 2021/2: Non-State actors in education: Who chooses? Who loses? Paris, UNESCO.

to assess whether the fees are justified or if they are being taken advantage of. Moreover, the fees that are disclosed are often not fixed. In many cases, schools increase their fees year after year, sometimes by a significant margin. These fee hikes are typically justified by the schools as necessary to cover rising operating costs, but without external oversight, it is difficult to determine whether these increases are reasonable or simply a means to increase the school's revenue.

(b) Impact on families: For many families in Uganda, private school fees are already a significant financial commitment. With unregulated fees, these costs can quickly become unaffordable, leading to difficult decisions for parents. Some families have been forced to choose between providing their children with a quality education and meeting other basic needs, such as housing, food, and healthcare. In the worst-case scenario, families who cannot afford rising fees have been forced to withdraw their children from private schools, disrupting their education and causing emotional distress for both the students and their parents. This also creates a divide between families who can afford these escalating costs and those who cannot, further exacerbating inequality in access to education.

The unregulated school fees have caused a public outcry for increased oversight and regulation. The UHRC believes that there should be a regulatory framework to ensure that private schools are transparent about their fees and are prevented from imposing excessive or unfair charges on families. One potential solution is the introduction of a fee cap, similar to what is often found in public education systems, to limit how much private schools can charge for tuition and additional fees. Another approach would require schools to provide detailed breakdowns of their fees and justify any increases with clear evidence of necessity. This would enable parents to make informed decisions and hold schools accountable for their pricing practices. The Government could also consider offering tax incentives or subsidies for lower-income families who wish to send their children to private schools, ensuring that education remains accessible to all students, regardless of their financial background.

# 2.8.4 Poor Working Conditions and Terms of Employment of Teachers in Private Schools

Teachers are often regarded as the backbone of the education system, shaping the minds of the next generation and fostering the skills necessary for societal progress. However, for many educators, particularly those working in private schools, the conditions under which they work, and the terms of their employment can be far from ideal. Despite the perception that private schools offer a better working environment compared to public institutions, many private school teachers face challenges that hinder their ability to teach and thrive in their profession effectively. The Commission appreciates the Ministry of Education and Sports for issuing Guidelines for Staff Employment in 2017. However, this has not offered tangible solutions to the problem due to a lack of enforceability. Teachers continue to face challenges as follows.

### (a) Low salaries and inconsistent pay

While some prestigious private schools offer competitive salaries and benefits to attract top talent, many others pay their teachers far below what is considered reasonable, given the demands of the profession. For example, teachers in private schools in lower-income regions may struggle to make ends meet, despite having the same qualifications and workload as their counterparts in public schools. In some private institutions, teachers' salaries are not only low but also inconsistent. Payment delays are common, with teachers sometimes going weeks or even months without receiving their due salary. This financial insecurity can be incredibly stressful and demoralizing, affecting teachers' ability to focus on their work and deliver high-quality education. For many educators, the constant worry about their financial stability is a significant burden that detracts from their professional passion and commitment.

### (b) Lack of job security and benefits

Teachers in private institutions may be hired on short-term contracts, which can be renewed or terminated based on the school's financial situation, enrolment numbers, or change in management. This lack of stability can create a



Teachers of Kampala Parents School strike over poor working conditions in November 2024, © The Independent, 2024.

stressful working environment where teachers constantly worry about their employment status. In addition, many private schools employ staff without formal contracts of employment, and the staff are not appropriately remunerated. The power to hire and dismiss staff, therefore, is in the hands of the school directors (owners of the schools). As a result, job security for staff in private schools is not guaranteed, which leads to a high staff turnover.

In addition to job insecurity, private school teachers frequently lack access to benefits that are standard in other sectors. For instance, many private schools do not offer health insurance, retirement plans, or paid leave, leaving teachers to manage their own healthcare costs and retirement savings. Without these benefits, teachers are left vulnerable to unforeseen financial burdens, which can add further stress to their already demanding roles. This situation is especially problematic in regions where healthcare and retirement options are expensive or inaccessible.

### (c) Excessive workload and long hours

Teachers are often expected to take on additional responsibilities, such as preparing extracurricular activities, attending meetings, or participating

in events that require after-hours commitment. In some cases, teachers are asked to cover for absent colleagues, taking on extra classes without additional compensation. The workload can be particularly intense for teachers in private schools with a focus on academic performance or extracurricular success. In these environments, teachers are expected to work long hours, often without overtime pay, leaving little time for personal life or self-care. The pressure to meet academic goals, prepare students for exams, and engage in non-teaching activities can lead to burnout, a condition that is all too common among private school educators.

### (d) Emotional and mental strain

Many private school teachers experience high levels of stress, anxiety, and burnout as a result of their working conditions. The constant pressure to perform and meet academic targets, coupled with a lack of support and recognition, can lead to feelings of frustration and helplessness. Teachers who are emotionally drained or overworked are less likely to be able to engage with their students effectively. This, in turn, affects student outcomes, as teachers' well-being directly influences their ability to create a positive, motivating, and supportive learning environment.

### (e) Inadequate professional development opportunities

Professional development is essential for teachers to improve their skills, stay updated with new teaching methods, and continue growing in their careers. However, many private schools do not prioritise or allocate resources for teacher development. This lack of investment in professional growth can be detrimental to teachers' career progression and the overall quality of education they provide. In some cases, teachers are required to fund their own training and development opportunities, further burdening them financially. Without regular workshops, seminars, or access to mentorship programmes, private school teachers are left with limited avenues for improvement, which can affect their teaching effectiveness and long-term job satisfaction.

## 2.8.5 Poor Safety and Security for the Learners

Several private and Government grant-aided schools, especially the high-end ones, have exceeded their numerical capacity but continue to admit learners. Others are situated in cramped and makeshift structures without space for expansion. <sup>92</sup> In addition, due to pressure to undertake effective coaching and teaching for national examinations as opposed to holistic learning, several schools have either resorted to operating illegal boarding structures or requiring learners to report in the morning and leave late in the evening. Some of them even teach during holidays. Such poor safety risks the lives of learners and also affects their mental and physical well-being.

## 2.8.6 Limited School Management Structures in Private Schools

Section 29 of the Education (Pre-Primary, Primary and Post-Primary) Act requires all schools both public and private to establish a School Management Committee (SMC) for a primary school and Board of Governors for a secondary school as the respective regulations that govern them. Contrary

to the law, most private schools lack these governance structures. 93 For those that have them, the functions of the governance structures are irregularly performed by the owners of the schools. 94

The Commission observed that leadership positions in particular schools are reserved for certain students basing on religion, marital status and financial muscle, though one may have all other requisite qualifications. It was also established that there are a lot of salary discrepancies among private schools; those that pay highly attract good teachers.

## 2.8.7 Arbitrary Closure of Private Schools without a Contingency Plan for the Learners

The Education (Pre-Primary, Primary and Post-Primary) Act contains provisions to guide the change of ownership of schools from one owner to another. Section 38 of the Act subjects such transactions to approval by the Permanent Secretary, Chief Administrative Officer, or Town Clerk. However, it does not contain provisions that deal with the management of the interests of the stakeholders, such as learners, in the event of closure of schools. As a result of such uncomprehensive regulation, owners of private schools decide when to exit the business. In most cases, the arbitrary closures are due to the schools ceasing to make business sense or using the school as collateral for obtaining a loan, and upon failure to service the loan, the mortgagee or money lender sells the school to the highest bidder, some of whom have no interest in continuing to operate the school.

### 2.8.8 Gaps in the Legal Framework

The Education (Pre-Primary, Primary and Post-Primary) Act does not deal with issues such as restricting regulators from owning private schools, using school properties as collaterals in obtaining loans, and utilising such funds obtained from loans. It also does not provide for thresholds of school income to be used in the administration and the amount to be taken out as profit by the investor, or the process for winding up schools.

<sup>92</sup> Children sleep in triple decker beds.

<sup>93</sup> Ministry of Education and Sports Position Paper on Private Provision of Basic Education in Uganda, supra.

<sup>94</sup> Ibid.

## 2.8.9 Gaps in the Institutional Regulatory Framework

The responsibility to regulate the private provision of education is allocated to the Ministry of Education and Sports and LGs. In line with Article 176 of the Constitution and sections 32 of the Local Government Act Cap 138 and Schedule 5 to the Act, education services that cover nursery, primary, secondary and special needs education were decentralised to LGS. Under Part VII of the Education (Pre-Primary, Primary and Post-Primary) Act, the regulation of private provision of education - the applications for licensing, registration and the orders for closure of schools, among other regulatory functions, rest on the Permanent Secretary, Chief Administrative Officer (CAO) or Town Clerk. The Guidelines for Establishing, Licensing, Registering and Classification Private Schools/ Institutions in Uganda supplement the Act. The application for pre-primary and primary school licensing is made to the CAO/Town Clerk, and for the secondary is made to the Permanent Secretary, and based on the report of the inspectors, the application will either be granted or rejected. A license is a provisional permission for operation, and after two years, the school proprietor is required to apply for registration. All applications for registration are made to the Permanent Secretary. Registration is the second and final step, and it confirms compliance with the established basic requirements and minimum standards. The process is, however, secretive, and there is no public involvement or participation.

Section 47 of the Education (Pre-Primary, Primary, Post-Primary) Act establishes the Directorate of Education Standards (DES) as the quality assurance arm for pre-primary, primary and secondary education. It is responsible for ensuring standards in all schools, including private schools. Considering the decentralisation of education, section 49 of the Education (Pre-Primary, Primary, and Post-Primary) Act requires DES to incorporate the municipal and district inspectors as associate assessors in all its regional or national inspections. However, there is a weakness in the link between DES and LGs in inspection. For instance, DES recommendations are not binding on LGs. The district and municipal inspectors submit their reports to the district/ municipal education officials, who are later submit to the CAOs, and they are not obliged to report to DES. The DES remains a subordinate entity to the Ministry of Education and Sports, as it reports to the Permanent Secretary, and the district and municipal inspectors are subordinate to the district and municipal education officers and CAOs, yet inspection is more of quality assurance.

#### 2.8.10 Rural-Urban Divide

Private schools are often concentrated in urban areas, offering an array of educational opportunities to the urban communities, which leaves children in rural regions with fewer options for quality education. These private institutions are typically well-funded, have smaller class sizes, and offer specialised curricula, which can significantly enhance students' educational experiences. However, this concentration of private schools in urban regions leaves a critical gap for children in rural areas, where access to quality education is often limited. This exacerbates inequality and limits access to education for children in more remote areas.

The Commission further notes that private schools have long been associated with higher academic standards, more extracurricular opportunities, and better resources, including advanced technology and specialised instructors. With higher population densities and more robust economies, urban areas naturally attract such institutions. As a result, children in cities have access to a broader range of educational options, from elite preparatory schools to specialised institutions focusing on the arts, sciences, or technology. Moreover, urban areas tend to have better overall infrastructure, including transportation networks, which makes attending private schools more feasible for families living in cities. Urban private schools also often have a diverse student body, allowing learners to engage with peers from different socioeconomic, ethnic, and cultural backgrounds. This exposure can foster a broader worldview and increase access to networks that are advantageous in the job market and life in general.

In stark contrast, rural areas are often left behind in terms of educational opportunities. They have fewer or no private schools, and the existing public schools suffer from limited resources, larger class sizes, and less access to specialised teachers or programmes. Additionally, the lack of infrastructure, such as public transportation, makes it difficult for rural children to access schools. One

of the biggest challenges faced by rural education systems is funding. Public schools in rural areas often receive less funding than their urban counterparts, which can result in outdated teaching material, a lack of extracurricular activities, and insufficient facilities. These disparities are further compounded by the fact that rural schools struggle to attract qualified teachers, who are often drawn to the higher salaries and amenities offered by urban districts.

As such, without access to the specialised programmes that private schools offer, children in rural areas may not receive the same opportunities to develop their talents or interests. For instance, students who are interested in fields like the arts, sciences, or technology may not have the chance to explore those areas in depth due to the limited offerings at public schools. Moreover, rural students often face fewer opportunities to interact with diverse groups of people, which can limit their social development and reduce their exposure to different perspectives. This can be especially problematic in an increasingly globalised world, where cross-cultural communication and understanding are valued skills.

Academically, students in rural areas may struggle to keep up with their urban peers, particularly in subjects that require advanced resources or specialised knowledge. This educational divide can result in a cycle of disadvantage, where rural students are less prepared for higher education and more likely to face difficulties securing well-paying jobs.

Privatization of Education has attracted establishment of private education institutions in the urban areas more than in the rural areas. This has led to rural areas becoming underserved thus leading to regional imbalances in education services. Government of Uganda however is addressing the regional imbalances through the policy of attaching an Early Childhood Education and Care Center on every primary school according to the ECCE policy, having a primary school in every parish, a secondary school in every sub county and a BTVET college in every region.' Said Ms, Harriet Senkaali Department of Private Schools and Institutions Ministry of **Education and Sports.** 

## 2.8.11 Inadequate School Facilities and Equipment

Since private schools are often considered as institutions that offer superior education, with smaller class sizes, advanced curricula, and a focus on personalised student development, many parents choose private education for their children. However, despite these perceived advantages, there is an increasing concern about the inadequacy of school facilities and equipment in some private institutions. While this issue may not be as widespread as in underfunded public schools, it remains a significant problem in certain private educational settings, particularly in rural areas or among schools that prioritise profit over educational quality.

In addition, as private schools continue to grow in number and appeal, parents expect these institutions to offer high-quality education and modern facilities that can foster holistic development. Ideally, private schools should provide well-equipped classrooms, libraries, sports facilities, and access to technology, which can all enhance the learning experience. However, the reality is that many private schools, particularly those that operate on tight budgets or cater to lower-income families, struggle to meet these expectations. So, while private schools often market themselves as institutions that prioritise the needs of their students, the reality is that some simply do not have the financial resources to provide the facilities that would allow them to live up to their promises.

'The private schools are being affected by high operational costs and poor financial management to attract effective financial services. That's the reason why private schools operational and development span is low. Schools open and close without notifying the Ministry. This affects the register of the schools and data management for private schools in the country. The Ministry has addressed this by reinstating and upgrading the Education Management Information System which shall require schools to update their data on a termly basis and also register on-line.' Ms, Harriet Senkaali Department of Private Schools and Institutions Ministry of Education and Sports

## 2.8.12 Discrimination and Exclusion of Marginalised Groups

Educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State. Privatisation of education can lead to the exclusion of economically-disadvantaged students. In Uganda, the poverty levels are high95 and many families cannot afford private school fees, meaning only the wealthier segments of society are able to access quality education. Private education in Uganda is only for the privileged that have sufficient resources to take their children to such schools, and the most vulnerable persons especially those from humble backgrounds cannot afford such education. Consequently, there is exclusion and discrimination of the poor and the most marginalized from the, which widens the gap between the rich and the poor in our society.

## 2.8.13 Private Schools Poach Teachers from Government Schools

It is alleged that some of the best teachers in private schools are lured from Government schools. These teachers are most of the time on the Government payroll, but are also employed in private schools that are for-profit. This compromises the quality of education they give to the Government schools, but also to private schools. The Minister of Education and Sports, Hon. Janet Kataaha Museveni speaking at a dialogue with private schools at Green Hill Academy in Kibulu Kampala emphasised this in December 2024: "I would like to ask you to ensure you do not employ teachers you know are on the payroll in the public sector. Those teachers in Government schools should not be employed in private schools because they do a bad job in both places." 96



First Lady and Minister of Education and Sports, Hon. Janet Museveni (centre) with some private school proprietors, during a dialogue with private schools at Green Hill Academy in Kibuli, Kampala on December 3, 2024. © The Daily Monitor, December 2024.

<sup>95</sup> See Chapter on Poverty in Uganda and its human rights implications.

<sup>96</sup> Janet warns private school owners against poaching government teachers | Monitor

### 2.9 RECOMMENDATIONS

- The Minister of Education should comply with the obligations under Sections 4 and 57(g) and 58 of the Education (Pre-Primary, Primary and Post-Primary) Act to issue regulations on school fees charged by all schools in the country and on the management of schools, whether Government or private.
- 2. The Ministry of Finance, Planning, and Economic Development should prioritise strengthening public schools by increasing funding, improving infrastructure, and providing more teachers, thus reducing/eliminating parents' costs.
- The Ministry of Education and Sports, the Directorate of Education Standards and LGs should ensure that all private schools comply with the Basic Requirements and Minimum Standards.
- 4. Ministry of Education and Sports should expeditiously adopt a policy of private education and training to enable effective regulation of private schools in Uganda.

### 2.10 CONCLUSION

Education is a public good, and the Government has a responsibility to ensure access for all regardless of social and economic status. It is a critical vehicle through which the vulnerable, weak and marginalised children of society can uplift themselves out of poverty and fully participate in the development of their communities. <sup>97</sup> Therefore, the liberalisation of education should not defeat its purpose as an equalising tool that addresses inequality and discrimination in society by affording all children equal opportunity to access education. The Commission urges the Ministry of Education and Sports to comply with these recommendations to ensure the enjoyment and realisation of Education in Uganda.

# Overcrowding in Uganda's Prisons: Human Rights Implications

### 3.0 INTRODUCTION

Overcrowding in prisons is a critical issue that affects the dignity, well-being, and rights of prisoners in Uganda. It is widely acknowledged that overcrowding exacerbates other systemic issues in penal systems, such as poor living conditions, inadequate healthcare, lack of access to education, and increased violence. The rate of overcrowding is defined according to the occupancy rate above one hundred percent (100%) of the designated holding capacity.98 Detention accommodation must provide adequate cubic content of air, floor space, lighting, heating, and ventilation. 99 However, this was not attained in Ugandan prisons; Uganda Prison Services (UPS) has an approved accommodation capacity of 21,257 prisoners, indeed all countries within the East African Community have a surplus of prisoners beyond their holding capacity, leading to severe congestion and poor living conditions for incarcerated individuals. 100

In January 2024, the prisoner population stood at 77,316 in Uganda against an approved capacity of 20,996, implying an excess of 56,320 prisoners. Unfortunately, by December 2024, UPS's prison population had increased to **80,076** inmates, three times its holding capacity. This had a negative impact on cubic content of air, floor space, lighting, heating and ventilation. In addition, overcrowding increases the risk of transmission of communicable diseases and poses an immense management challenge to prison administrations, compromising efforts to ensure compliance with the minimum standards of the Mandela Rules.

According to UPS, the Kampala Extra administrative region had the highest number of prisoners in custody, constituting 11,833 (14.8%), while the Iganga administrative region had the least number of prisoners in custody, constituting 1,739 (2.2%) of the overall prisoner population. A total of 62.1% of the prisoners in custody were youths (18-30 years); 35.9% were middle-aged (31-59 years); and 2.0% were elderly (60 years and above).

The Commission focuses this chapter on the challenges and human rights implications of overcrowding in Uganda. The chapter will also briefly highlight the plight of foreign nationals in prison because they contribute to the problem of congestion.

### 3.1 LEGAL FRAMEWORK

### 3.1.1 International Legal Framework

The United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) provide a set of basic principles to promote the use of non-custodial measures as well as minimum safeguards for persons subject to alternatives to imprisonment and to rationalise criminal justice policies, taking into account the observance of human rights. To be more specific, Rule 6 calls upon States to avoid pre-trial detention. That it should be used as a last resort in criminal proceedings with due regard for the investigation of the alleged offence and for the protection of society and the victim.<sup>102</sup>

<sup>98</sup> DOHA: At Crime Congress, UN spotlights 'epidemic' of prison overcrowding | UN News.

<sup>99</sup> Prisons Act 2006 and Rule 13, UN Standard Minimum Rules on Treatment of Prisoners.

<sup>100</sup> Prisons Facts in EAC May, 2023 accessed on 2<sup>nd</sup> April 2025.

<sup>101</sup> Rule 13, UN Standard Minimum Rules on Treatment of Prisoners.

<sup>102</sup> Rule 6 of the Tokyo Rules.

The **UN Bangkok Rules**, adopted in 2010, urge countries to create and use alternatives to prison, specifically designed for women. These alternatives apply to both pre-trial detention and imprisonment, partly because of the growing number of women in prisons worldwide.

Article 11 of the International Covenant on Economic, Social and Cultural Rights states that State Parties should recognise everyone's right to an adequate standard of living, including the right to adequate food, clothing, and housing and to the continuous improvement of living conditions.

Article 10 of the International Covenant on Civil and Political Rights (ICCPR) provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. It also stipulates that the accused persons shall, save in exceptional circumstances, be segregated from convicted persons and subject to separate treatment appropriate to their status as non-convicted persons. In addition, it stipulates that the prison system shall include the treatment of prisoners for their reformation and social rehabilitation.

Article 9(3) of the **United International Covenant on Civil and Political Rights** makes mention that, 'it shall not be the general rule that persons awaiting trail shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should accession arise, for execution of the judgment.'

Article 2 of the Convention against Torture, Cruel, Inhumane, Degrading Treatment or Punishment (CAT) states that each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

In its resolution 24/12, the **Human Rights Council** encouraged States to address overcrowding in detention facilities by taking effective measures, including enhancing the use of alternatives to pre-trial detention and custodial sentences, access to legal aid, and the efficiency and capacity of the criminal justice system and its facilities.

### 3.1.2 Regional Legal Framework

The 1996 Kampala Declaration on Prison Conditions in Africa stipulates that the police, the prosecuting authorities, and the judiciary should be aware of the problems caused by prison overcrowding and should join the prison administration in seeking solutions to reduce this. It further calls upon the States to ensure that prisoners are kept in remand detention for the shortest possible period, avoiding, for example, continual remands in custody by the court. In addition, it calls for a system for regular review of the time detainees spend on remand.

The 2002 Ouagadougou Declaration and Plan of Action on Accelerating Prisons' and Penal Reforms in Africa gives strategies for reducing prison population including use of alternatives to penal prosecution such as diversion with particular attention to young offenders and people with mental health or addiction problems; use of traditional justice as a way of dealing with crime in line with constitutional guarantees and human rights standards. And decriminalisation of some offences such as being a rogue and vagabond, loitering, prostitution, failure to pay debts and disobedience to parents.

### 3.1.3 National Legal Framework

**Article 28 of the Constitution** guarantees that in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law, which is why pre-trial detention should be avoided. **Section 57 of the Prisons Act, 2006** provides for the rights of prisoners to be treated with the respect due to the inherent dignity and value as a human being, no prisoner shall be discriminated against on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It also provides for the freedom of worship, whenever conditions allow and also prisoners having access to the health services available in the country without discrimination based on their legal situation.



© Uganda Prison Services (UPS)

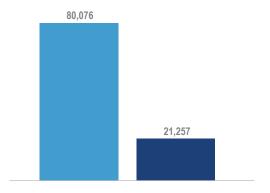
### 3.2 SITUATIONAL ANALYSIS

Prison overcrowding is a very complex issue that cannot be solved by prison administration or the Government alone. Combating it requires a systematic approach and concerted action by all relevant stakeholders.<sup>103</sup>

### 3.2.1 Current Population of Inmates

According to UBOS, in 2024, Uganda had a population of **45.9 million**, and out of these, **80,076**<sup>104</sup> were in prison. The staff-to-prisoner ratio remained at 1:7.<sup>105</sup> The most affected prisons are Isingiro, which houses 377 prisoners against a capacity of 47; Yumbe Prison, with 192 inmates against a capacity of 25; Hoima Main Prison, which holds 494 prisoners despite having a capacity of 80; Kibaale Prison, which holds 184 inmates against a capacity of only 30; and Fort Portal Main Prison, which accommodates 1,770 prisoners despite a capacity of 309.

Figure 6: Overcrowding Rates in Prisons in Uganda as at December 2024



Data Source: Uganda Prisons Service.

The Commission established that not all prisons have isolation centres for inmates with communicable diseases. Overcrowding affects all prisoners especially the most vulnerable including people with disabilities, older persons, women, particularly expectant mothers and those incarcerated with children, and foreign nationals, who don't have legal or social support networks.

<sup>103</sup> Overcrowding in Prisons: Problems and Solutions | Legal Service India - Law Articles - Legal Resources accessed 26th February 2024.

<sup>104</sup> As at December 2024.

<sup>105</sup> UPS Monthly Statistical Abstract for September 2024.

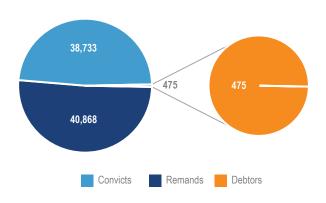
### **Prison Population as of December 2024**

In 2024, UPS was housing more than three times the planned capacity, and a significant portion of the inmates should not have been incarcerated given the nature of their alleged crimes. <sup>106</sup> The Commission established that the average prison population of **80,076** inmates far exceeds the approved capacity of **21,257**. In addition, the prisoners' population was increasing at a rate of 8% per year, with an occupancy rate at 376.7%.

The UHRC also established that out of **80,076** inmates, **1,700** were foreign nationals, making up 2.1% of the total prisoner population. Foreign detainees were mainly from Rwanda, DRC, Kenya, Tanzania, Burundi, and South Sudan. Others included Nigerians (13), Egyptians (5), Eritreans (6), Ethiopians (1), Sudanese (9), Mozambiquan (1), and Malawians (1) while non-Africans include

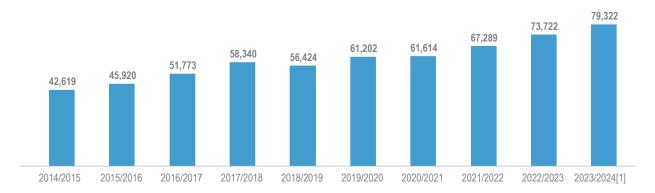
Indians (6), Israelis (1) Pakistanis (1), Sri Lankans (1), Italians (1), Bolivians (2), Chinese (1), and Americans (2) as shown in Table 5.

Figure 7: Prison Population in Uganda as of December 2024



Data Source: Uganda Prisons Service.

Figure 8: Prisoner Population Growth over past 10 Financial Years



Data Source: Uganda Prisons Service.

Table 5: Foreign Nations in Ugandan Prisons

NATIONALITY	CONVICTS		REMANDS		DEBTORS			TOTAL		
	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	MALE	FEMALE	TOTAL	
Rwandese	353	28	381	275	20	295	2		2	678
Congolese	168	8	176	223	7	230			-	406
South Sudanese	125	12	137	95	5	100			-	237
Kenyan	62	1	63	62	7	69			-	132
Tanzanian	54	2	56	40	1	41			-	97
Burundian	47		47	42	2	44			-	91
Somalis	2		2	6		6			-	8
Other Africans <sup>107</sup>	10	1	11	24		24	1		1	36
Non-Africans <sup>108</sup>	3	1	4	10		10	1		1	15
Total	824	53	877	777	42	819	4	0	4	1,700

Data Source: Uganda Prisons Services.

<sup>106</sup> For example, those on petty offences.

<sup>107</sup> Nigerians, Egyptians, Eritreans and Ethiopians among others.

<sup>108</sup> These included Americans, Bolivians, Israelis, Pakistanis and Italians among others.



The Chairperson UHRC, Ms Mariam Wangadya (4<sup>th</sup> from right), with officials at the Rwanda Border Post during the monitoring of the rights of migrants, © UHRC.



Inmates in prison

According to UPS, 215 foreigners were convicted of aggravated defilement, 48 for immigration-related offences, 10 for trafficking in children, and 6 for escape from lawful custody. Those on remand face charges including burglary and theft (149 cases), aggravated defilement (120 cases), and immigration violations (28 cases).<sup>109</sup>

Whereas overcrowding affects all inmates, foreign prisoners face even harsher conditions. The

Commission established that they have a specific issue of inadequate access to culturally-appropriate food, which affects those from regions such as Somalia, Eritrea, and Ethiopia. Furthermore, many migrant inmates are unable to contact their families, as communication channels are either limited or unavailable, leaving detainees isolated and disconnected from their support networks. The Commission also established that when foreign nationals are released or after serving their sentences, the Government usually does not have the money to transport them back to their respective countries.

In 2024, the Commission visited some places of detention, including Mpondwe Police Station, Fort Portal Main Prison, Rwimi Prison, Kyanika Police Station, Amuru Government Prison, Elegu Police Station, Nebi Prison, Arua Main Prison, Busia Police Station, Entebbe Police Station, and Malaba Police Station, to assess the conditions of foreign nationals. The Commission was unable to take photos of foreign nationals in prison due to UPS policy prohibitions.

<sup>109</sup> As of May 2024.

<sup>110</sup> They often struggle with limited or no access to legal representation, partly due to the absence of a Legal Aid Policy and a Witness Protection Law. These challenges make it harder for them to navigate the justice system and seek fair treatment compared to local prisoners.

## 3.3 CAUSES OF OVERCROWDING IN PRISONS

The Commission established that the current level of congestion in prisons is at **373.2%** implying that the space for one (1) prisoner is occupied by almost four (4) prisoners. The major causes of the increase in prison population are excessive pre-trial detention and incarceration for minor and petty offences. Furthermore, the number of prisons or their capacity has not increased proportionately to population growth. Prison congestion is explained by a number of factors, most of which are outside the control of UPS. Below are some of the causes the Commission was able to establish.

### 3.3.1 Prolonged Pre-trial Detention

According to UPS, the average length of stay on remand had reduced from 20.8 months to 19.4 months for capital offenders and from 3.0 months to 2.6 months for petty offenders. However, out of the 6,574 capital offenders not committed to the High Court, 2,239 have surpassed the mandatory period of six months on remand. Out of 19,553 petty offenders, 6,237 have spent more than two months on remand. It was reported that 11,640 prisoners were committed to the High Court for trial, but their mandatory remand period after commitment to the High Court was not defined, and this had greatly contributed to overstay on remand.

The UHRC established that overcrowding in Uganda is a consequence of the criminal justice system's policies. The excessive use of pre-trial detention and imprisonment for minor or petty offences are major underlying causes of overcrowding. It was noted that delayed Police investigations due to limited funding and case backlogs at courts are some of the major causes of congestion in prisons. The Government needs to recruit more judicial officers, train Police Officers on investigations, and increase the Police budget.

International standards require that pre-trial detention should only be used if there are reasonable grounds to believe there is a demonstrable risk that the person concerned will abscond, interfere with the course of justice, or commit

a serious offence. International standards also mandate the widest possible use of alternatives to pre-trial detention. Prolonged pretrial detention contributes to prison overcrowding and increases Government spending, thus burdening taxpayers. In an interview, Mr Robert Sempala, the Executive Director of Human Rights Network for Journalists said that: "The long trial processes can be cured by embracing alternative dispute resolution processes and this will address the challenge of congestion in prisons advised."111

### 3.3.2 Mentioning of Cases in Court

In Uganda, mentioning a case in court is an essential procedural step aimed at ensuring the smooth progression of a case, whether criminal or civil. It allows the court to manage its caseload, ensure that the parties are prepared, and set a timetable for full hearings. Although it is not a stage for trial, it is vital for case management and the efficient administration of justice.

Case mention is, therefore, a routine and procedural appearance before the court where parties (including the prosecution and defence in criminal cases, or the plaintiff and defendant in civil cases) appear before the judge or magistrate to give an update on the status of the case. It is a procedural step where a case is called before a judge or magistrate to either fix hearing dates or address preliminary issues. The court mention is not a stage for a full hearing of the case but rather a formal appearance to assess the progress of the case and set timelines for future steps. In criminal cases, the case mention allows the prosecution to inform the court if investigations are complete, whether the accused is ready to plead guilty or not guilty, and if they have all the evidence required for trial. In civil cases, it is an opportunity for the parties to inform the court about their readiness to proceed with the trial, to file documents or applications, or to address any preliminary matters.

The Commission noted with concern that accused persons continued to be produced before courts just for mention of their cases, even when those courts do not have jurisdiction over the crimes committed. As a result, people keep appearing before courts of law where they cannot even apply for bail. Even if this is legally provided for under the

<sup>111</sup> UHRC interviewed Mr. Robert Sempala Executive Director, Human Rights Network for Journalists.

Magistrates Courts Act, it has become a practice which, on the face of it, could seem that an accused person was accessing justice by appearing before a court, but which actually served to legitimise unnecessary pre-trial detention on remand. This affects the timely resolution of cases.

The Magistrates Courts Act under section 122 (1) provides that an accused person, after 'mention' of his or her case, may be remanded for 15 days or granted bail, and for such hearings, the adjournment should not be for more than 30 days. 112 During inspections of places of detention in 2024, the Commission noted that the timelines were not always followed, and suspects were remanded for years after mention of their cases. Even though lawful, the procedure of mentioning cases is a major cause of prolonged pre-trial detention and deprives people of their right to a fair and speedy hearing.

#### 3.3.3 Weak Enforcement of Mandatory Bail

Bail is a financial guarantee that an accused person provides to the court in order to be released from custody pending trial. The court sets an amount of money that the accused must pay to guarantee his or her release. Bail has advantages such as encouraging the accused to appear at trial, preserving the presumption of innocence till proven guilty and allowing the person to maintain a relatively normal life. In Uganda, there is a general challenge of weak enforcement of mandatory bail.

#### 3.3.4 Continued Detention of Civil Debtors

In 2024, the UHRC found that out of the 80,076 inmates detained, 475 of them were civil debtors. The UHRC found that the continued detention of civil debtors contributes to the issue of overcrowding in prisons. In many legal systems, including Uganda, the question of whether debtors should be detained for failing to pay their civil debts remains a matter of significant concern. The practice of detaining individuals who fail to settle civil debts has long been a feature of some judicial systems However, there are compelling reasons why civil debtors should not be detained. These reasons are grounded in principles of human rights, social justice, economic fairness, and the

fundamental nature of debt itself.

The detention of people for civil debts is inconsistent with Article 11 of the International Covenant on Civil and Political Rights to which Uganda is a State party, which provides that 'No one should be imprisoned merely on grounds of inability to fulfil a contractual obligation.'113 The Commission has in the past called upon the Government to handle civil debtors using alternative means instead of imprisoning them, such as the attachment of their assets and salaries, rather than committing them to prison. This is primarily because it causes prison overcrowding and imprisonment of debtors does not address the root causes of debt. Civil debt is often the result of circumstances beyond the debtor's control, such as medical emergencies, job loss, or economic hardship. Imprisoning individuals who are unable to pay their debts only exacerbates the underlying issues that led to their financial difficulties in the first place.

## 3.3.5 Continued Detention of Inmates Pending Ministerial Orders

The intersection of mental illness and the criminal justice system presents unique challenges, particularly when suspects who are mentally ill are detained while awaiting ministerial orders or decisions regarding their fate. The Commission established that Uganda Prisons Services still had inmates pending ministerial orders, but the number of such inmates had reduced. By June 2024, UPS had 19 inmates who were pending ministerial orders. Among these was Mr Byamukama Alfred, who has been in prison awaiting ministerial orders for nearly 27 years (since 1997) without trial.

Table 6: Population of Prisoners Pending Ministerial Orders

STATION	CONVICT	REMAND	TOTAL
Upper	4	4	8
Murchison Bay	1	5	6
Jinja (R)		2	2
Nakasongola (M)		1	1
Mbarara (M)		1	1
Ndorwa (M)		1	1
Total	5	14	19

Data Source: UPS

<sup>112</sup> Section 75 (1) of Magistrates Courts Act.

<sup>113</sup> Civil Procedure Act Cap 71 (CPA) which was passed into law by the legislative Council (the Parliament then) and commenced on the 1st January, 1929.

Section 117 of the Magistrate Courts Act (MCA) 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 lunatic 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.

In light of this, Justice Centre Uganda filed the case of Bushoborozi Eric V Uganda HCT-01-CV-0011 of 2015. The applicant, Bushoborozi Eric, had been on remand for more than 10 years awaiting ministerial orders. In his judgment, Justice Batema N.D.A, stated that such cases call for judicial activism on the part of judicial officers to make the law applicable to serve justice. He ruled that the mandate to grant orders in respect of persons to whom a special finding of 'Not guilty by reason of being mentally ill' no longer lies with the Minister of Justice but with the Judiciary.

### 3.3.6 Continued Existence of Petty Offences

Decriminalisation of petty offences involves reclassifying minor infractions that often lead to arbitrary arrests and detentions and human rights violations, especially among the most marginalised groups in the community. The goal is to reduce the burden on the criminal justice system and avoid unnecessary criminalisation of social and economic issues. The African Commission on Human and Peoples' Rights adopted principles advocating for decriminalising petty offences, emphasising that such laws often target marginalised groups and infringe on their human rights.

In Uganda, in December 2022, the Constitutional Court declared sections 168(1) c) and 168 (1) d) of the Penal Code as unconstitutional. The sections criminalised being rogue and vagabond, commonly idle, and disorderly. The court ruled that these provisions violated the right to freedom of movement and personal liberty as guaranteed by the Constitution.

The Commission acknowledge that the courts and other duty bearers with the power to issue alter-

natives did not proactively do so in cases where it would be appropriate to. Additionally, there is bias among the general public and most duty bearers against the use of non-custodial alternatives due to the general belief that imprisonment is a more befitting, just, and deterrent punishment. However, continued use of imprisonment as the main way to deal with crime has only served to worsen prison congestion, not to mention its negative impact on offenders, their families and communities. Non-custodial alternatives will reduce congestion and ensure better prison conditions and adequate rehabilitation of offenders. Additionally, it will prevent the unnecessary trauma faced by inmates and their families and, in the long run, reduce recidivism in the country.

In 2024, the UHRC established that 89 female beggars had been sent to Luzira women's prison by the KCCA court. Of these, 52 had children below the age of two, and 23 women were found to be pregnant. This was a clear-cut case of transferring a heavy burden onto prisons for minor offences.

The Commission is cognisant of Section 59 of the Prisons Act, which allows infant children to remain with imprisoned mothers in prison, The Commission is also aware of the Capital City Child Protection Ordinance 2022, which prohibits anyone to send a child to beg or solicit for alms in a public place, street, building, office or any business or commercial establishment and that no person should live off the proceeds of a child engaged in begging or soliciting for alms. The Commission, however, noted that the General Comment on Article 30 of the African Charter on the Rights and Welfare of the Child prohibits the imprisonment of mothers with children due to the fact that children living in prison with their mothers experience a range of violations of their rights, including psychosocial and health problems. Furthermore, in 2024, the Commission established that youth in Uganda who committed petty offences were sent to Kampala Prison in Luzira instead of being diverted from the formal justice system, thus creating a lot of congestion in these places of detention.

## 3.3.7 Non-Custodial Alternatives Enforced in Uganda

In Uganda, non-custodial alternatives are provided while dealing with offenders at different stages of the criminal justice process that is pre-trial, trial

and post-trial. Pre-trial alternatives include Police bond, victim-offender mediation, and diversion<sup>114</sup> from prosecution (for example caution, verbal warning and conditional discharge). At the trial stage, options include caution, bail, fine, probation order, community service, and restitution or compensation order, among others. Lastly, at the post-trial stage, early and conditional release/parole are available options. The Commission found out that there are non-custodial alternatives that are not provided for in Uganda, like curfew orders with electronic monitoring<sup>115</sup> and house arrest/limitation of freedom.

#### 3.3.8 High Levels of Recidivism

Recidivism refers to the tendency of previously incarcerated individuals to return to criminal behaviour after their release. In Uganda, the recidivism rate has been reducing over the years, but it is still high due to the fact that there are inadequate measures to promote social reintegration. In the FY 2020/2021, it was at 14.7%, reducing to 13.5% in the FY 2023/2024. High levels of recidivism and prison congestion present significant challenges for the criminal justice system. It contributes to a vicious cycle of prison congestion, where a steady influx of new inmates, many of whom are returning prisoners, further exacerbates the strain on the system.

Overcrowding reduces the space and resources available for rehabilitation programmes. With insufficient staff, facilities, and time, prisons are unable to implement effective programmes to address criminal behaviour, teach skills, or provide psychological care. When the focus is on managing large populations rather than rehabilitation, it becomes much harder to break the cycle of recidivism. These issues not only strain prison resources but also hinder efforts to rehabilitate offenders and ensure public safety. The dual problems of recidivism and overcrowded prisons exacerbate social, economic, and psychological issues for both inmates and the communities to which they return. Addressing these issues requires a comprehensive approach that includes prison reform, better rehabilitation programmes, and changes to how society and the justice system view punishment and rehabilitation. International standards prescribe that the principle of assisting with prisoner social reintegration in order to prevent reoffending should be at the heart of prison management strategies and policies. Unfortunately, with limited funding, UPS is forced to prioritise differently and as such, a large proportion of the prison budget is used to provide security, safety and order, food, health, and less is being invested in prison workshops, skills training, educational facilities, sports and recreation. <sup>116</sup>

#### 3.3.9 Limited Use of Parole

Parole is a system where an inmate is released from prison before completing their sentence, on the condition that they comply with certain requirements and are monitored by the authorities. Typically, parole is granted to individuals who have demonstrated good behaviour during their incarceration, have shown signs of rehabilitation, and are considered to be low risk for reoffending. Inmates who are released on parole remain under supervision, usually through regular check-ins with a parole officer, and are required to adhere to specific conditions, such as staying employed, avoiding criminal activity, and participating in rehabilitation programmes.

Section 89 (1) of The Prisons Act 2006 States that 'a prisoner serving a sentence of imprisonment for a period of three years or more may be allowed by the Commissioner General within six months of the date he or she is due for release on conditions and for reasons approved by the Commissioner General to be temporarily absent from prison on parole for a stated length of time which shall not be greater than three months.'

Parole provides an opportunity to release inmates who have served a significant portion of their sentence and are deemed ready to reintegrate into society. By allowing these individuals to be released under supervision, prisons can make space for new inmates and reduce the overall prison population, helping to alleviate overcrowding. When inmates who are unlikely to pose a risk to public safety are given the chance to re-enter society, the burden on prison facilities is significantly reduced.

<sup>114</sup> In Uganda diversion is reserved to juvenile offenders and occurs mainly through the discretion afforded to institutions such as village courts (under the Local Council Courts), Police and Family and Children's Courts.

<sup>115</sup> The accused wears an electronic monitoring device to track their movements and activities.

<sup>116</sup> Ibid.

While parole is provided for in Uganda, its use is limited due to resource constraints.

One of the main goals of the criminal justice system should be rehabilitation, helping inmates become productive members of society. Parole encourages inmates to follow a rehabilitative path by offering them a chance to prove their ability to live in the community while under supervision. This also allows parolees to access community-based rehabilitation programmes, vocational training, and employment opportunities that are often not available in prison, improving their chances of successful reintegration. Effective parole systems can reduce recidivism by providing ex-offenders with the tools and support they need to avoid reoffending. This, in turn, lowers the likelihood that they will return to prison.

#### 3.3.10 Heavy Workload for the Judiciary

The judiciary in Uganda, like in many other countries, faces significant challenges due to a heavy workload, which has implications for the efficiency, fairness, and accessibility of justice. Some of the key factors contributing to this heavy workload include high case backlog, insufficient personnel, complexity of cases, which often involve extensive investigations and long hearings, underfunding, and corruption, among others. This leads

to congestion in prisons as inmates' cases are not adequately handled as they are supposed to be.

According to the Judiciary Annual Report for the FY 2023/2024, the Judiciary completed 239,431 cases out of a total caseload of 401,269 cases. The caseload comprised 143,205 cases brought forward from the FY 2022/23 and 258,064 freshly registered cases in the FY 2023/24. The highest number of cases registered and completed were recorded at the Chief Magistrates Courts, which was attributed to increased staffing. Courts closed with a pending caseload of 161,838 cases of which 42,588 were backlog that accounted for 26.32% of the pending cases. The case backlog declined by 0.87% (372 cases).<sup>117</sup>

The Commission established that the Judicial Service Commission had effected 1,063 appointments and promotions from 2021 to 2024. The appointments included 3 Supreme Court Judges, 4 Court of Appeal Justices, 59 High Court Judges, 7 Registrars, 50 Deputy Registrars, 22 Assistant Registrars, 122 Chief Magistrates, 402 Grade One Magistrates, and 392 Administrative Staff. The Commission believes that this will enhance access to justice. The performance of the courts can be found in the Judiciary Annual Performance Report. 119

Table 7: Overall Performance of Courts in the FY 2023/24

COURT LEVEL	BROUGHT FORWARD FROM THE FY 2022/23	REGISTERED	CASELOAD	COMPLETED	PENDING CASES AS AT 30™ JUNE 2024	CLEARANCE RATE (%)
Supreme Court	689	286	975	105	870	36.71
Court of Appeal/Constitutional Court	9,207	3,019	12,226	918	11,308	30
High Courts	58,861	49,057	107,918	41,597	66,321	85
Chief Magistrates' Courts	55,267	131,482	186,749	128,273	58,476	98
Magistrates' Grade 1 Courts	18,746	72,519	91,265	66,906	24,359	92
Magistrates' Grade 2 Courts	435	1,701	2,136	1,632	504	96
Grand Total	143,205	258,064	401,269	239,431	161,838	92

Data Source: Court Case Performance Report for the FY 2023/24.

<sup>117</sup> The previous FY 2022/23 it had been at 42,960.

<sup>118</sup> Tuesday, November 26, 2024.

<sup>119</sup> See Judiciary Annual Performance Report FY 2023/2024 Page 24.

#### 3.3.11 Gaps in the Legal Framework

The UHRC established that there are gaps in the legal framework in Uganda. For instance, the Constitution provides 60 days remand for suspects of non-capital offences, the Trial of Indictments Act (TIA) provides 240 days, and the Prisons Act States 120 days. Similarly, the TIA provides 480 days remand for suspects of capital offences, whereas the Constitution provides for 180 days. Furthermore, the law is also silent on how long one should be on remand after committal pending the commencement of his/her trial. These inconsistencies can lead to confusion and potential human rights violations. There is a need to amend the law to reconcile the different days of remand to ensure a fair and just legal system.

## 3.3.12 Absence of a National Legal Aid Policy and Law

The absence of a legal aid policy was a hindrance to the Government's fiscal and structural commitment to legal aid service provision. Consequently, most of the legal aid service was provided by civil society organisations (CSOs). Legal aid by the State was limited to capital offences and did not address the needs of and access by women and other vulnerable persons. The development of a policy on legal aid would enable disadvantaged people to access legal aid and assistance, which in the long run would address the challenge of prolonged pre-trial detention.

## 3.3.13 Inadequate Prison Infrastructure and Capacity

As the number of prisoners grows and no additional space for their accommodation is provided, overcrowding in prisons occurs. As appealing as it may seem, building additional accommodation and supporting facilities has proved to be a generally ineffective strategy for addressing overcrowding. <sup>120</sup> Evidence shows that as long as the shortcomings in the criminal justice system and criminal justice policies are not addressed to rationalise the inflow of prisoners, and crime prevention measures are not implemented, new prisons will rapidly fill and will not provide a sustainable solution to the

challenge of prison overcrowding. 121

Therefore, the lack of prison infrastructure should not be regarded as the principal cause of overcrowding, but rather a symptom of dysfunction within the criminal justice system. 122 In 2023, UPS proposed the construction of 16 new regional mini-maximum prisons similar to Kitalya Prisons, to reduce inmate congestion, which had left some facilities accommodating a population five times higher than the designed capacity. States are encouraged to invest in prison infrastructure, ensuring facilities are well-maintained, safe, and adequately staffed. The United Nations' Human Rights Committee has also recommended that States adopt measures to reduce prison populations, improve the distribution of prisoners, and invest in staff training to ensure better conditions.

## 3.4 HUMAN RIGHTS CONCERNS ON OVERCROWDING IN PRISONS

Overcrowding in prisons is a significant human rights concern that affects many countries. It can have profound and detrimental effects on prisoners' mental and physical health, safety, and rehabilitation prospects. Some of the key human rights concerns associated with overcrowding are detailed below.

#### 3.4.1 Inhumane Living Conditions

With Uganda's prison holding capacity overstretched by the high numbers of inmates, UPS continues to struggle with providing adequate space for prisoners. Cells in most facilities have become cramped, and prisoners are forced to sleep on the floor or share small spaces with multiple individuals. This lack of space leads to discomfort and violates the principle of treating prisoners with dignity and respect. The inability to maintain basic standards of living is a clear challenge, as prisoners may be exposed to harsh and dehumanising conditions.

Overcrowding has been established to constitute a severe form of cruel, inhuman and degrading

<sup>120</sup> https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding\_in\_prisons\_Ebook.pdf accessed on 14th January 2025.

<sup>121</sup> https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding\_in\_prisons\_Ebook.pdf accessed on 14th January 2025.

<sup>122</sup> https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding\_in\_prisons\_Ebook.pdf accessed on 14th January 2025.

treatment and even torture. Poor material conditions are exacerbated by overcrowding and adversely affect all individuals living or working in places of detention. They contribute to tensions and deterioration of relations among prisoners and between prisoners and personnel, which in turn increase the risk of ill-treatment. He both international and regional human rights mechanisms have established breaches of the prohibition of torture due to overcrowding, as detainees are forced to live for prolonged periods in deplorable material conditions, Les unsuitable for a humane and dignified existence, with very poor hygiene and lacking out-of-ward activities, adequate nutrition and access to health services.

#### 3.4.2 Health and Sanitation

Overcrowded prisons often face severe deficiencies in health and sanitation. With too many individuals in confined spaces, it is much harder to maintain cleanliness, and diseases can spread rapidly. Tuberculosis, hepatitis, and other communicable diseases are common in overcrowded prisons. Uganda Prisons faces a huge burden in ensuring that inmates do not contract communicable diseases while in prison.

The Commission established that in most of Uganda's prisons, inmates sleep on the floor, very close to each other and in small cell spaces. They are provided with two blankets, one to put on the ground and the other as a covering. This poses a high risk of disease transmission due to inadequate sanitation and limited access to health care.

"I am worried just in case of a disease outbreak here in Luzira Prison because my ward is overcrowded, and we do not have enough sleeping space. It becomes too hot at night and some inmates sleep in shifts." - Prison inmate. 127

Overcrowded prisons often lack basic sanitation and access to medical care. Prison facilities sometimes face insufficient access to clean water, nutritious food, or adequate healthcare services, which can lead to the rapid spread of disease. In violation of human rights, prisoners in such conditions





Hon. Rt. Col. Stephen Basaliza Member of the Commission making closing remarks at the ACTV meeting on Monitoring the Right to Health in prisons at Fairway Hotel in Kampala in 2025.

may suffer from untreated illnesses or injuries, and their right to health and life is severely compromised. The failure to provide adequate healthcare further exacerbates the suffering of prisoners and violates their right to health.

## 3.4.3 Psychological and Emotional Challenges

The Commission noted that living in overcrowded conditions can cause severe psychological and emotional distress. The lack of privacy, constant noise, and fear of violence take a toll on the mental health of prisoners. This can lead to anxiety, depression, and other mental health issues. The lack of mental health support exacerbates these problems, with little to no professional counselling provided.

Overcrowding leaves little room for prisoners to process their emotions or receive counselling and therapy, worsening the mental toll. Long-term exposure to such environments can leave lasting psychological scars, which may hinder a person's chances of successful reintegration into society

<sup>123</sup> See CAT/OP/MLI/1, para. 49, and E/CN.4/2004/56, para. 49.

Human rights implications of over incarceration and overcrowding | OHCHR accessed on 16th January 2025.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> This was during one of the inspection visits of UHRC in 2024

after their release. The Nelson Mandela Rules emphasise that prisoners must be provided with conditions that promote psychological well-being, but overcrowded conditions severely undermine this goal. Inmates often suffer from stress, anxiety, depression and other mental health issues.

#### 3.4.4 Deprivation of the Right to Life

Overcrowding poses a serious risk of depriving inmates of their right to life. When the living conditions become too cramped, it can lead to a host of problems that threaten the well-being and dignity of inmates. In 2008, three (3) inmates in Kiruhura Prison suffocated to death as a result of overcrowding.

#### 3.4.5 Poor Living Conditions

Overcrowding typically leads to insufficient space for prisoners, where they may be forced to sleep on the floor, share cells with too many inmates, and endure a lack of privacy. These conditions violate the right to humane treatment under both the UDHR and the ICCPR, leading to a dehumanising environment. Overcrowding of prisons leads to inhumane living conditions, inmates often lack sufficient space and inadequate access to toilets, poor ventilation, insufficient beddings and inadequate access to adequate food and safe and clean water. While visiting Kitalya Prison, the Commission was informed that due to overcrowding, inmates are forced to take sleeping pills to be able to get sleep.

## 3.4.6 Detaining Remand Inmates with Convicts<sup>128</sup>

Incarcerating individuals awaiting trial, or remand prisoners, together with convicted offenders, poses serious risks to both the remand prisoners and the prison system as a whole. Remand prisoners are individuals who have been arrested and detained while awaiting trial, or while their case is under investigation, and have not yet been found guilty of a crime. On the other hand, convicted offenders are individuals who have already been tried and found guilty by the court. Mixing these two groups in the same prison facilities raises numerous ethical, legal, and practical concerns that undermine justice, safety, and rehabilitation.

One of the fundamental principles of any justice system is the presumption of innocence. According to this principle, an individual is considered innocent until proven guilty in a court of law. By detaining remand prisoners with convicted offenders, their presumption of innocence is undermined. The general public and fellow inmates may perceive remand prisoners as guilty, which can have detrimental effects on their reputation, mental health, and ability to defend themselves in court. Being placed in the same environment as convicted offenders suggests to the public, as well as to the prisoners themselves, that remand prisoners are likely to be found guilty, which contravenes the very essence of the justice system.

#### 3.4.7 Limited Prisoner Rehabilitation

Prisons are meant to provide opportunities for rehabilitation and reintegration into society. However, overcrowding reduces the availability of educational, vocational, and rehabilitative programmes, as there may not be enough resources, staff, or space to deliver these services effectively. Meaningful activities, such as education, work and other programmes, are at the heart of creating a positive prison environment, channelling prisoners' energy into constructive occupations and assisting with their preparation for release and subsequent re-entry into society. Such activities are also crucial from a security perspective, as prisoners engaged in meaningful activities are less likely to initiate disturbances than those bored and frustrated. However, when inmates increase, prison authorities usually keep them in dormitories and do not allow them to engage in activities outside their wards.

#### 3.4.8 Increased Violence and Conflict

The pressure of overcrowded living conditions can lead to heightened tensions among prisoners. With more people in a limited space, the risk of violent confrontations between inmates rises. Competition for resources such as food, water, or space can provoke aggression. Additionally, overcrowded prisons often lack adequate staff to supervise the inmates, which increases the chances of gang activity, bullying, and even physical assault. This environment creates a vicious cycle of violence and instability within the prison system.

#### 3.4.9 Overburdened Staff

Prison overcrowding also places immense pressure on correctional staff. Supervision becomes inadequate when there are too many prisoners for the available staff to manage effectively. This can lead to an increased risk of prisoner misconduct, violence, and abuse. Staff members may also experience stress and burnout due to the demands of managing an overwhelming population, which can impact their ability to ensure prisoner safety and maintain order.

## 3.4.10 Strain on Resources and the Prison Institution

Overcrowding puts tremendous strain on the resources available to the prison system. The more prisoners there are, the greater the demand for food, clothing, medical supplies, and security. In some cases, overcrowded prisons may struggle to meet even basic needs, such as providing nutritious meals or sufficient bedding. This depletion of resources also impacts the quality of services offered, including mental health care, vocational training, and legal assistance, further exacerbating the challenges faced by both inmates and staff.

The long-term consequences of overcrowding can cause a general deterioration of the correctional system. With resources stretched thin, overcrowded prisons may become breeding grounds for corruption, mismanagement, and inefficiency. This not only undermines the credibility of the prison system but also reduces its ability to maintain order and safety effectively. Over time, this can erode public confidence in the penal system and its ability to serve as both a deterrent to crime and a rehabilitative force.

#### 3.5 POSITIVE DEVELOPMENTS

#### 3.5.1 Construction of Prisons

Uganda Prisons Service expanded prison accommodation to address the overcrowding issue. Since 2022, the service has embarked on a construction programme, resulting in six (6) new prisons

in Ntungamo, Rukungiri, Lira, Mutuufu, Kamuli, and Kiruhura. Additionally, construction plans are underway for other prison accommodation facilities in Kisoro, Ntwetwe, Isingiro, Maiha, Lukaya, Loro, Yumbe, Lwabenge, Koboko, Bamunanika, and Kigandalo. In 2024, sixteen (16) prisoners' wards at Isingiro, Awei, Maiha, Ntwetwe, Rukooki, Amolatar, Masaka Women, Ngogwe, Luzira Women, Bubulo, Lobure, Lukaya, Loro, Yumbe, Koboko, and Kigandalo were still under construction.

## 3.5.2 Presidential Pardon – Prerogative of Mercy

Article 121 of the Constitution of the Republic of Uganda stipulates that there shall be an Advisory Committee on the Prerogative of Mercy<sup>129</sup> and that the President may, on the advice of the Committee, grant to any person convicted of an offence, a pardon either free or subject to lawful conditions;<sup>130</sup> or a respite whether indefinite or for a specified period, from the execution of punishment imposed on him or her for an offence.<sup>131</sup> The Commission notes that the President of the Republic of Uganda pardoned 130 prisoners in October 2024. The Commission underscored the significance of the pardon, particularly given Uganda's ongoing struggle with overcrowded prisons.

#### 3.5.3 Use of Virtual Court Sessions

The virtual court system allows for witness testimonies and hearings to be carried out remotely, without having to transfer detainees physically to the courtroom. It also enables any person who has an interest in court proceedings to be involved in a hearing from a remote location. In its simplest form, a witness at a remote location may give his/her evidence via a video link to the court with audio-visual aids in the courtroom and in the remote location. 132

The UPS, in collaboration with the Judiciary, installed Video Conferencing Systems (Virtual Courts) in 19 prisons, including Upper, Arua (M), Mbarara (M), Lira (M), Soroti (M), Fort Portal (M), and Ndorwa (M), among other prisons. The plan was to establish 15 **more Virtual Courts** in

<sup>129</sup> See Article 121 (1) of the Constitution.

<sup>130</sup> Ibid. Article 121 (4) a.

<sup>131</sup> Ibid. Article 121 (4) b.

<sup>132</sup> Judiciary video conferencing system supported by UNDP eases access to justice in Uganda. | United Nations Development Programme accessed on 27<sup>th</sup> February 2025.



Gulu High Court in session with the video conferencing system in use, © UNDP Uganda.

Rukungiri, Bushenyi Main, Bushenyi Women, Kakiika, Jinja Remand, Jinja Women, Masindi Main, Masindi Women, Moroto, Ntungamo, Kitgum, Mubuku, Tororo Main, Tororo Women, and Kiboga.

The use of Virtual Courts has contributed to the speedy trial of cases and eventual acquittal of those not found guilty, granting bail/bond to those who qualify, and other related matters. These releases from court have significantly contributed to reducing congestion in prisons.

#### 3.5.4 Plea Bargaining

Plea bargaining is the negotiation process between the accused and the prosecution, in which the former agrees to plead guilty in exchange for an agreement by the prosecutor to drop one or more charges, reduce a charge to a less serious offence, or recommend a particular sentence subject to approval by the court. It was put in place to enable the accused to bargain for a plea to address some of the pressing challenges in the judicial system, such as case backlog, high costs and delays.

The initiative by the Judiciary and the Office of the Director of Public Prosecutions (ODPP) was meant to reduce the time spent on pre-trial remand. Suspects are given an opportunity to approach the ODPP when ready and willing to plead guilty to the offence for a lesser sentence in consideration of not wasting the court's time and the meagre resources

on a full trial. It was also introduced to ease prison congestion and improve justice outcomes for all, especially the inmates, who risk staying on pre-trial remand for long periods because of a lack of resources to hold regular sessions.

The plea-bargaining programme was conducted through the day-to-day hearing of court cases, prison camps, or special sessions. The Commission observed that this initiative helped in realising fast case disposal and prison decongestion, among other things. The Chief Justice noted that the number of cases disposed of through this initiative increased by 22% from 5,246 cases in the FY 2022/23 to 6,408 cases in the FY 2023/24.<sup>133</sup>

#### 3.6 RECOMMENDATIONS

- The Judiciary should expedite the judicial processes of handling cases to reduce the number of prisoners on remand.
- The Government should consider decriminalising certain petty offenses, using non-custodial measures or alternative sentencing practices (e.g., community service or house arrest), and parole reforms.
- The Ministry of Finance, Planning and Economic Development should increase the budget allocation for the prison system to ensure inmates are kept in humane conditions.

#### 3.7 CONCLUSION

Overcrowding in prisons remains a critical human rights issue that requires immediate attention. It violates a wide range of human rights standards and negatively impacts the mental and physical well-being of prisoners. Effective and sustainable reforms are essential to ensure that prison systems uphold the dignity of all individuals, provide adequate living conditions, and promote rehabilitation. It is imperative that human rights frameworks continue to guide and inform the efforts to address overcrowding and its associated impacts on prisoners worldwide.

## The Refugee Situation in Uganda



Refugees walking into Uganda, © The New Vision

#### 4.0 INTRODUCTION

Uganda is the largest refugee-hosting country in Africa, and for several years, has played a key role in providing asylum to individuals fleeing conflict and persecution from neighbouring countries. In 2024, Uganda witnessed a surge of refugees, with an average of 414 people seeking asylum daily.<sup>134</sup> As of 30<sup>th</sup> November 2024, Uganda was home to more than 1.7 million refugees.<sup>135</sup> Refugees continue crossing national borders daily in droves and trickles. As of 7 March 2025, Uganda was hosting 1.83 million refugees from the region and beyond. The majority of the refugees in the country are fleeing war and ethnic or tribal conflicts in their countries, most of them being from South Sudan, DRC, Burundi, Rwanda, and Sudan, among others.

Uganda's open-door policy and commitment to refugees have been vital in offering protection to

individuals fleeing violence and insecurity. The country's refugee policy is often seen as progressive because it emphasises self-reliance, integration, and community-based solutions for refugees. Refugees are allowed to live in settlements across Uganda, where they receive support for education, healthcare, and livelihood development. In addition, Uganda's location in East Africa also places it at the crossroads of numerous regional conflicts, leading to a steady influx of refugees.

Unfortunately, while this influx persists, refugee response funding is on a downward spiral. Ugandan officials and humanitarians indicate that the dwindling international support, coupled with the high number of refugees, has put pressure on host communities. Uganda has been coping with a challenging situation, yet it's only getting worse as the refugee numbers go up. The impact of the refugee influx upon the societies, economies, and communities of the host countries is immense.

<sup>134</sup> The New Vision 12<sup>th</sup> April 2024.

<sup>135</sup> United Nations High Commissioner for Refugees.

Despite the pressures, Uganda continues to maintain an open-door policy to refugees. The borders remain open largely because the country firmly believes that refugees fleeing for their lives deserve to live in safety, security and most especially in dignity. They can find that within Uganda's borders. This is consistent with our international obligations and responsibilities. Uganda's refugee approach and policy have also been possible to sustain and implement due to the generosity and goodwill of the host communities.

In 2024, UHRC monitored the refugee situation in the country and also visited selected refugee settlements to assess the conditions of refugees. The refugee settlements visited include Rwamwanja in Kamwenge District, Lobule in Koboko District, Imvepi in Terego District, Palorinya in Obongi District, Bidi bidi in Yumbe District, Oruchinga, and Nakivale in Isingiro District.

This chapter will discuss the refugee situation in Uganda, highlight human rights concerns within the settlements, discuss Government interventions and other actors' interventions, and propose recommendations.

#### 4.1 LEGAL FRAMEWORK

Refugees' rights are governed by a combination of international treaties, conventions, and national laws that seek to ensure their protection, dignity, and well-being. These legal frameworks outline States' obligations, international organisations' responsibilities, and refugees' rights as individuals fleeing conflict, persecution, or natural disasters.

#### 4.1.1 International Legal Framework

Article 14 of the Universal Declaration of Human Rights states that 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.' Additionally, the UDHR affirms every person's rights to life, liberty, and security, irrespective of their nationality or status. The core international legal framework for the rights of refugees is the 1951 United Nations Convention Relating to the Status of Refugees (commonly known as the Refugee Convention) and its 1967 Protocol. Uganda is a signatory to these instruments which define who is a refugee and set out the rights of refugees and the responsibilities of States to protect them.

The 1954 Convention Relating to the Status of Stateless Persons offers a framework for the protection of stateless individuals, who may not be considered refugees but still face vulnerability due to their lack of nationality. In addition, there is the 1961 Convention on the Reduction of Statelessness which while not exclusively focused on refugees, aims to reduce instances of statelessness, a situation that can often lead to a refugee-like condition. The convention prohibits actions that result in individuals being denied nationality and ensures safeguards for those at risk of becoming stateless.

#### 4.1.2 Regional Legal Framework

Uganda is a signatory to the 1969 OAU (now AU) Convention Governing the Specific Aspects of Refugee Problems in Africa. The OAU Convention was enacted for the receiving countries to set the standard for the treatment of refugees in those countries and did not address itself to events in the country of origin. Article 4 is specific to Non-Discrimination and calls on Member States to undertake to apply the provisions of this Convention to all refugees without discrimination as to race, religion, nationality and membership of a particular social group or political opinions. The African Charter on Human and Peoples' Rights also grants persons being persecuted the right to seek and obtain asylum in other countries.

#### 4.1.3 National Legal Framework

Chapter IV of the **1995 Constitution** provides for a range of human rights that apply to all people in Uganda, whether they are nationals or non-nationals. It guarantees equal rights to all people in the country, including refugees, without any form of discrimination. Uganda's Refugee Act 2006 provides the national legal framework for the protection and management of refugees. It includes provisions on asylum, refugee status determination, and the rights of refugees. Finally, **The Refugee Regulations (2010)** provide detailed provisions on implementing the Refugee Act, including the allocation of land for refugees and access to employment, education, and other social services.

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#### 4.2 SITUATIONAL ANALYSIS

As of 7<sup>th</sup> March 2025, Uganda was the largest refugee-hosting country in Africa with 1.83 million refugees from the region and beyond, of whom 79% were women and children. Refugees continue crossing our borders daily in droves and trickles. This refugee crisis continues to grow in magnitude and intensity because of war and violence in neighbouring countries such as Sudan, South Sudan, the DRC, Eritrea, Ethiopia, and others. The impact of the refugee influx upon the host countries' societies, economies and communities is immense.

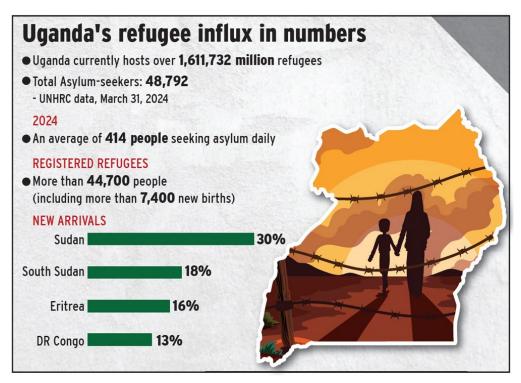
#### 4.2.1 Refugee Influx in 2024

In 2024, Uganda continued to receive new refugees from Sudan, South Sudan, the DRC, Ethiopia, Eritrea and other nations. From January to March 2024, a total of 37,300 refugees entered Uganda, and 7,400 new refugee births were registered. This meant that just within three months, Uganda had 44,700 new refugees, 30% of whom were new arrivals from Sudan, 18% from South Sudan, 16% from Eritrea and 13% from the DRC. By 30<sup>th</sup> November 2024, Uganda had registered a

total number of 1,786,293 refugees. Even then, the number continued to grow, and by 7th March 2025, Uganda was hosting 1.83 million refugees from the region and beyond.

Between January and November 2024, 178,213 individuals (including 34,308 new births) were registered in Uganda. 27% of these were Sudanese, 22% DR Congolese, 17% South Sudanese, and 11% Eritreans. South Sudan (54%), DR Congo (31%), Sudan (4%), and Eritrea (3%) are the top four countries of origin in Uganda of the registered population. Women and children constitute 79% of the refugee population, older adults (60 years and over) make up 3%, youth (15-24 years) comprise 25%, those under 18 years account for 55%, and 51% of the population is female, and the numbers continue to rise every day. According to CARE International, of the new refugees and asylum seekers who entered Uganda in 2024, 34% were fleeing violence in Sudan, 21% were fleeing ethnic violence and food insecurity in the DRC, 17% were fleeing violence and food insecurity in South Sudan and 28% were fleeing other neighbouring countries, including Eritrea. 136

Figure 9: Uganda's Refugee Influx



Data Source: The New Vision

<sup>136</sup> CARE's Humanitarian and Ebola Prevention Work in Uganda - CARE accessed on 20th January 2025

## 4.2.2 Drivers and Push Factors of Refugees

The primary causes of the refugee influx into Uganda are ongoing conflicts and political instability in neighbouring countries. Some of the most significant drivers of refugee migration into Uganda include:

- 1. Conflict in South Sudan: The civil war in South Sudan, which erupted in 2013, has been a major driver of refugee movements into Uganda. Over the years, millions of South Sudanese have fled to Uganda, seeking safety from violence, ethnic strife, and famine. The South Sudanese refugee population in Uganda is one of the largest in Africa.
- 2. Conflict in Sudan: The eruption of conflict in Sudan in early 2024 led to a significant number of Sudanese nationals seeking asylum in Uganda. By mid-June, Sudanese refugees constituted the largest group among new arrivals, accounting for 36% of the 46,331 refugees registered that year. This trend continued throughout 2024, with over 55,000 Sudanese refugees entering Uganda, averaging 4,500 per month.
- 3. Violence in the Democratic Republic of Congo: Armed groups and militia activities in the eastern DRC have caused widespread displacement. Refugees from the DRC, particularly from provinces such as North Kivu and South Kivu, continue to seek refuge in Uganda to escape ongoing violence and instability.
- 4. Instability in Burundi: Political unrest and violence in Burundi, particularly following the 2015 presidential election crisis, led many Burundians to flee their country. Uganda has become one of the primary destinations for Burundian refugees.
- 5. Persecution of ethnic and religious groups:
  Across the region, some refugees flee due to
  persecution based on their ethnicity, religion,
  or political beliefs. Uganda has provided
  sanctuary to individuals who face violence or
  discrimination in their home countries.
- 6. Climate change and environmental disasters: In addition to conflict, environmental factors such as droughts and floods have contributed to displacement in the region. Climate change

exacerbates food insecurity and undermines livelihoods, pushing more people to seek refuge.

## 4.2.3 Humanitarian Response Strains and Challenges

While the international community has lauded Uganda's response to the refugee influx for its generosity and progressive approach, the consistent influx of refugees has placed considerable strain on Uganda's resources. While commendable, the country's open-door policy has faced challenges due to limited funding and resources. By mid-2024, the Uganda Country Refugee Response Plan (UCRRP) had received only 13% of the required \$858 million, highlighting significant funding gaps. This shortfall has impacted the delivery of essential services, including food, healthcare, and education, leading to increased resource competition and occasional tensions between refugees and host communities. It is critical to note that the host communities are in the first line of response when it comes to receiving the refugees, sharing their land and natural resources, and existing social services (health, education, markets, among others).

Pressure on basic necessities and infrastructure: The sudden and large influx of refugees has placed immense pressure on Uganda's infrastructure, including roads, healthcare facilities, and schools.

Many of the regions hosting refugees were already underdeveloped, and the arrival of thousands of new individuals has strained local resources.

**Economic impact:** While Uganda's refugee policy encourages refugees to work and contribute to the local economy, the influx of refugees has had both positive and negative economic effects. On the one hand, refugees provide a labour force and contribute to local markets. On the other hand, the increased demand for resources such as food, water, and housing has driven up prices and created competition for jobs.

**Social and ppolitical ttensions:** The arrival of refugees can sometimes lead to social tensions between refugees and host communities. Competition for resources, particularly land and employment, can cause friction between the two groups. In some cases, this has led to intergroup conflict, especially in areas where local communities are marginalised or face economic hardship.

**Security concerns:** In some regions, armed groups and militia from neighbouring countries have used refugee settlements as bases, further complicating security efforts. Uganda has worked closely with international organisations to address security concerns and prevent violence from spilling over into refugee camps and host communities.

#### 4.2.4 Refugee Settlements in Uganda

Uganda has 32 gazetted refugee settlements, with the majority located in northern Uganda, particularly Adjumani District. Out of all the settlements, Bidi Bidi Refugee Settlement is the biggest refugee settlement. More than 50% of refugees in Uganda are located in the Bidi Bidi, Pagirinya, and Rhino Refugee Settlements, located in the northwest region of the country. Bidi Bidi Refugee Settlement is the biggest among all settlements and houses the biggest number of refugees in the country. Below is a list of refugee settlements in Uganda. Urban refugees in Kampala numbered 159,276.

Table 8: Number of Refugee Settlements and their Population

SETTLEMENT	REFUGEE AND ASYLUM SEEKER POPULATION
Adjumani Refugee Settlement	229,936
Bidi Bidi Refugee Settlement	206,322
Imvepi Refugee Settlement	71,964
Kyaka II Refugee Settlement	134,019
Lobule Refugee Settlement	6,316
Nakivale Refugee Settlement	222,998
Oruchinga Refugee Settlement	8,090
Palabek Refugee Settlement	89,516
Palorinya Refugee Settlement	138,235
Rhino Settlement Camp	173,346
Rwamwanja Refugee Settlement	101,805
Kyangwali Refugee Settlement	145,690
Kiryandongo Refugee Settlement	144,158
Grand Total	1,672,395

Data Source: UNCHR/Office of the Prime Minister

#### 4.2.5 Refugees and Livelihoods

A critical aspect of Uganda's refugee policy is its emphasis on self-reliance. Refugees are allowed

to cultivate land and engage in income-generating activities. This approach aims to reduce dependency on aid and support refugees' integration into local economies. In recent years, refugees in Uganda have participated in farming, trade, and small-scale businesses. For example, refugee farmers have contributed to the production of food crops, which benefits both refugees and host communities. However, access to land remains a challenge for some refugees, especially in overcrowded settlements. In addition, many refugees face difficulties accessing formal employment due to a lack of skills, language barriers, and discrimination.

#### 4.2.6 Donor Fatigue Regarding Refugees

There has been a diminishing willingness or ability of donors/partners, international organisations and private philanthropists to continue providing funding or supporting humanitarian efforts. This has been increasingly evident in the context of refugee crises worldwide, including in Uganda, as donor commitments have failed to meet the growing and evolving needs of refugees. This has led to a reduction in food rations in all the refugee settlements across the country. The UHRC also learnt that some schools like Tuajir Hope Primary School in Bidi Bidi learners no longer receive scholastic materials as they used to. Given the large number of refugees, settlements were becoming increasingly crowded, and resources (food, healthcare, and education) strained.

While this influx continues to persist, the funding for our refugee response is on a downward spiral as the refugee numbers go up and donors have equally reduced their funding. The World Food Programme (WFP) support, for example, has gone down by 60% and is going down further by 18% for the category of the most vulnerable. A monthly cash transfer of UGX 28,000 per person, which is equivalent to about US\$7 to cover food needs has dropped to UGX 18,000, which is the equivalent of US\$5 a month. The Commission was informed that these numbers/cash transfers may still be cut further. Beyond May 2025, the WFP may not have any funding to support its activities which means the refugees will have to fend for themselves, like many are struggling to do already.

#### 4.2.7 Uganda's Refugee Policy

Uganda's Refugee Policy aims to empower refugees and grant a wide range of socio-economic rights, aimed at making refugees self-reliant. Uganda has a strategic settlement transformation agenda, which is a holistic integrated framework for refugee management that takes cognisance of the protracted nature of displacement and the impact on host communities. Uganda is one of the first countries in the world to align its refugee response agenda with the National Development Plan, upholding the principle of 'Leaving no one Behind'. All refugee settlements have services such as Police protection, health facilities, psychosocial services, legal services and livelihood support, providing a safe space for refugees, especially girls and women. On 25th January 2019, the Ministry of Health launched the Health Sector Integrated Refugee Response Plan, 2019-2024 (HSIRRP) which is modelled along the national health principles of strengthening health systems and integrated service provision to ensure equitable and well-coordinated access to health services for refugees and host communities.

Despite the existing pressures, Uganda continues to maintain an open-door policy to refugees. This is because the country firmly believes that refugees fleeing for their lives deserve to live in safety, security and most especially in dignity. This is consistent with Uganda's international obligations and responsibilities. The progressive policies, open-door approach, and commitment to refugee rights have earned it international commendation. However, despite these positive steps, Uganda faces many challenges in managing the complex refugee situation within its borders.

#### 4.2.8 Conflicts with Host Communities

Rising tensions between refugees and host communities have been registered, causing a delicate balance that demands continued attention and support from both the international community and the Ugandan Government. The current pressure on refugees is affecting social cohesion, creating new conflicts, thus impacting host community relations. Amongst the refugees themselves, there are disputes between refugees and host communities. The latter affects the peaceful coexistence with host communities. The country is also witnessing

increased pendulum movements, as the situation becomes more pressing, the refugees are looking elsewhere with cases of refugees leaving the country becoming more common.

## 4.3 GOVERNMENT'S INTERVENTION IN THE REFUGEE SITUATION

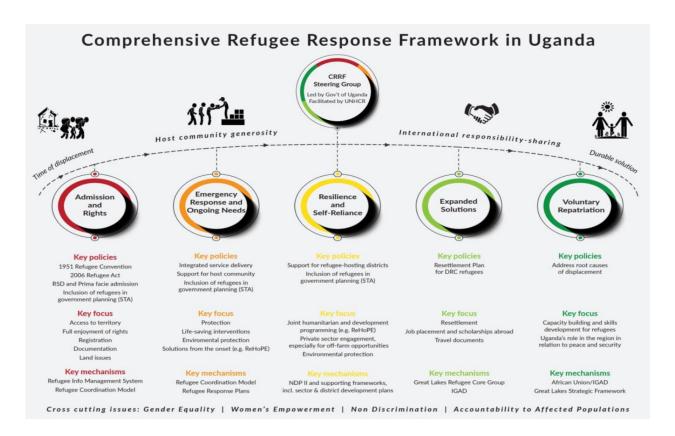
The Ugandan Government has maintained an open-door policy towards refugees, allowing them to live freely within designated settlements and work, as provided under the Refugee Act, 2006. It has also encouraged self-reliance among refugees through agricultural programmes, small businesses, and vocational training. Government of Uganda has put in place a number of interventions regarding refugee matters. The major ones are the Comprehensive Refugee Response Framework (CRRF) and the Development Response to Displacement Impacts Project (DRDIP).

## 4.3.1 Comprehensive Refugee Response Framework (CRRF)

The Office of the Prime Minister (OPM) officially launched the Comprehensive Refugee Response Framework on 24<sup>th</sup> March 2017, adapting the principles and objectives set out in Annexe 1 of the New York Declaration of Refugees and Migrants to the Ugandan context. The CRRF is a multi-stakeholder coordination model on refugee matters focusing on humanitarian and development needs of both refugees and host communities. The CRRF in Uganda encompasses five mutually-reinforcing pillars as outlined by the global objectives: Admission and Rights, Emergency Response and Ongoing Needs, Resilience and Self-reliance, Expanded Solution and Voluntary Repatriation.

In line with the 'whole of society' approach outlined in the New York Declaration, the rollout of the CRRF is Government-led, spearheaded by the OPM, facilitated by UNHCR, and guided by the participation of a wide range of stakeholders. To promote coordination between and help strengthen existing Government and partner institutions, a Steering Group with representation from UHRC and a Secretariat have been set up to support the application of the CRRF locally.<sup>137</sup>

<sup>137</sup> https://opm.go.ug/comprehensive-refugee-response-framework-uganda/.



## 4.3.2 Development Response to Displacement Impacts Project (DRDIP)

One of the major Government interventions in refugee matters is the DRDIP which is a Government project under the Office of the Prime Minister that provides development and direct income support to vulnerable nationals and refugees within refugee-hosting Districts in Uganda. It is a World Bank-funded project aimed at addressing the social, economic, and environmental impacts of refugee-hosting communities in Uganda by providing development and direct income support to vulnerable nationals and refugees within target districts. It focuses on improving access to basic social services, expanding economic opportunities, and enhancing environmental management in refugee-hosting areas. The DRDIP target districts include Arua, Terego, Madi-Okollo, Moyo, Obongi, Yumbe, Koboko and Adjumani in the West Nile sub-region, Lamwo in the Acholi sub-region, Hoima, Kikuube and Kiryandongo in the Bunyoro sub-region and Isingiro, Kyegegwa, and Kamwenge in the south-western and southern regions of Uganda.

#### 4.3.3 DRDIP Implementation

The OPM has overall responsibility for implementing and accounting for the DRDIP project funds and coordinating activities under all project components. A Project Implementation Support Team assists the OPM Permanent Secretary. The project's implementation is mainstreamed into existing Government structures at the national and local levels and focuses on education, health, roads and bridges, and water.

## 4.3.4 Identification and Registration of Refugees

Information from the refugee leaders and officials revealed that upon arrival, refugees were fully registered and given Attestation Cards, Identification Cards, and Ration Cards except those who sneak into the camps without the knowledge of the OPM registration team. Those who are not fully registered, however, have always faced a challenge of accessing both food and non-food items because they do not have the necessary documents. Refugees who had not been issued with the IDs were given Refugee Attestation Papers that temporarily acted as the IDs.



Refugees walking into Uganda, © The New Vision

Refugees, upon arrival at the various reception centres, get screened by the collective effort of various agencies, including Interpol, Immigration, the Ministry of Health, Security agencies and operatives to ensure their safety and that of the host communities where they would dwell. After screening, interviews by OPM are conducted as well as sensitising and equipping them with basic items, including non-food items such as blankets, tarpaulins, saucepans, and cups, among others. After registration, the partnering agencies, such as the Lutheran World Federation, provide more support in terms of non-food items and also identification of vulnerable persons who are documented and supported separately.<sup>138</sup>

#### 4.3.5 Emergency Response

According to UHRC findings, refugees are provided with security, food and access to health services in a timely manner. The Government, through the OPM, provides this emergency response in form of a settlement area, security, road network, education, and health services. UHRC noted that the OPM works in partnership with several humanitarian agencies, which are actively supporting refugees in Uganda, addressing various aspects of refugee needs such as food, shelter, healthcare, education, livelihoods, protection, and legal assistance. These agencies consist of both international organisations and local NGOs and include:

Table 9: Agencies working with Refugees

United Nations High Commissioner for Refugees (UNHCR)	World Food Programme (WFP)
World Bank	United Nations Children's Fund (UNICEF)
International organization for Migration (IOM)	Action Against Hunger (AAH)
International Federation of Red Cross and Red Crescent Societies (IFRC)	World Health Organization (WHO)
Save the Children	Oxfam
Médecins Sans Frontières (MSF)	International Rescue Committee (IRC)
Danish Refugee Council	CARE International

<sup>138</sup> Interview with Mr. Martin Koryang Nabuli, who is the Assistant Commandant, and Mr. Edwin Oduka, the Assistant Protection Officer at Imvepi Refugee settlement.

Plan International	Humanity and Inclusion (HI)
Lutheran World Federation	Water Mission
Medical Teams International	Norwegian Refugee Council (NRC)
Medical Teams Uganda	World Vision
The Red Cross	World Council of Churches (WCC)
The World Trust (TWT)	AIRD (African Institute for Rural Development)
InterAid	The Protection Office (TPO)
Refugee Medical Foundation(RMF)	World Peace Development Initiative (WPDI)
Mercy Corps	Oxfam
AVSI Foundation	Infectious Diseases Institute (IDI)
Alleviate Poverty Uganda	

## 4.4 HUMAN RIGHTS CONCERNS ON THE REFUGEE SITUATION

#### 4.4.1 Access to Food

In the refugee settlements, refugees receive food rations on a monthly basis through the OPM which assists the implementing partners in distribution. Additionally, OPM encourages self-reliance where refugees are given some land to cultivate and grow extra food for their families. However, UHRC noted that food had become a big challenge in the settlements as the amount of food/ food portions that were given to the refugees had tremendously reduced as a result of reduced donor support. The World Food Programme support, for example, has gone down by 60%.

During a focus group discussion in Bidi Bidi, one of the refugees said there had been a reduction of food rations from 8kgs to 3.7kgs per month. For those who preferred the cash option, it had been cut from UGX 42,000 to UGX 32,000. The impact of this was noted by the in charge of Bidi Bidi HC III who highlighted the increasing cases of malnutrition within the settlement.

Imvepi refugee settlement was one of the most affected by this food insecurity, made worse by drought within the settlement and within the host communities. This led to increased substance abuse and suicide; between January and March 2024 alone, 36 suicide cases were registered.

#### 4.4.2 Access to Clean and Portable Water

A number of agencies partnered with the OPM to ensure that refugees enjoy this right. These include

Water Aid, International Rescue Committee, Oxfam, Save the Children, Action against Hunger and UNICEF, among others. The UHRC established that most of the settlements had water points, though not adequate to cater for all. In Nakivale and Oruchinga refugee settlements, clean water was provided to all zones in the settlement, but the quantity did not meet standards as each household was given only two jerrycans of water per day.

According to UHRC findings, the refugee population in Rwamwanja refugee settlement accessed water through public stands and boreholes which were put in place by UNCHR. Bidi Bidi was also reported to have constant water supply provided by Water Mission but it reportedly sometimes goes off or loses pressure thus reducing the supply, yet the boreholes are very few.<sup>139</sup>

Settlements such as Palorinya Refugee Settlement, despite having a motorised solarised pipe water system run by the Lutheran World Federation, still faced water challenges due to a high population. Some refugees moved distances of more than five kilometres to collect water. The leadership informed UHRC that during the wet season, with the heavy rains, the communities were able to harvest water, which supplemented other water sources. In Bidi Bidi refugee settlement, it was also reported that the water pressure becomes so low during the dry season, leading to a water shortage in the settlement. In Adjumani refugee settlement, UHRC noted that there was inadequate water (low yields) especially in Maaji 3, Boroli, Olua, Mirieyi, and Nyumanzi.

UHRC established that Nakivale refugee settlement is in the dry corridor and therefore suffers from a

<sup>139</sup> An interview with the Chairman - Bidi Bidi Zone1 - Refugee Welfare Council.

low water supply due to the drying of the lake, which is the main source of pumped water. It also has a challenge of inadequate fuel for pumping water to the communities. UHRC also noted that there is a high iron content in the water, causing constant breakdown and replacement of expensive machinery. There also were reports of vandalism of water infrastructure such as pipelines and valves as well as a dependency attitude of expecting free handouts for spare parts and taps among others. This was the case in Adjumani, Bidi Bidi and Imvepi refugee settlements.

Table 10: Water Sources in Refugee Settlements

SETTLEMENT	PROTECTED SPRINGS	SHALLOW WELLS	BOREHOLES	COMMUNITY WATER SYSTEMS
Adjumani Refugee Settlement	0	0	258	29
Bidi Bidi Refugee Settlement	0	0	103	44
Imvepi Refugee Settlement	0	0	56	22
Kyaka II Refugee Settlement	6	55	19	3
Lobule Refugee Settlement	0	0	29	1
Nakivale Refugee Settlement	0	0	43	4
Oruchinga Refugee Settlement	1	9	1	2
Palabek Refugee Settlement	0	0	80	15
Palorinya Refugee Settlement	0	0	141	22
Rhino Settlement Camp	0	0	72	45
Rwamwanja Refugee Settlement	10	7	88	13
Grand Total	17	71	890	200

#### 4.4.3 Right to Health

According to UHRC findings, all refugee settlements had health facilities located within the settlements. These health centres served both refugees and host communities, and all the services were free of charge. At the Rwamwanja refugee settlement, there was a Government Health Centre IV with an additional six health centres. At Bidi Bidi HC

III, there are 10 Government staff, but they have implementing partners such as the International Rescue Committee, Action against Hunger and Infectious Diseases Institute that also employ staff, which makes the total 41 staff members. It also has 56 village health teams (VHTS) from 42 villages. At Imvepi Health Centre II, there were two categories of staff: those who paid by the Government and those paid by UNHCR. The same was found at Itula Health Centre III in Palorinya Settlement in Obongi District, where the Government facilitated some staff while others were under partners like Medical Teams Uganda, Infectious Diseases Institute and Alleviate Poverty Uganda (in charge of supplying nutritional supplements and sensitising the public on nutrition).

However, the UHRC noted that there were occasional drug stockouts at all the settlements. Some refugees at Juru settlement and Nakivale Base camp informed the UHRC that the best a patient could get from health centres was prescriptions, because there were no drugs. Another matter of concern was that deliveries from the National Medical Stores often were missing key medications like antibiotics, yet there are a lot of infections among the population it serves. It was also noted that at this facility, there was a rising concern about non-adherence to TB drugs. A focus group discussion with some of the refugees in Bidi Bidi, highlighted concerns about the lack of fuel in the ambulance to take patients to Yumbe Health Centre IV for cases that cannot be handled at the HC III.

In Adjumani Refugee Settlement, UHRC established that there was a high risk of disease outbreaks such as Ebola and cholera, as well as an upward trend of non-communicable diseases. There was also inadequate health infrastructure and staff accommodation, specifically in Alere, Pagirinya 2 and Ayiri Settlements. Regarding teenage pregnancies among girls (10-19 years old) in Adjumani District, 887 cases were recorded at different health facilities.

Table 11: Staffing Levels in Health Centre I Facilities in Refugee Settlements in Uganda

	SETTLEMENT	HC 1	MALE STAFF	FEMALE STAFF	TOTAL STAFF
1	Adjumani Refugee Settlement	285	151	121	272
2	Bidi Bidi Refugee Settlement	0	0	0	-
3	Imvepi Refugee Settlement	478	315	163	478
4	Kyaka II Refugee Settlement	190	131	59	190
5	Lobule Refugee Settlement	0	0	0	-
6	Nakivale Refugee Settlement	0	0	0	-
7	Oruchinga Refugee Settlement	0	0	0	-
8	Palabek Refugee Settlement	158	85	73	158
9	Palorinya Refugee Settlement	230	105	125	230
10	Rhino Settlement Camp	0	0	0	-
11	Rwamwanja Refugee Settlement	0	0	0	-
	Grand Total	1,341	787	541	1,328

Table 12: Staffing Levels in HC II Facilities in Refugee Settlements in Uganda

	SETTLEMENT	HC II FACILITIES	MALE STAFF	FEMALE STAFF	TOTAL STAFF
1	Adjumani Refugee Settlement	6	70	50	120
2	Bidi Bidi Refugee Settlement	8	71	33	104
3	Imvepi Refugee Settlement	2	18	16	34
4	Kyaka II Refugee Settlement	4	30	19	49
5	Lobule Refugee Settlement	0	0	0	0
6	Nakivale Refugee Settlement	1	7	12	19
7	Oruchinga Refugee Settlement	0	0	0	0
8	Palabek Refugee Settlement	0	0	0	0
9	Palorinya Refugee Settlement	3	36	25	61
10	Rhino Settlement Camp	2	21	21	42
11	Rwamwanja Refugee Settlement	3	22	14	36
	Grand Total	29	275	190	465

Table 13: Staffing Levels for HC III Facilities in Refugee Settlements in Uganda

S/N	SETTLEMENT	HC III FACILITIES	MALE STAFF	FEMALE STAFF	TOTAL STAFF
1	Adjumani Refugee Settlement	5	97	82	179
2	Bidi Bidi Refugee Settlement	16	270	144	414
3	Imvepi Refugee Settlement	2	47	30	77
4	Kyaka II Refugee Settlement	1	8	4	12
5	Lobule Refugee Settlement	4	21	22	43
6	Nakivale Refugee Settlement	5	67	57	124
7	Oruchinga Refugee Settlement	2	13	21	34
8	Palabek Refugee Settlement	3	61	48	109
9	Palorinya Refugee Settlement	6	132	98	230
10	Rhino Refugee Settlement	4	32	33	65
11	Rwamwanja Refugee Settlement	2	21	10	31
	Grand Total	50	769	549	1,318

Table 14: Staffing Levels for HC IV Facilities in Refugee Settlements in Uganda

	SETTLEMENT	HC IV FACILITIES	MALE STAFF	FEMALE STAFF	TOTAL STAFF
1	Adjumani Refugee Settlement	1	43	21	64
2	Bidi Bidi Refugee Settlement	0	0	0	0
3	Imvepi Refugee Settlement	0	0	0	0
4	Kyaka II Refugee Settlement	1	51	41	92
5	Lobule Refugee Settlement	0	0	0	0
6	Nakivale Refugee Settlement	0	0	0	0
7	Oruchinga Refugee Settlement	0	0	0	0
8	Palabek Refugee Settlement	0	0	0	0
9	Palorinya Refugee Settlement	0	0	0	0
10	Rhino Settlement Camp	1	15	8	23
11	Rwamwanja Refugee Settlement	1	44	36	80
	Grand Total	4	153	106	259

UHRC noted the following challenges regarding the right to health: Low staffing levels across health facilities; infrastructure challenges including staff accommodation; stock out of essential medicines and supplies; exit of key supporting operating partners; non-upgraded health facilities functioning at higher levels, for example HC IIs conducting deliveries; closure of some health facilities due to funding constraints, poor settlement road network; internet and network connectivity challenges; inadequate fuel for ambulances and generators at health facilities; limited staff capacity building/trainings; lack of spare parts for tricycle ambulances used for community referrals and upsurge of epidemics, among others.



A noticeboard at Imvepi HC II displaying the rights of patients.



A signpost for Itula HC III in Palorinya Settlement.

#### 4.4.4 Right to Shelter/Housing

The UHRC found that there was poor staff accommodation within the settlements. Most of the OPM staff use tents for accommodation because proper houses are very few. This cut across all staff in the different sectors, like health, Police, and teachers, among others. The UHRC observed that the shelters used by refugees were mainly grass thatched huts, with mats and blankets provided as bedding, with the exception of some orphans who were given mattresses. However, there were a few semi-permanent structures that were put up by the refugees who could afford them. The new arrivals were given tarpaulins, ropes and poles and the refugees were apportioned plots measuring 30 by 30 feet per household. UHRC learnt that shelter assistance was only rendered to people with special needs. In Lobule Refugee Settlement in Koboko District, the settlement commandant informed the UHRC that the UNHCR gives refugees money for tarpaulins and blankets and that many Ugandans had attempted to register as refugees so as to get the support that refugees get.

#### 4.4.5 Access to Gainful Employment

As far as the right to work is concerned, the UHRC established that most refugees faced challenges in gaining employment and vet some of them claimed to be professionals. The UHRC established that when attempting to earn an income from wage or self-employment, refugees face social, economic and procedural barriers (for example, a lack of documentation showing education and skills; language, social stigma, as well as a requirement of a National ID during job application). As a result, they felt discriminated against in accessing employment opportunities. This discrimination was reported in Bidi Bidi, Imvepi and Palorinya Settlements. Only a few refugees in settlements managed to obtain salaried employment. Instead, most engage in informal work for low wages. At Imvepi Refugee Settlement, the UHRC established that there was limited access to employment opportunities for refugees, even when their documents were recognised by the National Council for Higher Education.

#### 4.4.6 Negative Cultural Practices

The UHRC noted a few human rights concerns in some of the cultural practices of the refugee community, which infringed on human rights. For

instance, during one of the focus group discussions in Palorinya with the refugees, it was discovered that the Dinka and Nuer tribes of South Sudan have a cultural practice whereby if someone is arrested for a crime and his clan sits to settle the dispute between the accused and the victim, the clan of the accused are allowed to set compensation, which in most cases is the number of cattle that the accused person's family has to pay for the accused to be forgiven for the crimes committed. The UHRC noted that this type of dispute resolution is done for most crimes including capital offences such as murder, rape, defilement and theft, among others. A case in point was a young man who had killed another man and was detained at one of the prisons in Adjumani. When his clan members met with the deceased's clan, it was agreed that the accused's family should pay 54 heads of cattle to the deceased's family for him to be released from prison. However, being a capital offence, the accused person was not released.

## 4.4.7 Right to a Clean and Healthy Environment

In terms of sanitation, UHRC noted a considerable number of pit latrines constructed in Bidi Bidi Refugee Settlement households. In Palorinya Settlement, there are inadequate disposal units within the settlements. The refugees were only provided with logs as support to construct toilets, as supported by Lutheran World Federation. However, the UHRC was greatly concerned about the latrines at Sinai Primary School, which had cracks and were likely to collapse at any time, hence posing a threat to the learners. The case was no different in Oruchinga Refugee Settlement, especially in the schools, where there were inadequate sanitation facilities and technology, which hindered students' learning.

According to UHRC findings, in the Nakivale Refugee Settlement, there was low funding for services like waste management, latrine coverage, and water supply, while in Imvepi, the poor soil texture affected the construction of latrines.

#### 4.4.8 Right to Education

The ICESCR (1966) in Article 13 explicitly recognises the right to education, stating that it shall be directed to the full development of the human personality and the sense of its dignity, and shall



Sinai Primary School in Palorinya Refugee Settlement.



Bicycles that were donated to some of the students

strengthen respect for human rights and fundamental freedoms. It also states that primary education shall be compulsory and available free to all, and secondary education, including technical and vocational education, shall be made generally available and accessible. It further requires that higher education be made accessible to all on the basis of capacity by every appropriate means. The OPM, in partnership with organisations like Plan International, Windle International and others, have made tremendous efforts to ensure that refugee children enjoy this right.

At Imvepi Secondary School in Imvepi Refugee Settlement, the school did not provide lunch for the students, and this poses a challenge because at lunchtime, some of them opt to go back home for lunch and end up not coming back, while others come back to school late, and this affects their learning. The school also had a girl child support programme through which bicycles are given to girls who live far away from school to encourage them to keep in school. At Nakivale Secondary School in Nakivale Refugee Settlement, bicycles were donated by an organisation called BUFFALO to learners from long distances to ease their movement to school.

The UHRC established that children walked long distances in order to access schools in the settlements. Palorinya Refugee Settlement had 31 primary schools and 7 secondary schools scattered within the settlement. However, no school in the settlement had a boarding section for the children, yet it is difficult for the children to walk long distances, especially during the rainy season. It was noted that some children walked for about 3 km every day to attend school. During the rainy season, they sometimes miss school because the roads are flooded and dangerous, resulting in regular absenteeism.

It was also noted that the schools were unevenly distributed. For example, some zones did not have any schools, yet some had two secondary schools. This implies that students or children in some zones walk very long distances to school, or sometimes give up on attending school due to the

long distances. Another concern was the limited number of tertiary institutions or technical schools in all the settlements.

In Bidi Bidi, there was a concern about having only one secondary school in the whole sub-county (Valley View S.S). One of the refugees to whom the UHRC spoke also said that education is not completely free, as they have to pay about UGX 5,000/= per term. At Sinai Primary School in Palorinya, it was noted that pupils were requested to pay UGX 10,000 per term as school fees.

The UHRC also noted that the new curriculum is a challenge, and some refugees have opted to return home, where the education system is not that complex. The Commission established that since no school had provisions for a boarding section, most students made their own private arrangements to stay near schools so that they could effectively attend school. According to UHRC findings, Sinai Primary School, a community school started by the church seven years ago in Palorinya Refugee Settlement, was supported by Windle International. The teachers solely received their allowances/salaries from Windle International. Windle International also provided scholastic materials like pencils, books and pens.

No meals were provided at school for the learners, while teachers were provided with lunch. It was further noted that pupils were requested to pay UGX 10,000 per term as school fees. Some of the other concerns noted in Sinai Primary School were school classrooms had no permanent structures and no office space, the classrooms had no furniture and pupils especially those in primary one and two used to carry stools from their homes for seating and for those that had desks, they were congested and insufficient, children with mental disabilities were not offered any assistance and managing them was quite difficult, and there was no space for staff room, and therefore the teachers resorted to sitting under a tree during their time out of class. This is not suitable, especially during the rainy seasons. However, the UHRC was happy to note that some other partners provided learners with uniforms, while another organisation called 'Rise West Nile' was supporting the girls with sanitary towels.

The UHRC noted the following challenges limiting the right to education within the refugee settlements: A high teacher-pupil ratio in primary standing at 1:93 (which deteriorated from 1:72 in 2024); inadequate teachers in schools for both primary and secondary schools; inadequate education infrastructures in schools; congestion in classrooms; inadequate desks for learners; a lack of scholastic materials for learners; cases of academic documents not equated for qualified teachers from South Sudan; congestion in schools; inadequate staff accommodation; inadequate teaching and learning materials; hunger issues due to ration cuts and lack of school feeding programmes at school; poor attitudes of parents in paying functional fees in schools; failure to pay school fees due to low or lack of household income; insufficient number of qualified teachers which hinders the quality of education; teacher transfer affecting Strengthening Access to Youth (SAY) project<sup>140</sup> delivery among partners; and limited scholarship opportunities especially at secondary level which means low transitions from primary level among, many others.

#### 4.4.9 Access to Justice

Leadership structures at the settlements were established to deal with disputes, such as the refugee welfare councils I, II and III in that order of ascending authority. These are the initial points of contact when a dispute occurs, and they often inform the OPM leadership. In case of any crime or dispute, they work based on block zones and settlement structures.

Refugees have access to the justice system and are treated equally by the host communities. For example, when refugees are arrested and detained as suspects for committing offences, they enjoy legal rights such as access to medical care in detention, food, and next of kin and are informed about the nature of the offence against them.

Police stations and posts were established in all settlements to respond quickly to any security issues that could arise. According to the UHRC findings, because of the porous borders, some wrongdoers commit crimes and cross to the other side, making it difficult to get them to face the law. Of great concern also was the fact that sometimes

<sup>140</sup> The SAY Project (Strengthening Access to Youth) is an initiative focused on empowering young refugees and host community members in Uganda.

refugees come when they were formerly militants, and this is very risky.

The UHRC established that a number of humanitarian agencies were working with Government justice institutions, such as the Police and the Judiciary, to ensure access to justice. These included the American Refugee Committee, which provided legal support on the side of the survivors, while the Refugee Law Project provided legal representation on the side of perpetrators. This was noted in Palorinya Refugee Settlement.

The UHRC also noted that the Police were equipped with transport means, for example, each Police post had been issued a motorcycle. However, most of these motorbikes have broken down, and some posts did not have fuel to run them, thus affecting timely response and investigation of refugee cases. What was of concern to the Commission was the high youth unemployment in Oruchinga and Nakivale Refugee Settlements, which resulted in redundancy, hence a high crime rate. It was also noted that there was a lack of magistrate courts within Nakivale Settlement to dispense justice.

According to the UHRC findings, special court sessions were often held within the other settlements (save for Nakivale), where judicial officers were facilitated to conduct them. It was noted that Police, UPDF, and protection officers played critical roles in ensuring that the refugees were accorded justice.

#### 4.4.10 Rights of Vulnerable Persons

Refugees with specific needs and vulnerabilities require specialised support and interventions to boost their resilience. These refugees include survivors of violence, older persons, and persons with disabilities (PWDs), and unaccompanied minors. The UHRC noted that the persons with special needs and vulnerable groups were being supported by the Lutheran World Federation in Palorinya and Bidi Bidi, which provided basic necessities and constructed shelters for the persons with special needs. The UHRC was informed that unaccompanied minors are always given foster parents, as tracing of their parents is ongoing. The



A Signpost of Humanity & Inclusion at Imvepi Settlement.143

UHRC further established that PWDs were given special lines during food distributions. However, UHRC noted that accessibility for learners with disabilities was limited in the schools in Oruchinga Refugee Settlement.

In Bidi Bidi in 2016, some PWDs were even given temporary houses. However, all this changed when funding was reduced. In Imvepi Refugee Settlement, Humanity and Inclusion provides rehabilitation services to refugees who suffered extreme violence and did not have access to any healthcare for a long time. It also offered support to those who had complications from simple injuries that could have been treated quickly if dealt with at an early stage. Humanity and Inclusion also provided psychological and protection support and a small rehabilitation clinic. It also had mobile teams of physical therapists to reach the most vulnerable people who could not leave their shelters. 142

#### 4.4.11 Right to Land

Because of Uganda's liberal refugee policies, migrants are not clamped down in restricted spaces. Instead, the country has reserved a warm welcome, a place to live, cultivate, and work. The Ugandan Government offers permanent resettlement plots to refugees and encourages them to engage in agriculture and small businesses. 144 As a way of improving the status and livelihood of the refugees, the OPM allocates plots to the refugees to enable them to have shelter and

<sup>141</sup> UNHCR, Uganda Policy brief April 2020.

<sup>142</sup> https://www.hi-us.org/en/news/uganda-hi-is-reaching-invisible-refugees-who-are-excluded-from-humanitarian-aid.

<sup>143</sup> Humanity and Inclusion provides rehabilitation services to refugees.

<sup>144</sup> Israel Bionyi, Article on Lands rights for refugees in Uganda, July 2017.

engage in agricultural activities in order for them to be self-reliant. They are given plots measuring 30 feet by 30 feet and farming equipment such as hoes to enable new arrivals to settle and improve their livelihood in order for them to be self-reliant. The OPM has now adopted the skill development method as opposed to giving the refugee population a handout to enhance their livelihood. In Bidi Bidi, initially, the land given by the Office of the Prime Minister was not enough and the original land owners also took their land back, creating a big land challenge arising from landlords' from failure to honour their agreements. Therefore, the landlords and host communities own the land on which the refugees are settled.

As a result of the refugee influx in the country, there has been a lot of pressure on land and social services such as health and education within the refugee-hosting communities. There has also been widespread environmental degradation as a result of cutting trees to get logs to construct their houses, as well as clearing land for agriculture. Some refugees are illegally becoming Ugandans and also owning properties. The refugees, therefore, need to be encouraged to return to their home countries on a case-by-case basis. A new 'shelter approach' is being discussed to concentrate refugee housing in smaller plots and to provide semi-permanent structures. This will allow clustered service delivery to households and release more of the available land for block farming.<sup>145</sup>

#### 4.4.12 Dispute Resolution

There were avenues to resolve conflicts amongst the refugees since they lodged their complaints to the Refugee Welfare Committee (RWC) leaders, who usually mediate their complaints starting from block leaders, zone leaders, and then the settlement Chairperson. The RWC leaders and the LC leaders always worked together and settled disputes through dialogue, hence creating harmony among the community.

### 4.4.13 Equality and Freedom from Discrimination

It was revealed to the UHRC that refugees are not subjected to any form of discrimination by members of the host community. In fact, in some settlements like Oruchinga and Nakivale, empowerment of refugees was reported to have surpassed that of the nationals.

However, refugees faced challenges in gaining employment and yet some of them claimed to be professionals. The UHRC established that when attempting to earn an income from wage or self-employment, refugees face social, economic and procedural barriers (for example, a lack of documentation showing education and skills; language, social stigma, as well as a requirement of a National ID during job application). As a result, they felt discriminated against in terms of accessing employment opportunities. This discrimination was reported in Bidi Bidi, Imvepi and Palorinya Settlements. Only a few refugees in settlements have managed to obtain salaried employment. Instead, most engage in informal work for low wages. 146 Surprisingly, the UHRC was informed that some refugees discriminate against themselves based on tribe/ ethnicity. This is normally between the Dinka and other tribes from South Sudan.

In Rwamwanja, it was reported that despite the favourable work policy environment, which grants refugees the right to work, there were reported cases of refugees being exploited by the local communities who engage them in work since the refugees are a source of cheap labour. On a positive note, some refugees have been able to set up businesses such as maize milling machines.

#### 4.4.14 Urban Refugees

While a majority of refugees live in refugee settlements, a significant number of them reside in urban areas, mainly around Kampala, Wakiso, and Mukono Districts, as well as the refugee hosting district towns such as Arua, Adjumani, Kiryandongo and Mbarara. Unlike the settlements, refugees in towns and cities live autonomously and engage in informal sector activities, such as

<sup>145</sup> Presentation by Mr. Okello Patrick-Commissioner for refugees OPM during the UHRC consultative meeting.

<sup>146</sup> UHRC focus group discussion with refugees in Bidi Bidi.

artisan work, tailoring, hairdressing, and trading. It is often assumed that these urban-based refugees are self-reliant and, therefore, no longer require external support. However, according to UHRC findings, many urban refugees were struggling to support their families.

The influx of urban refugees into Kampala has increasingly affected the city's outskirts, leading to significant changes in the social, economic, and political fabric of the surrounding neighbourhoods. These areas, previously known for their local populations and businesses, have seen large-scale resettlements of refugees from countries like South Sudan, the DRC, Somalia, and Burundi. The refugee influx into the urban areas such as Kampala's outskirts and other cities like Arua is a complex issue with significant impacts on Ugandans. While Uganda has adopted a generous refugee policy, the consequences of this influx are being felt in the form of overcrowded neighbourhoods, strained public services, economic competition, and social tensions.

While refugees are present throughout the city, certain outskirts and suburbs of Kampala have been particularly affected, such as Kisenyi, Bwaise, Kawempe, Kibuli, Kabalagala, Kansanga, Ggaba, Nakulabye and Wandegeya. Their choice for the above areas is due to a number of reasons, such as busy informal trade, proximity to the city centre, affordability, and access to urban services and proximity to major roads and transportation hubs, among others. However, as the cost of living in the central parts of the city increases, many refugees have chosen these outlying suburbs for more affordable rent and housing options such as Bukoto, Kisaasi, Kyanja, Kira, Wakiso, and Kyaliwajala, among others. 147

It should be noted that urban refugees face a number of challenges, ranging from lack of access to economic opportunities to living in areas with poor sanitation and waste management, which increases the risk of floods. Refugees are also said to be charged more than nationals to access basic services and amenities such as health care and accommodation.

#### 4.5 RECOMMENDATIONS

- The Office of the Prime Minister should increase budgetary allocation to the Ministry of Education and Sports to enable increased investment in educational infrastructure to provide quality education in refugee settlements, including the facilitation of vocational training and skills development programmes to equip both refugees and locals with marketable skills for the future.
- The Ministry of Foreign Affairs should encourage peace talks between the warring parties that have continued to cause instability in neighbouring countries, like South Sudan, Rwanda and the DRC, because they have exacerbated the refugee crisis in Uganda.
- The Ministry of Finance, Planning, and Economic Development should provide the Uganda Police Force with resources to repair damaged motorbikes and buy fuel, enabling officers to respond timely and investigate refugee cases.
- 4. The Ministry of Finance, Planning and Economic Development should increase budgetary allocation to the Ministry of Health to enable fuel allocation for ambulances and generators operating at health facilities.

#### 4.6 CONCLUSION

For Uganda to maintain its position as a leading refugee host country, it will be essential to continue balancing refugee needs with the welfare of the local population. Sustainable solutions, such as improved infrastructure, better integration programmes, and targeted economic support, will be key to managing the challenges posed by the growing refugee population. While Uganda's refugee policy is progressive and provides refugees with significant rights and opportunities, refugees in Uganda continue to face substantial challenges, with donor fatigue being the most significant one. In the short term, there is a need to improve access to basic services, provide economic opportunities, ensure security in their countries of origin, promote integration, and work toward long-term solutions.

<sup>147</sup> A report on Understanding the needs of urban refugees and host communities residing in vulnerable neighbourhoods of Kampala; A multisector analysis of the dynamics of supply and access to basic services in nine vulnerable urban settlements-Kampala, Uganda, July 2018 by AGORA, KCCA, Norwegian Refugee Council & ACTOGETHER.

# Domestic Workers in Uganda: Human Rights Concerns



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#### 5.0 INTRODUCTION

Domestic workers, as defined by the International Labour Organization (ILO), are individuals employed to perform tasks in or for private households. 148 Their responsibilities encompass a wide range of duties, including house cleaning, cooking, laundry, childcare, elder; y care, gardening, security, driving, and pet care. Despite their essential contributions, domestic workers in Uganda remain a marginalised and often overlooked segment of the labour force. In Uganda, domestic workers operate primarily within the informal sector, which lacks adequate regulation. This absence of formal protections exposes them to exploitation, poor wages, excessive working hours, and substandard living conditions. Many domestic workers do not have formal contracts, limiting their access to labour rights such as health insurance, pensions,

and paid leave. While Uganda's Employment Act provides general labour protections, it does not sufficiently address the specific vulnerabilities of domestic workers.<sup>149</sup>

Domestic workers in Uganda play a crucial role in the country's labour force. A significant proportion of domestic workers in Uganda are women and girls aged 15-35 from rural areas who migrate to urban centres for employment. This migration is fuelled by poverty, limited educational opportunities, and scarce employment prospects in rural communities. They often face significant challenges, including exploitative working conditions, limited legal protection, and societal marginalisation. Young girls, in particular, are at high risk of exploitation and abuse due to their lack of awareness regarding

<sup>148</sup> Decent Work for Domestic Workers ILO, 2011.

<sup>149</sup> Labour Rights and Informal Employment in Uganda Mugisha, Peter Makerere University Press, 2018, p. 45.

their rights and the absence of legal safeguards.<sup>150</sup> Social stigma surrounding domestic work further exacerbates the challenges faced by these workers. The perception of domestic labour as low-status and unskilled leads to marginalisation and limits opportunities for better employment and social mobility. This societal undervaluation contributes to the workers' continued vulnerability and economic instability.<sup>151</sup>

International labour conventions, such as the ILO's Domestic Workers Convention, 2011, establish standards for the protection of domestic workers' rights. However, Uganda has yet to fully ratify and implement these measures, leaving a significant legal gap in safeguarding their welfare. This chapter examines the socio-economic conditions, legal frameworks and the implications of domestic workers in Uganda. It also offers policy recommendations aimed at improving their working conditions and ensuring stronger legal protections.

## 5.1 LEGAL FRAMEWORK ON THE RIGHTS OF DOMESTIC WORKERS

#### 5.1.1 International Legal Framework

The Universal Declaration of Human Rights under Article 23<sup>152</sup> provides that "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment." This right is essential for domestic workers, as it underscores their entitlement to decent working conditions, fair wages, and protection from exploitation and abuse, irrespective of their employment setting.

The International Labour Organization Domestic Workers Convention, 2011 (No. 189) defines domestic work as work performed in and for a household or households, while a domestic worker is a person who works within the employer's household. Article 6 of the same States that "Domestic workers have the right to a safe and healthy working environment, and they should enjoy conditions that are not less favourable than those applicable to workers generally."

The International Covenant on Economic, Social and Cultural Rights, Article 7 provides that "Everyone has the right to the enjoyment of just and favourable conditions of work which ensure, in particular, fair wages and equal remuneration for work of equal value without distinction of any kind."

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Article 11 asserts that "States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment."

The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families Article 25 states that "Migrant workers shall enjoy treatment not less favourable than that which applies to nationals of the State of employment in respect of remuneration and other conditions of work."

#### 5.1.2 Regional Legal Frameworks

Article 15 of the African Charter on Human and Peoples' Rights (Banjul Charter), 1981 guarantees every individual the right to work under equitable and satisfactory conditions, which includes fair wages, reasonable working hours, and a safe working environment. Additionally, Article 18 emphasises the protection of the family and the rights of women, addressing issues of discrimination and exploitation that disproportionately affect female domestic workers.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003, which Uganda ratified in 2010, provides specific protections for women's rights and addresses gender-based discrimination. Article 4 guarantees women's right to dignity and protection from violence, including domestic violence, which is particularly pertinent for female domestic workers who are vulnerable to abuse. Furthermore, Article 11 calls for the elimination of discrimination in employment, ensuring equal pay and safe working conditions, which directly impacts the working conditions and rights of domestic workers.

<sup>150</sup> Women and Informal Work in Uganda Nabukeera, Madina Uganda Press, 2020, p. 78.

<sup>151</sup> Gender and Economic Transformation in Uganda, Kwesiga, Joy Fountain Publishers, 2015, p. 112.

<sup>152</sup> Article 23 of the UDHR.

#### 5.1.3 National Legal Frameworks

In the Constitution of the Republic of Uganda (1995) as amended, Article 40(1) (a and b) states that Parliament shall enact laws to provide for the right of persons to work under satisfactory, safe and healthy conditions and to ensure equal payment for equal work without discrimination.

The Employment Act, 2006, serves as the foundation of labour legislation in Uganda. It defines the minimum standards of employment, including provisions related to working hours, rest periods, overtime, wages, and conditions of work. For instance, Section 5 of the Act prohibits forced labour, and Section 32 requires that employers provide employees, including domestic workers, with written contracts specifying their terms of employment.

The Minimum Wages Advisory Board and Wages Councils Act allows the Government to set minimum wage standards for various sectors, including domestic work. Although the minimum wage was last set in 1984 and has not been updated since, the Act provides a legal framework for ensuring that workers are paid fairly. The recent push for a new minimum wage law, as envisioned in Uganda's Vision 2040, reflects a national commitment to addressing wage disparities and improving living standards for all workers, including those in the informal and domestic sectors. Vision 2040, a strategic plan for transforming Uganda into a middle-income country, emphasises the importance of decent work and fair wages as key components of socio-economic development.

The Occupational Safety and Health Act, 2006 mandates employers to provide safe working conditions and adequate protective measures to prevent workplace hazards. Section 13 of the Act requires employers to ensure that their workplaces are free from risks to health and safety.

#### 5.2 SITUATIONAL ANALYSIS

Domestic workers in Uganda are an integral part of the country's labour force, particularly within households in urban areas. Most domestic workers typically engage in activities such as cooking, cleaning, child care, and elderly care. They work in private households or are employed by agencies that place workers in homes across the country or abroad. The majority of domestic workers are women, and a significant portion of them are children, often coming from rural areas and migrating to urban areas in search of employment. Despite their crucial role in supporting family and societal functions, many domestic workers face challenges related to exploitation, poor working conditions, and a lack of legal protection. While efforts are underway to address these issues, there remains a significant gap in these workers' rights, dignity, and fair treatment.

#### 5.2.1 Prevalence and Demographics

Domestic work in Uganda is largely informal, with an estimated 95% of workers engaged without formal contracts or recognition under labour laws. The UBOS reports that the majority of domestic workers are young women and girls, often from rural areas, who migrate to urban centres like Kampala in search of better economic opportunities. Many of these workers are as young as 14 or 15 years old, reflecting the intersection of child labour and domestic work. The 2018 National Labour Force Survey highlights that domestic work is one of the most common forms of employment for young women, particularly those with limited education and skills.

This demographic profile underscores the vulnerability of domestic workers to exploitation due to their socio-economic status, age, and gender.

"It's heartbreaking how some relatives take children from the village with promises of a better life and education. They make them believe that they'll have a brighter future, but once they arrive in the city, they are turned into housemaids, shamba boys, or herders. The children are made to work long hours, with little regard for their well-being or education. They end up being trapped in servitude, far away from home, with no way to escape. These are not the opportunities they were promised. It's a cycle of exploitation that leaves them powerless." Anonymous voice<sup>153</sup>

### 5.2.2 Exploitation and Abuses Faced by Domestic Workers

While domestic workers provide essential services, their rights are often ignored. Many face long working hours, meagre wages, and inadequate rest. In some cases, workers are confined to their employers' homes, with little freedom to move or leave, making them vulnerable to abuse and exploitation. In many sections of society, domestic workers, usually called 'house girls', are considered subservient to their employers. This dehumanisation creates a fertile ground for abuse and exploitation, as it can foster the belief that the rights of domestic workers are not as important as those of their employers. The perception of domestic

workers as disposable or replaceable further increases the risk of exploitation.

Domestic workers are also at risk of abuse and exploitation due to a lack of legal protection. In many cases, these workers are dependent on their employers for accommodation, food and security. This dependency leaves them vulnerable to abuse, as they may fear retaliation if they report exploitation. In addition, while many of the domestic workers come from humble families, their employers are never patient with them as they learn new ways of life. Instead, they are harassed and subjected to abuse, as these domestic workers testify:

"Some of us are learned and others are not. But when we get employed as domestic workers, most employers do not orient us or explain clearly what our roles will be. They expect you to figure it out on your own — yet every household has its own rules and expectations. Sometimes, they even lie about the size of the family. You are told it's a household of five people, but when you arrive, you find over ten people depending on you. We wake up as early as 3:00 am and go to bed at midnight. The work is endless, but we endure because we are desperate for a job and need to survive." A domestic worker, Kampala.

"Some employers treat us like robots. The moment you wake up, it's work non-stop until very late in the night. There is no time to rest, no break, not even time to sit and eat peacefully. You move from one task to another — cleaning, cooking, washing, babysitting without considering that you are human and you also get tired. When you try to rest or delay, some employers start complaining or accusing you of being lazy. It's like they expect you to work from morning to night without stopping, like a machine." A domestic worker, Wakiso District.

"One of the most painful experiences for some of us as domestic workers is sexual harassment from male employers. Some men start making advances or touching you inappropriately when no one is watching. But when you resist or avoid them, their wives start accusing you of seducing their husbands. It's a very difficult situation because if you try to speak out or report, nobody believes you. Instead, you are labelled a home-breaker or sent away without pay. Most of us just keep quiet and suffer in silence because we fear to lose our jobs or be shamed." A female domestic worker, Masindi District.

There are reported challenges even on the side of employers:

"Hiring a domestic worker comes with its own challenges. Sometimes they come with no basic skills like cleaning, cooking, or handling children — and yet you are expected to entrust them with your home and family. Some are honest and hardworking, but others can be disrespectful, careless, or even steal from you. What we need is a system where domestic workers are well-trained, understand their roles clearly, and where employers are guided on how to manage them fairly. It should not be about exploitation on either side — but about mutual respect and understanding." **An employer, Wakiso District.** 

#### 5.2.3 Sexual Exploitation and Abuse

Domestic workers, a significant percentage of whom are women and live-in, often face physical, verbal, and sexual abuse at the hands of their employers. In the majority of cases, domestic workers are in a situation of vulnerability because they are isolated from their families, friends and support networks. They live in their employer's homes, which creates a sense of isolation and makes it difficult for them to seek help if they are being abused. This isolation also creates an environment where abuse can go unnoticed, as they are often confined to the home and lack the means to reach out for help.

The UHRC also noted that since the majority of domestic workers are women, sexual exploitation often stems from deeply ingrained gender inequalities. Employers may feel entitled to use their power over the domestic workers and exploit their vulnerability. The gendered nature of domestic work means that women are expected to be subservient, contributing to the normalisation of mistreatment, including sexual abuse.

#### **Denial of Basic Necessities**

For domestic workers, especially those employed in private households, the lack of access to basics like food, soap, sugar and even essential hygiene products is a serious and widespread issue. This denial is a form of exploitation that goes together with other abuses such as excessive working hours, low wages, and lack of rest. Many domestic workers are subject to situations where they are given inadequate food, given a poor diet or, in some extreme cases, even denied food entirely. In addition to food, the denial of basic items like soap, toothpaste, and other hygiene products is disturbingly common.

"Some employers do not want to provide even the most basic necessities for domestic workers like soap, colgate, sanitary towels, or jelly, yet these small things go a long way in motivating and dignifying the worker. On top of that, some employers are unwilling to pay a decent salary. For the girls from my agency, their monthly salaries range between UGX 120,000 to UGX 350,000, depending on the size of the household and the scope of work assigned to them. We always advise employers not to segregate or isolate domestic workers but instead treat them like family — because these are the very people entrusted with their most treasured possessions: their children and homes."

Representative of a domestic worker recruitment and training agency, Kampala.

#### 5.2.4 Working Conditions and Labour Rights

Working conditions for domestic workers in Uganda are often harsh and exploitative. In addition to abusive work environments, domestic work is one of the lowest-paid jobs available and often comes with irregular payment. According to the UHRC findings, domestic workers commonly work excessively long hours, often exceeding 12 to 16 hours per day, with little to no rest. Wages are frequently below the minimum wage standards proposed by the Government, with some workers earning as little as UGX 30,000 per month. This is far below the poverty line, making it difficult for workers to meet their basic needs.

"The wages we are paid are very low, and sometimes it takes months before we receive anything. Often, we are not paid at all, and the excuses are endless. If something goes wrong, like breaking a dish or burning a piece of clothing while ironing, the money is deducted from our wages. Even if it's a minor mistake, we are held accountable and penalized harshly. The worst part is that sometimes after working for months, we are sent away with no pay at all, just because of a small issue. It feels like we are constantly being taken advantage of, with no regard for the hard work we put in every

day." Domestic worker, Nansana Municipality.

"In some households, we are punished for every little mistake. If we break something or make a mistake while cooking, we are beaten or denied food altogether. Sometimes, we are allowed only one meal a day, despite the heavy workload. If the family eats meat, we are given beans, and we are not allowed to drink milk or eat bread like they do. It feels degrading, and it makes us feel less than human. In these situations, some of us resort to stealing just to get by. It's a survival mechanism because we are not given what we need to sustain ourselves, even though we work tirelessly every day." **Domestic worker, Kira Municipality.** 

#### 5.2.5 Legal Protections and Gaps in Uganda's Labour Laws

Uganda lacks comprehensive legislation to protect domestic workers, although the country is a signatory to international labour conventions such as the International Labour Organization Convention on Domestic Work (C189). The existing law on workers' rights does not cover domestic workers who thus fall outside the scope of its protections. The absence of clear legal safeguards for domestic workers means that they often have little recourse in case of abuse or exploitation. The Employment Act, 2006, for example, outlines general labour rights but fails to address the unique conditions of domestic work, such as the lack of formal workplace settings and the intimate nature of the employer-employee relationship.

The Occupational Safety and Health Act, 2006 mandates employers to ensure safe working environments, but its implementation in private households is practically non-existent. The domestic work sector is not routinely inspected by labour authorities, and domestic workers are often excluded from the social security benefits provided under the National Social Security Fund (NSSF). This exclusion further marginalizes domestic workers, leaving them without a safety net in times of illness, unemployment, or old age.

The Minimum Wages Advisory Board and Wages Councils Act also provides for the setting of minimum wages, but the last minimum wage was set in 1984, and no updates have been made since then, leaving domestic workers vulnerable to extreme wage exploitation. In 2021, the Domestic Workers Association of Uganda petitioned the Ugandan Government to address these issues, calling for the establishment of a national minimum wage, a defined working hour policy, and regulations to protect workers from abuse. Despite these calls, the Ugandan Parliament has not yet passed significant laws to protect domestic workers adequately, leaving many vulnerable.

"Domestic workers in Uganda face severe exploitation, with limited legal protection and few opportunities for recourse when their rights are violated. At Platform for Labour Action, we are committed to improving the welfare of these workers by advocating for better working conditions, fair wages, and legal protections. We believe that domestic workers deserve respect, dignity, and the same labour rights as any other worker. Through awareness campaigns, legal assistance, and policy advocacy, we are working towards a future where domestic workers are recognised for their invaluable contributions and are afforded the protection they rightfully deserve." Platform for Labour Action.

#### 5.2.6 Lack of Formal Contracts

The lack of formal contracts means that many domestic workers have no legal recourse in the event of disputes with their employers. Section 32 of the Employment Act, 2006, requires employers to provide written contracts, but this provision is rarely enforced in the domestic work sector. As a result, domestic workers often face arbitrary wage deductions, dismissal without notice, and physical or verbal abuse.

"The challenge we face is that domestic work in Uganda is largely informal and unregulated. Many of these workers are recruited without contracts, without clear terms of engagement, and without any form of social protection. Cases of abuse, non-payment of wages, and poor working conditions are common, but difficult to follow up because most of the employment relationships are verbal and hidden within private homes. There is an urgent need for Parliament to pass the Domestic Workers Bill so that we have a legal framework to guide recruitment, placement, rights, and responsibilities of both employers and domestic workers. This will promote dignity, fairness, and accountability in this sector." Labour Officer, Ministry of Gender, Labour and Social Development.

#### 5.2.7 Societal Attitudes and Discrimination

Domestic workers in Uganda often face societal discrimination, which worsens their vulnerability. Domestic work is frequently viewed as low-status and unskilled labour, leading to the marginalisation of workers in this sector. Employers often perceive domestic workers as lesser members of society, which justifies, in their view, the poor treatment and exploitation these workers endure. This perception is deeply rooted in gender norms, as domestic work is traditionally seen as 'women's work', undervalued and often unpaid.

"What is it that domestic workers are asking for? We provide them with food, shelter, and a place to sleep, which is more than many people get. They are already being taken care of. They should be grateful for the opportunity to work in our homes. We do them a favour by hiring them, and yet they continue to demand higher wages and better conditions. It feels like they don't appreciate what they have, and they should understand that the work they do is not as hard as it's made out to be." **Employer, Kampala**.

This societal stigma is compounded by the fact that many domestic workers come from disadvantaged backgrounds, with low levels of education and limited economic opportunities. As a result, they are less likely to advocate for their rights or seek legal recourse in cases of abuse. A 2017 report by ActionAid Uganda found that domestic workers are often isolated from their communities, living in their employers' homes with limited access to social networks or support systems This isolation makes it difficult for them to escape abusive situations or seek assistance from authorities.

#### 5.2.8 Child Labour

There have been increasing reports in the media of domestic workers mistreating children in their care, raising serious child protection concerns. A 2022 study by ICF International highlighted the growing concern around child labour within domestic work in Uganda. Children who are employed as domestic workers endure exploitative conditions, including excessive working hours and mistreatment. With parents sending children to work instead of being

cared for, these children are denied access to education, which deprives them of opportunities for a better future.

#### 5.2.9 Domestic Workers Forced to Seek Employment Abroad

Due to various challenges faced, many domestic workers have been forced to seek employment abroad. A significant number of Ugandan women seek domestic work in Middle Eastern countries such as Saudi Arabia, the United Arab Emirates, and Qatar, hoping for better pay and improved living conditions. However, even there, many fall victim to human trafficking and find themselves trapped in abusive situations. Reports from organisations such as the International Organization for Migration and the Ugandan Ministry of Gender, Labour, and Social Development highlight cases where Ugandan women are subjected to physical abuse, unpaid labour, and restricted movement. In some instances, women are forced to work under conditions akin to modern-day slavery.

"I left Uganda because I was promised a good job with decent pay in the UAE, but the reality has been different. I was told I would work as a housemaid in a small family, but when I arrived, I found a household much larger than expected. The work is endless — I wake up at 4:00 am and sometimes don't get to rest until after midnight. There are long hours of cleaning, cooking, and caring for children, and I have no time for myself. My passport was taken by the agency, and I have no way to contact my family back home. I feel trapped. Some of my fellow workers have faced even worse — including being mistreated by their employers, not being paid on time, or even being physically abused. It's hard to speak out because we fear being deported or worse. We are told that if we leave or complain, we will be sent home without any of the money we've earned." A domestic worker from Uganda in the UAE.

"Migrant domestic workers, especially women from Uganda, face significant risks of trafficking and exploitation. Despite efforts to raise awareness and promote safe migration channels, many workers are deceived by traffickers who promise better opportunities abroad. Once they arrive, they often find themselves trapped in exploitative conditions, with limited legal protection and no recourse for justice. At IOM, we continue to work with the Ugandan Government and other partners to combat trafficking, provide support services for victims, and advocate for stronger policies to ensure the rights and safety of migrant domestic workers." International Organization for Migration staff member, Uganda.

#### 5.2.10 Child Abuse by Domestic Workers

There have been increasing media reports of domestic workers mistreating children in their care. In many households, domestic workers have also subjected children to physical abuse such as beating, slapping, or burning, as well as emotional abuse like insults, threats, intimidation and neglect through denial of food, hygiene, and medical care. These forms of abuse not only cause immediate harm but also have long-term physical and psychological effects on children.

The situation calls for greater awareness, stronger regulation, and monitoring of domestic workers, alongside empowering parents and guardians to prioritise the safety and well-being of children left in the care of others. For example, in December 2024, a 35-year-old housemaid named Precious Tumuhirwe was captured on CCTV brutally assaulting a four-year-old girl in Kikoko Zone, Kira Municipality, Wakiso District. The footage showed Tumuhirwe repeatedly hitting and strangling the child. She was arrested in Kabale District, where she had fled after the incident. In January 2025, the Kira Magistrates Court sentenced her to 40 years in prison for aggravated torture.

In a widely publicised case from November 2014, a nanny named Jolly Tumuhiirwe was filmed abusing an 18-month-old toddler. The shocking footage led to her arrest and subsequent conviction. She pleaded guilty to the charges and was sentenced to four years in prison for child torture.<sup>154</sup>

## Precious Tumuhirwe jailed 40 years for child torture



Precious Tumuhirwe appearing before court.



Jolly Tumuhiirwe assaulting the then 18-month-old baby in 2014.



Jolly Tumuhiirwe appearing before court.

Another respondent interviewed by the UHRC stated that;

"It's troubling to hear that some domestic workers exploit the vulnerability of adolescent boys in the households where they work. In some cases, these workers engage in sexual relations with the boys, which not only exposes them to sexually transmitted diseases but also introduces them to harmful behaviours, such as pornography, drug abuse, and even alcoholism. These workers often take advantage of their position of trust to manipulate and exploit the boys, leaving long-lasting emotional and psychological scars. It's a disturbing reality that should not be ignored." Anonymous.

"As an agency, we have unfortunately had to deal with multiple incidents of theft, torture, and even sexual abuse reported by the domestic workers we place. Many of these girls are afraid to report sexual abuse because they fear retaliation, being sent back home without compensation, or losing their jobs. However, when cases are brought to our attention, we make sure they are reported to the Police, and we ensure that they are handled to their logical conclusion. It's important that these workers know their rights and that they can seek justice without fear of losing everything. We are committed to supporting them through these challenges and working with authorities to make sure that these cases are fully investigated." Agency owner, Uganda.

## 5.3 GOVERNMENT INTERVENTIONS AND POSITIVE DEVELOPMENTS IN THE DOMESTIC WORK SECTOR IN UGANDA

In response to the challenges faced by domestic workers, the Ugandan Government has implemented several interventions and witnessed positive developments aimed at improving the working conditions, rights, and overall well-being of domestic workers. These efforts reflect a growing recognition of the importance of domestic work and the need to protect the rights of those engaged in this sector.

#### 5.3.1 Legal Reforms and Policy Initiatives

One of the significant Government interventions in the domestic work sector is the enactment and amendment of labour laws to include and protect domestic workers. The Employment Act, 2006, is a crucial legal framework that provides protections for all workers, including domestic workers. This Act outlines the rights and obligations of employers and employees, including provisions on working hours, rest periods, payment of wages, and termination of employment. It also mandates the issuance of written contracts, which is particularly important for domestic workers who often work in informal arrangements. In addition to the Employment Act, the Government has developed the National Employment Policy (2011), which aims to promote decent work for all, including domestic workers. The policy emphasises the need for fair treatment, safe working conditions, and social protection for workers in the informal sector.

Furthermore, the Domestic Workers Protection and Welfare Bill has been proposed, which, if passed, would provide specific legal protections for domestic workers, including the right to fair wages, protection from abuse, and access to social security benefits. These legal reforms and policy initiatives demonstrate the Government's commitment to addressing the vulnerabilities of domestic workers. However, the effectiveness of these interventions largely depends on their implementation and enforcement, which remains a challenge due to resource constraints and the informal nature of domestic work.

## 5.3.2 Labour Inspection and Enforcement Mechanisms

The Ugandan Government has strengthened labour inspection and enforcement mechanisms to ensure compliance with labour laws and improve the working conditions of domestic workers. The Ministry of Gender, Labour, and Social Development (MoGLSD) is responsible for conducting labour inspections to monitor employers' compliance with labour laws, including those governing domestic work. The ministry has increased the number of labour inspectors and provided them with training to better understand the specific challenges faced by domestic workers.

In addition to routine inspections, the Government has established hotlines and complaint mechanisms that allow domestic workers to report cases of abuse, exploitation, or violations of their rights. These mechanisms provide domestic workers with an avenue to seek redress and hold employers accountable for their actions. The MoGLSD has also partnered with NGOs and CSOs to raise awareness about domestic workers' rights and encourage them to report any violations. Despite these positive developments, challenges remain in the enforcement of labour laws, particularly in the informal sector. Many domestic workers fear retaliation from their bosses if they report abuse.

## 5.3.3 Social Protection and Welfare Programmes

The Ugandan Government has made efforts to extend social security benefits to this vulnerable group. The National Social Security Fund, which traditionally covered formal sector workers, has begun exploring ways to include informal workers, including domestic workers, in its schemes. This inclusion would provide domestic workers with access to retirement benefits, which is crucial for their long-term financial security.

Moreover, the Government has implemented various social welfare programmes aimed at improving the livelihoods of vulnerable groups, including domestic workers. For instance, the Social Assistance Grants for Empowerment (SAGE) programme provides financial support to older persons and those living in extreme poverty, some of whom may have previously worked as domestic workers. These grants help to alleviate poverty and provide a safety net for those who are no longer

able to work. In addition to these social protection measures, the Government has supported initiatives to improve domestic workers' skills and employability. Vocational training programmes have been established to provide domestic workers with skills in areas such as childcare, cooking, and household management. These programmes not only enhance the workers' abilities but also empower them to negotiate better working conditions and wages.

### 5.3.4 International Cooperation and Ratification of Conventions

The Government has also engaged in international cooperation to improve the conditions of domestic workers, particularly those working abroad. In recent years, the Government has signed bilateral agreements with countries in the Middle East, where many Ugandan domestic workers are employed. These agreements aim to protect the rights of Ugandan workers abroad by ensuring that they receive fair wages, safe working conditions, and protection from abuse.

Uganda is a signatory to several international conventions that protect the rights of domestic workers. The Government has ratified the International Labour Organization Convention No. 189 on Domestic Workers, which sets international standards for the treatment of domestic workers. This convention requires member states to ensure that domestic workers enjoy the same rights as other workers, including reasonable working hours, fair wages, and social protection. The ratification of ILO Convention No. 189 and the signing of bilateral agreements demonstrate Uganda's commitment to aligning its domestic policies with international standards. These international collaborations have not only improved the protection of Ugandan domestic workers abroad but also influenced domestic policies to enhance the rights and welfare of domestic workers within Uganda.

#### 5.4 HUMAN RIGHTS CONCERNS

Domestic work is one of the most prevalent forms of employment in Uganda, particularly among women and young girls from rural areas. Several factors contribute to the country's high demand for and supply of domestic workers, ranging from economic conditions to cultural and social norms The UHRC believes that understanding these

causes is crucial for addressing the vulnerabilities and challenges faced by domestic workers.

#### 5.4.1 Poverty and Economic Inequality

One of the primary drivers of domestic work in Uganda is poverty. Widespread poverty, particularly in rural areas, forces many individuals, especially women and young girls, to seek employment in urban centres as domestic workers. The UBOS reports that nearly 21.4% of Ugandans live below the national poverty line, with rural areas being disproportionately affected. In these regions, opportunities for formal employment are scarce, and the income generated from agriculture or small-scale trade is often insufficient to meet basic needs.

For many rural families, sending a daughter to work as a domestic worker in the city is seen as a survival strategy, providing the family with an additional source of income. This economic pressure is exacerbated by limited access to education and skills training in rural areas, constraining young women's opportunities to secure better-paying jobs. As a result, domestic work becomes one of the few viable options available to them, despite the risks of exploitation and abuse.

## 5.4.2 Gender Norms and Social Expectations

Cultural and gender norms play a significant role in the prevalence of domestic work in Uganda. Domestic work is traditionally viewed as 'women's work,' associated with caregiving, cleaning, and household management. These tasks are considered extensions of women's roles within the family, and as such, domestic work is often undervalued and poorly compensated. In many Ugandan communities, there is a strong expectation for women to fulfil caregiving roles, both within their own homes and in the homes of others.

This expectation is reinforced by socialisation processes that encourage girls to take on domestic responsibilities from a young age. As a result, young women are often steered towards domestic work, both by their families and societal expectations, even when other forms of employment might be available. Moreover, the low status accorded to domestic work reflects broader gender inequalities in Ugandan society, where women's labour, particularly in the domestic sphere, is systemati-

cally devalued. This devaluation contributes to the exploitation of domestic workers, as their work is not seen as deserving of the same rights and protections as other forms of employment.

#### 5.4.3 Urbanisation and Migration

The rapid urbanisation of Uganda has also contributed to the increasing demand for domestic workers. As more people migrate to urban centres in search of better economic opportunities, the demand for domestic help also increases, particularly among middle and upper-class households. Urban households often require additional support for childcare, cleaning, and other domestic tasks, especially as more women enter the formal workforce and have less time to manage household responsibilities. The migration from rural to urban areas is a significant factor in the supply of domestic workers. Many young women migrate to cities like Kampala, Jinja, and Mbarara in search of employment opportunities. However, upon arrival, they often find themselves with few options and limited skills, making domestic work one of the few available forms of employment. This migration is driven by push factors (such as poverty and lack of opportunities in rural areas) and pull factors (such as better living standards and job prospects in cities).

## 5.4.4 Lack of Education and Employment Opportunities

Limited access to education and vocational training is another key factor contributing to the prevalence of domestic work in Uganda. According to the Ministry of Education and Sports, while primary school enrolment rates are high, many children, particularly girls, drop out before completing secondary education due to factors such as early marriage, teenage pregnancy, and economic hardships. Without a complete education, these young women face significant barriers to entering the formal labour market, where higher qualifications are often required.

The lack of alternative employment opportunities forces many women and girls to take up domestic work as a means of survival. The Uganda National Household Survey indicates that unemployment rates are particularly high among young people, with limited job creation in sectors outside agriculture and informal trade. This lack of opportunities further entrenches the reliance on domestic

work as a primary source of income for many women, particularly those from disadvantaged backgrounds.

#### 5.4.5 Demand for Affordable Labour

The demand for affordable labour in urban households is a significant factor driving the prevalence of domestic work. Middle- and upper-class families in urban areas often seek to employ domestic workers at low wages to manage household chores, care for children, and assist with other domestic tasks. The willingness of employers to pay low wages is facilitated by the oversupply of labour in the market, where many women and girls are willing to accept low-paying jobs due to their dire economic circumstances.

This demand for cheap domestic labour is sustained by the informality of the sector, where wages are not regulated, and employment contracts are non-existent. Employers usually exploit this situation by offering minimal compensation, knowing that the workers have limited bargaining power and few alternative employment options. This dynamic perpetuates a cycle of exploitation, where domestic workers remain trapped in low-wage, insecure employment.

#### 5.4.6 Cultural Practices and Child Labour

In some Ugandan communities, cultural practices also contribute to the prevalence of domestic work. It is not uncommon for children, particularly girls, to be sent to live with wealthier relatives or family friends in exchange for domestic work. This practice, known as 'child fostering,' is often justified as a way to provide the child with better living conditions and education. However, in many cases, these children are exploited as domestic workers, denied access to education, and subjected to long hours of labour without adequate compensation. The UHRC has documented cases where children as young as 10 or 12 years old are employed as domestic workers, often in violation of Uganda's child labour laws. Despite legal prohibitions, child labour in the domestic work sector remains widespread, driven by poverty, cultural norms, and the lack of enforcement of child protection laws.

#### 5.4.7 Weak Enforcement of Labour Laws

The weak enforcement of labour laws in Uganda significantly contributes to the high prevalence of domestic work and the poor conditions under

which many domestic workers operate. While Uganda has enacted several laws intended to protect workers' rights, including the Employment Act, 2006 and the Occupational Safety and Health Act, 2006, the enforcement of these laws, particularly in the informal sector, remains inadequate. Domestic workers are often excluded from labour protections because their work takes place in private homes, which are not subject to regular inspections by labour authorities.

The Ministry of Gender, Labour and Social Development, responsible for enforcing labour laws, lacks the necessary resources and capacity to monitor and regulate the domestic work sector effectively. As a result, violations of labour rights, such as non-payment of wages, excessive working hours, and abusive working conditions, often go unreported and unpunished. The lack of legal enforcement creates an environment where employers can exploit domestic workers with little fear of legal repercussions.

## 5.4.8 Lack of Social Protection and Support Systems

Domestic workers in Uganda generally lack access to social protection and support systems, which fuel their vulnerability to exploitation and abuse. Social protection systems, such as health insurance, unemployment benefits, and pensions, are designed to provide a safety net for workers in times of need. However, because domestic work is predominantly informal, domestic workers are often excluded from these systems. The National Social Security Fund which provides retirement benefits to formal sector workers, does not typically cover domestic workers, leaving them without financial security in old age. The lack of support networks for domestic workers compounds the absence of social protection. Many domestic workers, particularly those who migrate to urban areas, are isolated from their families and communities. They often live in their employers' homes, with limited opportunities to build social connections or seek help if they face abuse or exploitation.

### 5.4.9 Globalisation and the Influence of International Labour Markets

Globalisation has influenced labour markets in Uganda, including the domestic work sector. The demand for domestic workers is not limited to Uganda; there is a huge demand from international

labour markets, particularly in the Middle East. In recent years, many Ugandan women have sought employment as domestic workers abroad, attracted by the promise of higher wages compared to what they would earn domestically. However, the reality for many of these workers is often far from what was promised, with reports of severe exploitation, abuse, and even trafficking. The International Labour Organization has documented cases where Ugandan domestic workers in the Middle East have faced harsh working conditions, including long working hours, non-payment of wages, and physical and psychological abuse.

#### 5.5 RECOMMENDATIONS

- All persons employing domestic workers should treat them with dignity and respect in accordance with the Constitution of the Republic of Uganda and international human rights standards.
- The Parliament of Uganda should expedite the enactment of the proposed Domestic Workers Protection and Welfare Bill. The law should regulate domestic work, prescribe minimum standards for terms and conditions of employment, provide mechanisms for dispute resolution, and offer protection against abuse, exploitation, and discrimination of domestic workers.
- Domestic workers should equally respect the rights of their employers and their families, including children, in the course of their duties.

#### 5.6 CONCLUSION

Domestic workers in Uganda face significant human rights challenges, including low wages, long working hours, abuse, and a lack of legal protection. Strengthening labour laws, enforcing existing regulations, and ratifying international conventions like ILO Convention No. 189 are crucial to safeguarding their rights. Public awareness, social protection mechanisms, and collaboration among the Government, civil society, and trade unions are essential in addressing their challenges and ensuring improved working conditions. Protection from abuse is not only a legal obligation but also a moral imperative, contributing to a more just and equitable society for all workers.

# The Situation of Women Human Rights Defenders in Uganda

#### 6.0 INTRODUCTION

A human rights defender is a person who, individually or with others, acts to promote or protect human rights. They can be journalists, environmentalists, whistleblowers, trade unionists, lawyers, teachers, housing campaigners, participants in direct action, or just individuals acting alone. They can defend rights as part of their jobs or in a voluntary capacity. 155

Women human rights defenders (WHRDs) are all women and girls working on any human rights issue and people of all genders who work to promote women's rights and rights related to gender equality. They also include any civil society actors who may not self-identify as human rights defenders or those who work on non-traditional human rights fields such as journalists, health workers, environmental activists, peacebuilders, private actors, development and humanitarian actors and many others. Individuals may employ many other terms to identify themselves and their work in these areas for a variety of reasons. <sup>156</sup>

The WHRDs play a crucial role in advancing women's rights and social justice. They are individuals or groups who stand up against human rights violations such as gender-based violence, discrimination, and lack of access to basic services. Human rights defenders worldwide face significant challenges, including social, political, and economic restrictions, harassment, violence, and structural repressive monitoring. The WHRDs, however, encounter additional gender-specific obstacles that intersect with these broader challenges. As a result, they require protection and support that is

not only gender-responsive but also intersectional. This means being aware that they may require different or additional forms of support.<sup>157</sup>

Although restrictions of and attacks on civic space affect all defenders, WHRDs are specifically targeted and face additional and specific obstacles, risks, violations and impacts, which are shaped by who they are (women or girls), who they identify with or are part of (such as the feminist movement), and/or what they are working to advance. The WHRDs have become pivotal in advocating for gender equality, women's rights, and social justice. However, their work is fraught with various challenges that put them at risk. This chapter will discuss the peculiar challenges faced by women human rights defenders, the positive developments in the advancement of their rights, and propose possible recommendations to address their plight.

#### 6.1 LEGAL FRAMEWORK

#### 6.1.1 International Legal Framework

Art 19 of the Universal Declaration of Human Rights provides for the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. In 1998, the UN General Assembly adopted a resolution on the promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms by Protecting Women Human Rights

<sup>155</sup> https://en.wikipedia.org/wiki/Human rights defender.

<sup>156</sup> https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WRGS/SexualHealth/INFO\_WHRD\_WEB.

<sup>157</sup> https://www.cordaid.org/en/wp-content/uploads/2024/12/Review-of-the-recommendations-for-protection-of-women-human-rights-defenders.pdf.

**Defenders**. It requires Member States to specifically protect the rights of those who advocate for the protection and promotion of human rights and to take concrete measures to eliminate discrimination against women. Also known as the Unite Nations Declaration, it is not legally binding but contains provisions that demonstrate a strong international commitment to protect the rights of WHRDs.

The Special Rapporteur on Human Rights Defenders is an independent expert who monitors and reports on the situation of human rights defenders (HRDs) globally. The role of the Special Rapporteur is critical in addressing and improving the environment for HRDs, who often face threats, harassment, and violence for their work in promoting and protecting human rights. Through regular reports the Special Rapporteur highlights trends, patterns of abuse, and specific cases of HRDs facing threats and/or criminalisation.

#### 6.1.2 Regional Legal Framework

The African Charter on Human and Peoples' Rights (ACHPR) does not explicitly mention the protection of human rights defenders, but it does protect fundamental freedoms and rights through establishment of the ACHPR, which adopted resolutions to protect human rights defenders from intimidation, judicial harassment, and arbitrary detention as well as calling on States to investigate allegations of human rights violations against human rights defenders. The Charter protects fundamental freedoms like freedom of speech, association, and assembly. It also protects fundamental rights like the right to life, protection from arbitrary arrest, and the right to a fair trial.

#### 6.1.3 National Legal Framework

The Constitution of the Republic of Uganda (1995) guarantees fundamental rights and freedoms for all individuals, including the right to association, expression, and participation in public affairs. The Constitution provides for rights that are applicable

to all, including HRDs, such as the right to life, right to personal liberty, right to security of person, and right to own property, as well as the freedom of conscience, expression, movement, religion, assembly, and association, among others.

Article 38 of the **1995 Constitution of the Republic of Uganda** provides for the core elements of civic space rights. The Article guarantees participation in civic rights and activities by providing that every Ugandan citizen shall have a right to exercise the right to participate in the affairs of Government, individually or through his or her representatives by law. The Article establishes the right of every Ugandan to participate in peaceful activities to influence the policies of the Government through civic organisations. <sup>158</sup> **The Penal Code Act** criminalises acts of violence, including those committed against HRDs.

The Domestic Violence Act (2010) and The National Policy on the Elimination of Gender Based Violence in Uganda (NGBV) 2019<sup>159</sup> are the most instructive legal and policy frameworks on violence against women. The Act provides a legal framework for the criminalisation of various violent acts, aiming to protect individuals from harm and provide justice for victims of violence. The Act and the Policy are supported by a five-year National Action Plan that provides a framework to prevent and respond to gender-based violence (GBV), spelling out the roles of various State and non-State actors, the strategic actions that need to be undertaken, and monitoring mechanisms at the national and local levels.

The Equal Opportunities Commission Act (2007) mandates public institutions, including Government ministries, departments, and agencies (MDAs), to take proactive steps to ensure that they do not discriminate on the grounds of gender, ethnicity, disability, or other forms of marginalisation. These institutions are required to make reasonable efforts to provide equal opportunities for women and men in employment, access to services, and participation in public life.<sup>160</sup>

<sup>158</sup> Article 38 of the 1995 Constitution of the Republic of Uganda.

<sup>159</sup> The National Policy on the Elimination of Gender Based Violence in Uganda (NGBV) 2019.

<sup>160</sup> The Equal Opportunities Commission Act (2007).

#### **6.2 SITUATIONAL ANALYSIS**

The former UN Special Rapporteur on the Situation of Human Rights Defenders (2008-2014), Ms Margaret Sekaggya, during her tenure, made several statements on Women Human Rights Defenders (WHRDs). She highlighted that WHRDs often faced GBV including sexual violence, threats of rape and harassment. She also emphasised that WHRDs, particularly those working on issues related to gender equality, women's rights, or sexual and reproductive rights, often face sexualised attacks, including defamation, slander, and sexual violence, which are not as commonly experienced by their male counterparts. Additionally, she noted that women often face societal stigmatisation, especially in conservative or patriarchal societies, where their activism is considered a challenge to traditional gender roles. 161

The WHRDs play a crucial role in Uganda, advocating for the protection and promotion of women's rights, gender equality, and justice. Their work is fundamental to the fight against various forms of GBV and discrimination, and their contributions have a far-reaching impact in improving the social, political, and economic status of women in the country. They advocate for gender equality, they work against GBV, engage in advocacy for legal and policy reforms that benefit women, amplify the voices of the most marginalised women, fight against harmful cultural practices such as female genital mutilation (FGM), early and forced marriages, empower women and girls, offer emotional, psychological, and social support to women and girls who have been victims of violence, and advocate for reproductive health such as access to family planning, maternal healthcare, safe abortions, and reproductive education, among others.

The WHRDs in Uganda are involved in a wide range of issues, including: addressing GBV against women in both private and public spheres; advocating for legal reforms and better access to justice for women, especially survivors of violence; promoting the sexual and reproductive health rights of women; working to enhance women's participation in politics and decision making; campaigning for women's land rights as women

are often excluded from ownership and inheritance, and many others.

Uganda, with its history of conflict and a deeply patriarchal society, has witnessed an array of human rights violations, with women often at the heart of these struggles. Despite the significant impact of their advocacy, they face challenges, including violence, threats, arbitrary arrest, and harassment. They are more at risk of suffering certain forms of violence and other violations, prejudice, exclusion than their male counterparts.<sup>162</sup>

The Commission noted that Uganda's social and institutional structures are steeped in patriarchy, a reality that manifests itself in multiple forms of GBV, discrimination, and cultural practices that severely restrict women's rights. Whether it is the widespread prevalence of sexual and GBV (SGBV), child marriages, or harmful traditional practices like female genital mutilation, women's lives are often controlled and diminished by societal norms that define them as second-class citizens. For WHRDs, this means they are not only confronting the political, legal, and physical dangers associated with human rights work but are also subjected to specific, gendered forms of violence intended to discredit their work and silence their calls for justice.

The UHRC noted that in general, HRDs in Uganda face various challenges ranging from their operating environment, restrictive legislative environment, absence of effective remedies, and alleged cases of torture, cruel, inhuman or degrading treatment or punishment, among others. However, WHRDs face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. Therefore, in addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks. The consequences of these violations are often gender-specific due to our society's prevailing social and cultural norms.

## 6.2.1 The National Coalition of Human Rights Defenders in Uganda

The National Coalition of Human Rights Defenders in Uganda (NCHRDU) is a coalition of civil society

<sup>161</sup> Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya to the Human Rights Council, 2013, p.16.

 $<sup>162 \</sup>quad \text{https://www.whrdnuganda.org/assessment-report-on-violence-against-women-human-rights-defenders-in-uganda/.}$ 

organisations that is dedicated to protecting and supporting HRDs in Uganda. The organisation plays a vital role in providing advocacy, protection, and capacity-building for individuals and groups working to promote and protect human rights in the country. The Coalition is a critical actor in the protection and support of HRDs in Uganda through its advocacy, legal support, capacity-building initiatives, and solidarity efforts. It has a Technical Thematic Working Group, which has six thematic representatives, one of whom is a WHRD. The Coalition plays a vital role in creating a safer and more conducive environment for WHRDs to carry out their work and remains a beacon of hope for those who fight tirelessly for justice, accountability, and the protection of human rights in Uganda.

## 6.2.2 The Women Human Rights Defenders Network Uganda

The Women Human Rights Defenders Network-Uganda (WHRDN-U) is a civil society initiative that aims to support and protect women who engage in human rights activism in Uganda. It was founded in 2017 to address injustices facing WHRDs systematically. It unites women activists from different movements and regions in Uganda, such as factory workers who push for fair wages, women who denounce the harmful practices of oil and mining companies, minority rights activists, indigenous women leaders who defend land ownership and water access, women campaigning against FGM and other forms of GBV, sex worker activists, and female journalists. The network provides a platform for women who are involved in human rights work to connect, share experiences, and

access resources and protection, particularly given the challenges and risks that they Uganda face.

The primary mission of the network is to protect, support, and amplify the work of WHRDs in Uganda. This includes providing physical protection, emotional support, and legal assistance for women who face violence, harassment, or other forms of repression due to their human rights work. It seeks to strengthen the capacity of women involved in human rights work, empowering them to continue their activism safely and effectively.

Despite these progressive laws, their implementation remains weak, and WHRDs continue to face violations of their rights. On November 29, 2024, the WHRDN-U launched a pivotal report documenting violence against WHRDs in Uganda between 2020 and 2024. The launch, commemorating the International Day for WHRDs, highlighted the urgent need for protection in an environment where WHRDs face relentless attacks for their advocacy work. The findings revealed a staggering 260 documented attacks on women human rights defenders, with the majority targeting individual defenders. These violations range from physical and emotional harm to professional discreditation and harassment, often leading to deep-rooted fear and self-censorship among defenders. Notably, community members were identified as the primary perpetrators, contradicting the expectation that communities would offer safety. 163 The launch of this report opened a pathway for dialogue between CSOs and Government institutions about the need for a comprehensive protection framework for WHRDs.



The UHRC Chairperson, Hon. Mariam Wangadya (centre), some Commission Members and staff during an engagement with the Executive Director of WHRDN-U Ms Brenda Kugonza (2<sup>nd</sup> right) together with some members of the network.

Assessment Report on 'Violence Against Women Human Rights Defenders in Uganda' for the period 2020-2024 by Women Human Rights Defenders Network-Uganda.

The risk is particularly high for those who speak out on issues like sexual and reproductive health or challenge long-standing cultural practices such as FGM, early marriages and sexual minorities, land rights, GBV, journalists, those working on environmental issues and against corruption.

These women often find themselves in direct opposition to a culture that views their activism as a challenge to societal order. They are not just fighting for their own rights, they are challenging an entire social system that refuses to grant women the dignity, autonomy, and equality they deserve. Particularly in rural areas, where these norms are most strongly adhered to, some WHRDs often face intense scrutiny, harassment, and, at times, violence from their own communities.

"I rescued some girls from FGM. I was threatened by the community and later my house was burnt down by an unknown person and my cows were slaughtered."

- A woman human rights defender in Uganda. 164

During the launch of a report on assessing the state of present-day protection of HRDs by the National Coalition of Human Rights Defenders Uganda on 17<sup>th</sup> October 2024, Ms Pamela Angwech, the Executive Director of the Gulu Women's Economic Development and Globalisation expressed her dismay at the plight of women human rights defenders in particular. "Women human rights defenders face specific and compounded challenges often targeted not just for their activism but for their gender. We face more than just threats to our work; our safety and dignity are often at risk." She added that WHRDs were frequently harassed in more personal and severe ways, including GBV, and their voices were increasingly being stifled in public spaces. 165

Of major concern is that female journalists face a double burden of attacks based on their profession and gender as a result of being journalists and women. Although online platforms were initially praised for giving opportunities to engage with

citizens, this affordance, unfortunately, exposes journalists and other media workers to internet abusers whose goal is to threaten, shame and silence journalists. Social media platforms, including Twitter, Facebook, Messenger and WhatsApp, have expanded the arenas for harassment of reporters. Online harassment thrives because of the inability to control every aspect of the Internet, which is exacerbated by the anonymity social media affords. 166

#### **6.3 POSITIVE DEVELOPMENTS**

## 6.3.1 Enactment of the Data Protection and Privacy Law (2019)

The Data Protection and Privacy Law was drafted in response to the growing need for a comprehensive law on data protection and privacy in Uganda. This was a positive development as the law aims to protect the privacy of individuals and personal data by regulating the collection and processing of personal information. It provides a legal framework that safeguards their personal data and privacy. This law is especially important in an increasingly digital world where they often use online platforms to advocate for women's rights and gender equality.

## 6.3.2 Nullification of Section 25 of the Computer Misuse Act

The Constitutional Court of Uganda annulled section 25 of the Computer Misuse Act on January 10, 2023. In a unanimous decision by five judges, it was agreed that section 25 of the Computer Misuse Act be scrapped for not only being vague or overly broad to define the actual offence committed. The court also ruled that the section curtailed inherent freedoms of speech and expression that are guaranteed in the Constitution. <sup>168</sup> The section could have easily been used to target WHRDs for their advocacy, including their use of online platforms to raise awareness about women's rights, GBV, or political and social injustices.

<sup>164</sup> Ibid.

<sup>165</sup> Remarks by Ms Pamela Angwech the executive Director of the Gulu Women's Economic Development and Globalisation (GWED-G) during the launch of a Report titled: "Consolidating the gains, deepening our interventions" by the National coalition of Human Rights Defenders Uganda (NCHRD-U) on 17th October 2024.

<sup>166</sup> https://www.tandfonline.com/doi/full/10.1080/21670811.2023.2170899#d1e152.

<sup>167</sup> The Data Protection and Privacy Act, 2019.

<sup>168</sup> https://www.monitor.co.ug/uganda/news/national/court-declares-section-25-of-computer-misuse-null-and-void-4081782.

### **6.3.3** Prevention and Prohibition of Torture Act, 2012

Enactment of the Prevention and Prohibition of Torture Act, 2012 (PPTA) and subsequently the PPTA Regulations has helped to enhance and guide the implementation and enforcement. The Act makes torture a criminal offence under the law, which means that WHRDs are protected from being subjected to torture, ill-treatment, or other forms of physical or psychological abuse by State or non-State actors, particularly when they engage in activism or advocate for women's rights and gender equality.

#### 6.3.4 The Domestic Violence Act (2010)

The Domestic Violence Act was enacted to address domestic violence in Uganda and passed in 2010 as a legal response to the pervasive issue of domestic violence in the country. The Act aimed to provide a framework for the prevention, protection, and punishment of domestic violence, a practice that affects many individuals, particularly women and children. However, it does not provide specific provisions for GBV in the public sphere, especially towards women in activism, yet WHRDs often face domestic and sexual violence due to their work. It lacks a comprehensive framework to address GBV in the context of public advocacy and activism.

#### 6.3.5 Whistle Blowers Act, 2010

The Whistleblowers Protection Act, 2010, is a significant tool in promoting transparency and protecting HRDs. This law was enacted to provide legal safeguards for individuals who expose corruption, human rights abuses, and other wrongdoings, ensuring that they are not subjected to retaliation or harm as a result of their actions. Those who expose violations are often at risk of retaliation, such as threats, harassment, or even physical violence. The Whistleblowers Protection Act is aimed at ensuring that human rights defenders

who are whistleblowers are legally protected from such actions, including WHRDs. This is crucial in an environment where exposing human rights abuses can be dangerous. It guarantees that the identity of whistleblowers remains confidential unless they give consent for their identity to be revealed. This protection is particularly important for HRDs, who may be targeted due to their activism. It provides a safe avenue for reporting abuses without fear of personal retribution.

## 6.3.6 The Human Rights Defenders Protection Bill, 2020

The Human Rights Defenders Protection Bill, 2020, aims for the Government to recognise, protect and encourage the participation of HRDs in the conduct of public affairs. The Bill provides formal legal recognition to human rights defenders and emphasises their role in advancing democracy, the rule of law, and human rights in Uganda. 170 It establishes clear legal frameworks for the protection of HRDs, ensuring that their work is not criminalised or subjected to unjust legal action, which can be a significant risk for individuals engaged in human rights activism.<sup>171</sup> Additionally, it defines and provides specific protections for HRDs, which had not been explicitly outlined in previous laws, making it easier for defenders to claim their rights in legal proceedings. Once it is passed into law, it will hopefully protect women human rights defenders from violations.

## 6.3.7 The Draft National Action Plan on Human Rights

The Government made a voluntary pledge to have a National Action Plan (NAP) on Human Rights during the Universal Periodic Review (UPR) session at the United Nations Human Rights Council in November 2011. The Draft NAP, which is still before Cabinet, will provide guidelines for interventions by human rights defenders, including WHRDs, once it is adopted.

<sup>169</sup> The Domestic Violence Act (2010).

<sup>170</sup> Section 6 of the Human Rights Defenders Protection Bill, 2020.

<sup>171</sup> Ibid.



Female opposition Members of Parliament petition the Speaker of Parliament, Anita Among over the continued disruption of their activities by security operatives and Resident District Commissioners in 2023, © The Daily Monitor<sup>172</sup>

## 6.4 CHALLENGES FACED BY WOMEN HUMAN RIGHTS DEFENDERS

## 6.4.1 Inhuman, Cruel and Degrading Treatment during Arrests

On several occasions, women human rights defenders have been treated in an inhumane manner by the security agencies during arrests, as the examples below show. On 30th March 2023, Mityana Woman Member of Parliament (MP), Hon. Joyce Bagala was stopped from commemorating International Women's Day at Bekiina in Busunju County, Mityana District and was pepper-sprayed. Police used teargas, and live bullets to disperse the gathering. Similarly, on 21st April, 2023, another MP, Hon. Suzan Nakaziba Mugabi of Buvuma District, was stopped from holding the same event at Kyanja Village in her constituency (Bwema Sub County). She was brutally attacked by Police, which led to her hospitalisation. Violent scenes had earlier unfolded on 14th April, 2023, when Hon. Joan Alobo Achom, Soroti City Woman MP, and Hon. Anne Adeke Ebaju, Soroti District Woman MP, were stopped by Police from Commemorating International Women's Day.

Following these attacks by Police, on Thursday, 27<sup>th</sup> April 2023, 11 women MPs clad in black gomesi attempted to march from Parliamentary Avenue to the office of the Minister of Internal Affairs to deliver their petition of dissatisfaction over the continued blocking of female opposition MPs from holding post Women's Day celebrations in their constituencies. These legislators were arrested in a brutal, inhumane and disturbing manner, which violated their constitutional rights.

Following these brutal attacks on the female legislators, the UHRC Chairperson Ms Mariam Wangadya, on 2<sup>nd</sup> May 2023 issued a press statement expressing concerns on the incidents where the Uganda Police Force had violently stopped lawful gatherings and peaceful demonstrations convened by elected leaders, and other Ugandans as they commemorated International Women's Day. In her statement, the Chairperson sought an explanation from the Uganda Police Force and stated that elected leaders, by virtue of their mandate, have to interact with members of the constituencies they represent in order to ensure meaningful representation. She added that members of the public also have the right to seek the intervention of their elected leaders through lawful and peaceful



Two out of the three women who staged a nude protest against corruption in Kampala.

means. The Chairperson described the incidents as very unfortunate, but also illegal, unconstitutional and called upon the Police to respect the law and act professionally in the performance of their duties, calling for stern and immediate action to be taken against all individual officers found culpable in the aforementioned events.<sup>173</sup>

In July 2024, Nalongo Nana Mwafrika, aka Annet Namata, a prominent human rights activist in Uganda, participated in anti-corruption protests demanding the resignation of officials implicated in corruption scandals. During these protests, she was arrested and remanded to Luzira Prison. The manner in which the arrest was done was inhumane, and was conducted by male officers. This was an abuse of her dignity as a woman, and the Police Officers who carried out the arrest should have been female at the very least.

On 2<sup>nd</sup> September, 2024, Police arrested three women, Norah Kobusingye, Praise Aloikin Opoloje, and Kemitoma Kyenziibo, who staged a nude protest against corruption as they headed to

Parliament in Kampala. The trio, who had stripped naked, marched towards the Parliamentary building carrying placards and chanting slogans condemning the rampant corruption among MPs.



Police officers arrest the Executive Director of Frontline Defenders, Ms Nana Mwanafrika Mbarikiwa, at Parliament Avenue in Kampala during the anti-graft march to Parliament in July 2024, <sup>174</sup> © The Daily Monitor.

The protesters had also painted messages on their bodies in Uganda's national colours, with phrases such as "Kiteezi was preventable," "Anita Resign," among other statements.<sup>174</sup> They were arraigned before Buganda Road Chief Magistrate, Ronald Kayizzi and charges of being a common nuisance contrary to section 148(1) of the Penal Code Act read against them. The manner in which all these arrests were conducted was cruel, inhuman and degrading to the victims.

<sup>173</sup> Statement by the UHRC Chairperson on Police brutality against peaceful and lawful gatherings.

 $<sup>174 \</sup>quad \text{https://ugandaradionetwork.com/s/Police-arrest-three-women-for-nude-protest-against-corruption-at-parliament/}.$ 

#### 6.4.2 Restrictive Legislative Environment

The Commission noted that there is a gap between Uganda's commitment to international human rights standards and the implementation of those standards which makes women human rights defenders face difficulties accessing legal protections and justice.

### (d) Public Order Management Act, 2013 and its effects on freedom of expression

The Public Order Management Act, 2013 (POMA) imposes restrictions on public meetings and assemblies, with the exception of town hall meetings. It imposes a framework of notification, Police oversight, and restrictions on public meetings and assemblies. While it is intended to maintain public order and safety, it has also been critiqued for its potential to limit the right to free assembly and freedom of expression in certain circumstances. It places significant power in the hands of the Police to regulate, approve, or deny gatherings based on the perceived threat to public order. In cases of spontaneous public meetings, the POMA empowers authorised officers to disperse the meeting if the officers consider the venue unsuitable for purposes of traffic or crowd control, or if a meeting may interfere with lawful business. The main challenge with the POMA is the alleged biased manner in which it is implemented. Groups and organisations that are critical of the Government or which demand accountability for Government actions are at risk of being targeted.

(e) The Non-Governmental Organisations Act, 2016 The Non-Governmental Organisations Act, 2016 (NGO Act, 2016) was enacted with the objective of repealing and replacing the Non-Governmental Organisations Act Cap. 113; to provide a conducive and enabling environment for the NGO sector; to strengthen and promote the capacity of NGOs and their mutual partnership with the Government; to make provision for the corporate status of the National Bureau for NGOs and provide for its capacity to register NGOs among other things.

It stipulates that any NGO whose permit expires but continues to operate without renewal will be fined one hundred currency points (UGX 2,000,000) for each month of continued operation in default. The fine imposes a financial burden on NGOs that



Judith Maturu, the Executive Director of Partners In Community Social Action, speaking at the Northern Uganda CSOs Conference convened by the West Nile Regional Civil Society Organisations Network in Arua City on 20th November 2024.

may inadvertently fail to renew their permits on time. A fine of UGX 2,000,000 per month could be a burden for smaller or underfunded NGOs, diverting resources away from their core activities to address this penalty. It might also result in NGOs incurring significant financial liabilities if they are unable to renew their permits quickly, potentially jeopardising their ability to carry out their programmes and services.

Speaking at a Northern Uganda CSOs Conference convened by West Nile Regional Civil Society Organisations Network in Arua City on 20<sup>th</sup> November 2024, Ms Judith Maturu, the Executive Director of Partners in Community Social Action, based in Moyo District revealed how her organisation was fined a total of UGX 42 million for operating without a renewed permit for 21 months. Maturu explained that this significantly affected their operations. However, they were fortunate to receive a Government waiver, reducing their fine to UGX 22 million.

#### 6.4.3 Stigma and Social Marginalisation

Women human rights defenders, particularly those challenging the extractive industries, face heightened risks of death, violence, intimidation, enforced disappearances and harassment at the hands of State security and private security forces. The work of WHRDs is often criminalised and stigmatised and they are labelled as 'anti-development' and 'enemies of the State'.

The WHRDs engaged in advocating for natural resource rights often stand against powerful entities such as corporations, political elites, and

Government agencies that profit from resource extraction and land exploitation. These defenders are typically women from rural or indigenous communities where land, water, and forests are integral to cultural identity, subsistence, and community survival. The women advocating for these resources frequently encounter threats of violence, harassment, and criminalisation aimed at stifling their resistance to land grabbing, mining projects, and deforestation.<sup>175</sup>

The WHRDs are exposed to GBV because they are women, sometimes experiencing violence within their own movements and organisations or at the hands of family or community members. This, however, is often not registered as violence against WHRDs because the State does not commit it and it is not considered political violence. In addition, WHRDs confront challenges that derive from their work of denouncing human rights violations and seeking justice. The WHRDS face all these types of violence because they defy a patriarchal culture and a hegemonic notion of sexuality that has placed women in an unequal position in both the public and private spheres.<sup>176</sup>

Often, the work of WHRDs considered as threatening the status quo and challenging traditional notions of family and gender roles. This has led to stigmatisation, ostracism, exclusion and hostility by State and non-State actors, including community leaders and family members who consider them to be threatening religion, honour or culture. In addition, the work itself, their participation in feminist movements, or what they are striving to achieve for instance the realisation of women's rights or other rights related to gender equality, also makes them targets for attack to discourage such work.

#### 6.4.4 Digital/Online Attacks

There have been numerous attacks on legal frameworks where gender activists, feminist advocates and human rights defenders use social media to conduct online activism. The advancement in the use of technology and digital platforms has also been a tool to share patriarchal narratives and attack these groups and push back against gender

equality achievements.<sup>177</sup> "Women are much more likely than men to be targeted with sexual and gender-based violence and to be subjected to verbal abuse, surveillance, and online violence. While all activists are targeted with defamation, smear campaigns and online and offline hate speech, the attacks against women human rights defenders typically target their personal behaviour, their moral conduct or their sex lives."<sup>178</sup>- UN Secretary General António Guterres.

In Uganda, and worldwide, violence such as sexual harassment, stalking, and non-consensual intimate images or 'revenge porn', has been used to silence WHRDs and feminist activists. This includes the use of different expressions of violence against feminism activists and HRDs, such as the use of words, phrases, and images that depict women as sexualised. They receive demeaning comments on their body size, hair and pregnancy, in ways that are non-sexual but still invasive. The use of the invisible expression of violence manifests in images, messages, and representations of women in media, where feminism is framed as the main cause of women's problems.<sup>179</sup>

The UHRC noted that WHRDs face risks of digital attacks that undermine their advocacy and threaten their safety. These attacks often manifest as online harassment, smear campaigns, and the spread of misinformation, with perpetrators including local leaders, community members, and even institutional actors. Negative narratives about WHRDs are sometimes deliberately shared with funders and stakeholders to damage their credibility. The lack of secure computing tools exacerbates their vulnerability, with many WHRDs unable to protect sensitive information or their online presence.

The WHRDs in Uganda are increasingly subjected to digital violence yet rely on social media and other online platforms to share information, raise awareness, and organise movements. These platforms have also become spaces where WHRDs are subjected to trolling, cyberstalking, and threats of violence. A study on Uganda's 2021 elections revealed significant online abuse directed at women candidates and activists, often

 $<sup>175 \</sup>quad \text{https://www.whrdnuganda.org/assessment-report-on-violence-against-women-human-rights-defenders-in-uganda/}.$ 

<sup>176</sup> https://www.awid.org/sites/default/files/atoms/files/Our%20Right%20To%20Safety\_FINAL.pdf, p7.

<sup>177</sup> https://counteringbacklash.org/countering-online-gender-backlash-in-uganda/.

<sup>178</sup> United Nations: Women and peace and security. Report of the Secretary-General. Paragraph 11.

<sup>179</sup> Ibid.

targeting their gender, appearance, or marital status. Such violence deters women from engaging online, undermines democratic participation, and exacerbates gender inequalities. Perpetrators use anonymous accounts to attack WHRDs, often sending them sexually explicit messages, threats of physical violence, or defamatory accusations. This form of violence is particularly concerning because it can happen in real time, is highly visible, and can be amplified quickly, leading to reputational harm and psychological distress.<sup>180</sup>

#### 6.4.5 Lack of Gender-Sensitive Analysis

The WHRDs often encounter risks that are both gender-specific and compounded by cultural and societal norms, unlike their male counterparts. The absence of gender-sensitive analysis within Government protection mechanisms is a significant barrier to addressing their unique challenges. For example, they face sexual violence, gender-based intimidation, or stigmatisation within their communities, particularly when advocating for women's rights and reproductive health.

However, current protection frameworks fail to incorporate these gendered risks into their assessments and responses. Without tailored risk assessments, the strategies devised are often generic and ill-suited to address the distinct vulnerabilities of WHRDs. For instance, measures such as providing physical security may overlook the emotional and psychological toll of threats, or the stigma and isolation that WHRDs face. Additionally, there is limited provision for gender-specific safeguards such as safe housing, trauma counselling, or support systems for WHRDs with caregiving responsibilities.<sup>181</sup>

#### 6.4.6 Inadequate Funding

Inadequate funding makes it difficult for WHRDs to secure personal safety measures such as legal support, physical protection and travel to safer areas when needed. It also hampers their ability to access resources like medical care if they are attacked or injured during their activism. Without adequate financial resources, women defenders are left vulnerable to retaliation and violence, which may discourage them from continuing their

work. Many WHRDs and women-led organisations in Uganda face financial constraints that limit their ability to carry out advocacy work or access security measures.

#### 6.5 RECOMMENDATIONS

- The Uganda Law Reform Commission should amend the Public Order Management Act, 2013 to ensure protection of women human rights defenders and the Domestic Violence Act (2010) to include specific protections against gender-based violence in public or political spheres.
- The Ministry of Finance, Planning, and Economic Development should increase budgetary allocations to capacitate genderbased violence prevention and justice institutions to fulfil their mandates, including support services for survivors.
- The Uganda Police Force should investigate officers who conduct arrests in an inhumane manner, conclude all investigations concerning violations against human rights defenders, and bring the perpetrators to book.
- The Uganda Police Force should sensitise their officers to how to be sensitive during arrests and maintain women's dignity including by having women offenders arrested by female officers.

#### 6.6 CONCLUSION

The Government has made tremendous progress in improving the working environment for human rights defenders, and women in particular. However, there still exist systemic challenges, including inhumane and degrading treatment during arrests, harassment, and a restrictive legal environment. By strengthening legal protections, improving security measures, and increasing financial and technical support, the situation for women human rights defenders can be improved and the way paved for greater gender justice and human rights protection in the country.

<sup>180</sup> Ibid

<sup>181</sup> https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/integrating-a-gender-perspective-onto-human-rights-investigations-guidance-and-p/IntegratingGenderPerspective\_EN.pdf, pg 11.

# Plight of the Boy Child in Uganda: Human Rights Concerns



Vanel Katende, 6 years, a child climate change activist, speaks at the presentation of a statement on Climate Action for the Africa Climate Summit delegates representing Uganda. Ahead of the African Climate Summit and COP28, children and youth representatives in Uganda met with government representatives on 29th August 2023 to submit a statement and call to action to their leaders to take immediate and firm action on the climate crisis. © UNICEF

#### 7.0 INTRODUCTION

For decades, Uganda has made significant strides in empowering girls and promoting women's rights, but this progress has inadvertently overshadowed the challenges facing boys. Many organisations, both local and international, have made it their life's mission to see that the girl child has a fair chance at life, be it in the aspect of quality education, health, business, and other areas that pertain to life. Unfortunately, boys remain vulnerable to violence, inadequate healthcare, and educational barriers often linked to poverty and societal norms. According to the 2019 UNICEF Situation Analysis of Children in Uganda, 56% of children experi-

ence multiple deprivations, with boys particularly affected by child labour, exploitation, and domestic abuse. Tackling these issues requires promoting gender equality, challenging harmful stereotypes, and expanding educational and healthcare access for boys. Empowering boys to participate in conversations and initiatives actively will foster their development alongside girls and create a balanced, inclusive future for Uganda. This chapter will explore the challenges faced by the boy child in Uganda and their human rights implications.

#### 7.1 LEGAL AND POLICY FRAMEWORK

International legal frameworks on equality and non-discrimination apply universally to all individuals, including boys. Treaties like the United Nations Convention on the Rights of the Child (CRC) and ICCPR emphasise the protection of all children without discrimination, while regional instruments such as the African Charter on the Rights and Welfare of the Child uphold equal rights for boys and girls. Uganda's legal framework, including the Children's Act and the Constitution, reinforces these protections at the national level. Collectively, these laws highlight the need to address boys' vulnerabilities to promote inclusive gender equality.

#### 7.1.1 International Legal Framework

Article 1 of the Universal Declaration of Human Rights affirms the equality and dignity of all people, including boys, emphasising their right to equal respect and legal protection. This principle encourages a holistic approach to safeguarding and promoting the rights of all children.

The United Nations Convention on the Rights of the Child adopted in 1989 and ratified by 196 countries, is the most widely accepted human rights treaty. It upholds children's civil, political, economic, social, and cultural rights based on survival, protection, development, and participation. Articles 2, 3 and 6 emphasise the best interests of the child and protection from discrimination, ensuring equal access to rights. The CRC highlights the universal nature of children's rights, promoting dignity and equality.

Article 3 of the International Convention on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights urge States to ensure equal rights for men, women, boys, and girls across all spheres. These provisions promote balanced development, encouraging attention to boys' needs alongside ongoing efforts to empower girls.

The Sustainable Development Goals (SDGs) promote gender equality and reduce inequalities for all, including boys. Goal 5 focuses on empowering women and girls and addresses gender-based disparities affecting boys, while Goal 10 advocates for equal opportunities for all children.

These goals emphasise inclusive frameworks that ensure boys have access to education, resources, and protection from discrimination. Integrating these principles into legal systems fosters balanced and equitable support for both boys and girls.

#### 7.1.2 Regional Legal Framework

Article 18 of the African Charter on Human and People's Rights ensures the protection, education, and safety of all children, emphasising equal treatment and non-discrimination. The African Charter on the Rights and Welfare of the Child reinforces these rights through key provisions, including Article 2 on non-discrimination and Article 11 on equal access to education. Articles 12, 14, and 15 further safeguard children from harm and exploitation, and ensure access to healthcare and protection from abuse. Together, these frameworks promote the well-being and development of all children, including boys.

**The African Union's Agenda 2063** envisions a prosperous, inclusive Africa where both boys and girls have equal opportunities to thrive, with **Aspiration 6** focusing on leaving no child behind.

#### 7.1.3 National Framework

**Uganda's 1995 Constitution** safeguards children's rights through key provisions like Article 34, which ensures protection, education, family care, and freedom from exploitation. Article 21 reinforces equality by prohibiting discrimination and guaranteeing equal treatment of boys and girls.

**The Children's Act Cap 62** strengthens these protections by addressing abuse, neglect, education, health, and harmful practices like child labour and trafficking. Both legal frameworks emphasise the best interests of the child, ensuring their rights and welfare are prioritised.

#### 7.2 SITUATIONAL ANALYSIS

In Uganda, gender disparity has shifted focus toward empowering girls, leaving boys' unique challenges largely unaddressed. Boys face higher dropout rates, limited mentorship, and societal pressures to conform to rigid masculine roles, leading to issues like substance abuse and criminal behaviour. This neglect has resulted in rising incar-



(SOURCE - BOYS' MENTORSHIP PROGRAM) The Boys' Mentorship Program is CHRISTAIN founded whose sole purpose is to share and teach biblical principles of MANHOOD to boys of 7 to 17 years of age who are in need of mentorship. The aim of the Boys' Mentorship Program is to break the misguided traits of manhood and create a generation of men who are emotionally, socially and economically strong.

ceration rates, street child populations, and mental health problems among boys, underscoring the need for balanced support to ensure the well-being and development of both genders. True gender equity involves acknowledging and addressing the distinct challenges faced by boys. This therefore calls for reassessment of gender strategies to ensure the comprehensive empowerment of boys, highlighting the crucial role their well-being and development play in advancing society. Some causes of gender disparities/exclusion of the boy child are detailed below.

#### 7.2.1 Social Norms and Expectations

For years, the boy child has benefited from patriarchal societies that valued him over the girl child, but as attention shifted towards empowering girls, the needs of boys were under looked. Historically, men were considered the providers and protectors, a role that was burdensome but remained deeply ingrained in societal expectations. As women gained power and equality, the outdated ideals of masculinity still shaped the boy child's understanding of life, with advice like 'work hard, be strong, look after your family' being passed down through generations. This pressure to conform to traditional ideals of manhood has led to emotional

repression, with boys taught to hide their feelings and avoid seeking help. The notion of 'be a man' has contributed to a cycle of emotional suppression, resulting in toxic behaviours, vulnerability, and unhealthy relationships. 183

Societal expectations of masculinity impose restrictive norms on boys, discouraging emotional expression, help-seeking for mental health, and engagement in non-traditional activities. These norms prioritise economic success and often limit boys' involvement in domestic tasks, reinforcing gender inequalities and affecting their ability to balance future responsibilities. Boys in Uganda are pressured to conform to ideals of strength and dominance, influencing their career choices and social interactions. Socialisation practices may also encourage risky behaviours like substance abuse and criminal activities as a means of asserting masculinity, which harms their health and prospects. Additionally, the discouragement of emotional vulnerability leads to difficulties in managing stress, forming relationships, and seeking support, hindering their overall well-being.<sup>184</sup>

An official from MoGLSD noted that when adoption is an option, most people prefer adopting girls over boys, depriving the boy child of the opportunity to grow up in a family environment with proper care. This is attributed to girls reportedly being easier to raise as compared to boys. 185 One of the respondents interviewed said, "What is the point of preparing girls to achieve the best in life when the boy-child is being ignored? Are these two not going to exist in the same world, share the same spaces, and work on the same projects? It is self-sabotage for our society to continue ignoring the boys and leaving them to whatever life serves them or leaving them to go roque."

#### 7.2.2 Masculinity Stereotypes about Men

In every society, gender roles and expectations shape how individuals perceive themselves and others. While conversations around gender equality often focus on the challenges women face, it's equally important to examine the restrictive stereotypes placed on men. These societal

<sup>182</sup> Overlooked Crisis: The Neglect of a Boy Child, Dalton Ayebare, Rights for Education.

<sup>183</sup> Ibid.

<sup>184</sup> https://www.inpactug.org/post/the-ugandan-boy-child.

<sup>185</sup> Presentation by MOGLSD at the 27th Annual Report Consultative meeting held at Nichan Hotel Entebbe.



General Mugisha Muntu mentoring a boy under the Boys Mentorship Program © Boys Mentorship Program)



A youth making his contribution during an open dialogue, as they discussed how the government can institutionalize and strengthen meaningful participation of adolescents and the Children Reference Group (CRG) platform, on May 23, 2024. © UNICEF

assumptions can limit personal freedom, emotional expression, and opportunities for growth. Stereotypes about men are generalized beliefs that reduce the complexity of male identity into rigid roles. They often define what it means to be a "real man," pressuring men to conform to narrow expectations. These assumptions are reinforced through media, family structures, cultural traditions, and peer groups. Below are some of the most persistent and harmful stereotypes about men.

 Men don't show emotions. One of the most common stereotypes is that men should be stoic and emotionally detached. Phrases like "man up" or "boys don't cry" reinforce the idea that vulnerability is a sign of weakness. The reality however is that men, like anyone else, experience a wide range of emotions. Suppressing feelings can lead to issues like depression, anxiety, and increased suicide rates among men. Encouraging emotional openness benefits everyone.

- views often cast men as the primary financial providers in families. Men who stay at home, pursue artistic careers, or earn less than their partners may be judged or seen as less masculine. The reality is that modern families come in many forms, and financial responsibilities are often shared. Valuing diverse roles in the household and workplace allows for healthier partnerships and personal fulfillment
- 3. Men are naturally aggressive. This stereotype assumes that men are biologically predisposed to be dominant, confrontational, or even violent. It's often used to excuse aggressive behavior or discourage empathy. The reality however is that aggression is not a fixed trait tied to gender. Men are capable of being kind, nurturing, and cooperative. Encouraging emotional intelligence and self-awareness is key to healthier relationships.
- 4. Men are always sexually ready. The idea that men are constantly thinking about sex or always want it dehumanizes male sexuality and pressures men into performing or suppressing their real desires and boundaries. The reality is

that men experience a spectrum of sexual and romantic feelings, just like women. Promoting consent, respect, and open communication benefits both partners.

housework. Many portrayals in media show men as clueless fathers or partners who can't manage basic domestic tasks, reinforcing the notion that caregiving is "women's work." The reality however is that many men are active, capable, and loving parents and partners. Sharing domestic responsibilities leads to more equitable relationships and sets better examples for children.

Male stereotypes are deeply rooted in historical gender roles, patriarchy, and media portrayals. Movies, TV shows, advertisements, and even children's toys often present hyper-masculine ideals strong, silent heroes, tough athletes, or womanizing bachelors. Being a man is something every boy aspires to be whether he admits it or not. They see men they admire and they want to grow up to become like them. They want to experience more grown up relationships. They want to learn to drive. They want to drink alcohol and stay out late. They want to be treated like adults. They don't want adults to tell them what to do. They are fascinated (and more than a little scared) about sex and want to experience it. However, one of the big problems boys have is that society offers a lot of mixed messages about what being a man even means.

These stereotypes not only box men into limiting roles, but they also harm society at large. They contribute to:-

- Mental health stigma: Men are less likely to seek help for emotional issues.
- Toxic masculinity: Unchecked aggression, dominance, and emotional suppression can lead to harmful behaviour.
- Relationship struggles: Poor communication and emotional disconnect can damage romantic and family relationships.
- Work-life imbalance: The pressure to earn or compete can cause burnout and dissatisfaction.

By acknowledging and challenging these beliefs, we create space for more authentic, well-rounded expressions of masculinity. Men, like all people, deserve the freedom to be fully human: emotional, gentle, strong, nurturing, and everything in between.

#### 7.1.3 Decline in Employment Opportunities

Ugandan boys face significant challenges transitioning from education to employment, including limited job opportunities and high youth unemployment rates. Gender biases and workplace discrimination further marginalise boys, particularly those from disadvantaged backgrounds. Unfortunately, the traditional views of masculinity emphasize men being providers, often creates shame or identity loss when men are unemployed. The Uganda Youth Survey reports that 8.3% of young men aged 15-24 years are unemployed compared to 7.1% of young women. 186 The UHRC notes that in recent years, a quiet but significant shift has been occurring in labor markets across the globe. More men are leaving the workforce or struggling to find employment. This trend cuts across regions, education levels, and industries, raising urgent questions about economic policy, gender roles, and the future of work.

While male unemployment is often overshadowed by broader discussions about economic inequality or automation, it deserves focused attention. The growing number of men who are jobless many of them for extended periods poses serious challenges to social cohesion, public health, and long-term economic productivity. Some of the reasons behind the rising male unemployment include:

- 1. Decline of traditional male-dominated industries. Sectors like manufacturing, construction, and mining which historically employed large numbers of men have declined due to automation, outsourcing, and environmental regulations.
- 2. Technological change and automation. As machines and software replace routine physical and even cognitive tasks, and jobs such as digging trenches etc, which once sustained millions of men are disappearing.

<sup>186</sup> The Uganda Bureau of Statistics (UBOS) National Labour Force Survey 2021.

- **3. Educational gap.** In Uganda, women are now earning more education and degrees than men. As the job market increasingly favors higher education and soft skills (like communication and collaboration), men who lack these qualifications are at a disadvantage.
- 4. Changing gender roles. With more women entering the workforce and assuming leadership roles, gender dynamics in employment have shifted. Some men still struggle with identity and self-worth when unable to fulfill the traditional role of "provider," which can lead to withdrawal from the workforce altogether.
- 5. Mental health and substance abuse. As unemployment increases so do incidents of male depression, addiction, and social isolation. Mental health challenges, such as depression and addiction, are more common among long-term unemployed men. Unfortunately, the stigma around men seeking mental health support often worsens the problem and reduces chances of reentering the workforce.

#### 7.1.4 School Dropout

Research indicates that more boys than girls feel school is a complete waste of time. A teacher at Ndejje Senior Secondary School stated that boys have "academic and behavioral struggles, and are more likely to underperform academically, face

disciplinary actions, or drop out of school, often due to unmet emotional or developmental needs."

According to UNESCO's Leave no child behind: Global report on boys' disengagement from education, 187 "not less than 132 million boys of primary and secondary school age are out of school.<sup>188</sup> While girls continue to face severe disadvantages and inequalities in education, the report shows that boys in many countries are at greater risk than girls of repeating grades, failing to complete different education levels and having poorer learning outcomes in school.<sup>189</sup> According to the UNESCO report, while girls are more likely than boys to never attend school, boys in many countries are at higher risk of failing to advance and complete their education. Gendered norms and expectations are affecting their desire to learn. In particular, certain subjects can run counter to traditional expressions of masculinity, making them unpopular with boys. Harsh discipline, corporal punishment and other forms of violence at school also negatively impact boys' academic achievement, increasing absenteeism and dropouts. 190

According to the latest data from the Uganda Bureau of Statistics (UBOS)<sup>191</sup> and the Ministry of Education and Sports (MoES), around 44.2% of boys who enroll in primary school in Uganda do not progress to complete Primary Seven (P.7). This means that each year, more than one million boys are estimated to drop out before finishing primary education.<sup>192</sup>

Table summarizing the gender enrolment trends at Makerere University from 2020 to 2024:

YEAR	FEMALE GRADUATES (%)	MALE GRADUATES (%)	NOTABLE INSIGHTS
2020	50.5%	49.5%	Near gender parity among graduates.
2021	51%	49%	Small increase in female graduates.
2022	52%	48%	Continued slight rise in female representation.
2023	53%	47%	Female graduates continue to outpace male graduates.
2024	Approx. 55%	Approx. 45%	Females continue to dominate in business and management sciences.

Source: The Observer 193

<sup>187</sup> UNESCO REPORT: - Leave no child behind: global report on boys' disengagement from education. This report provides an overview on the global situation on boys' disengagement from and disadvantage in education. 25<sup>th</sup> November 2022, Last update:26 November 2024

<sup>188</sup> UNESCO REPORT - Ibid

<sup>189</sup> ibid

<sup>190</sup> Ibid

<sup>191</sup> High primary school dropout rate endangers future workforce accessed on 13th January 2024

<sup>192</sup> Over 1 million learners fail to sit PLE every year | Monitor accessed on 13<sup>th</sup> January 2024

<sup>193</sup> Talent Atwine Muvunyi and Muhammad Jjumba, 'Why are men falling off Makerere's graduation list?' (22<sup>nd</sup> January 2025) *The Observer* https://www.observer.ug accessed 30<sup>th</sup> January 2025.

#### 7.1.5 Juvenile Delinquency

The gender disparity in Uganda has led to higher incarceration rates, homelessness, criminal activity, and gambling among boys, perpetuating cycles of violence and poverty. A 2020 UBOS report revealed that 78% of Uganda's prison population were males, many of whom entered the criminal justice system at a young age due to a lack of guidance and support. 194 In 2021, MoGLSD reported that approximately 70% of the 10,000 street children in Kampala were boys, with many dropping out of school to work due to economic pressures. 195 Similarly, UNICEF noted that boys are more likely to engage in child labour, limiting their educational opportunities. 196

Additionally, the Uganda Police Force reported that young males between 15 and 25 account for a significant proportion of crimes, often resulting from the absence of positive role models and constructive outlets, including an increasing reliance on gambling. More boys are likely to commit a crime than girls. In 2023 alone, 2,957 juveniles were arrested for committing a crime: 2,657 boys (78%) and 300 girls (22%).<sup>197</sup> Empowering boys does not undermine the support of girls but fosters a more balanced and harmonious society.

#### 7.1.6 Modernisation

The family plays a fundamental role in a child's growth and development, but it faces numerous challenges in modern times. An increasing number of mothers are taking up employment outside the family, struggling to balance work and parenting responsibilities. Meanwhile, many fathers are adopting passive childcare roles, leaving mothers to shoulder the burden alone. The demands of the money economy have further forced parents to spend significant time away from home in search of income, leaving children under the care of nannies, caretakers, or exposed to technology. This environment often limits the development of essential life skills and exposes children to harmful influences.

The traditional practice of community-based childrearing, captured by the saying 'it takes a village to raise a child' is gradually disappearing in Uganda due to rising individualism. The separation of families has further hindered the joint efforts of mothers and fathers in raising balanced and well-rounded children. This often leads to boys growing up in environments where male role models and mentorship are lacking, which can have negative consequences on their development. Both parents play distinct but complementary roles, and their cooperation is vital for the holistic development of children. <sup>198</sup>

According to the Uganda Demographic and Health Survey (UDHS) 2016, approximately 25% of children in Uganda are raised in single-parent households, with the majority being led by mothers. The absence of fathers in these households often results in boys lacking proper guidance, which can contribute to higher rates of school dropouts, involvement in criminal activities, and substance abuse. The lack of a father figure also means that boys may not receive the same level of discipline, support, and emotional stability that can contribute to their success. As a result, addressing the challenges faced by single mothers, such as access to education, employment opportunities, and social support, is crucial in mitigating the negative impact on the boy child's development in Uganda.

## 7.1.7 Societal Neglect of Male Vulnerabilities

Boys often much to be accepted by other boys. They are influenced by other boys to play sports, use computers or technology, watch action movies, or do masculine work. As such, fathers have a strong influence on their male children. In Uganda, societal perceptions often portray men as inherently strong and self-reliant, leading to the neglect of their vulnerabilities. This mindset starts in childhood, where boys are socialised to suppress emotions, endure hardships without seeking help, and conform to rigid masculine roles.<sup>199</sup> As a result,

<sup>194</sup> Uganda Bureau of Statistics, 2020 Statistical Abstract.

<sup>195</sup> Presentation by MoGLSD at the 27th Annual Report Consultative meeting held at Nichan Hotel Entebbe.

<sup>196</sup> Leveraging Education to End Child Labour, UNICEF.

<sup>197</sup> Police Crime Report, 2023.

<sup>198</sup> Presentation by MOGLSD at the 27th Annual Report Consultative meeting held at Nichan Hotel Entebbe.

<sup>199</sup> Presentation by the Executive Director, Men and Boys Rights Centre, at the 27th Annual Report Consultative meeting held at Nichan Hotel Entebbe.

boys facing challenges such as academic failure, poverty, substance abuse, or mental health issues are less likely to receive the necessary support. The absence of initiatives tailored to address these struggles perpetuates cycles of crime, violence, and emotional distress among young men.<sup>200</sup> Ignoring the vulnerabilities of boys not only undermines their well-being but also disrupts efforts to build a balanced and inclusive society where both boys and girls can thrive equally.

#### 7.1.8 Mentoring Boys and Young Men

In today's rapidly evolving world, the role of mentorship has become increasingly vital, especially for boys. As they navigate the complex journey from childhood to adulthood, boys often encounter social pressures, emotional challenges, and identity questions that can significantly shape their futures. A strong mentoring relationship can provide the guidance, stability, and support necessary to help boys develop into confident, empathetic, and responsible men. Unfortunately, many boys are not guided or mentored by parents or guidance.

They also lack consistent and positive male figures, which hinders their development, particularly in learning how to handle responsibility, resolve

conflict, and treat others with respect. Adults simply believe that the boys are okay and survive somehow in the big world. As such, boys today are growing up in a world where traditional definitions of masculinity are being questioned and redefined. While this cultural shift offers an opportunity for healthier, more inclusive expressions of manhood, it is leaving many boys confused about what it means to be a man.

A teacher in Budo Secondary School stated that helping a boy transition into manhood is a significant and multifaceted task that involves providing guidance, support, and positive role modelling. A youth mentor in Watoto Church, when asked on how to mentor a boy into a man said "Allow him to fall, and teach him to pick himself up. Scrapes happen, and they heal. Encourage him to cry when he needs to do, and then encourage him to move forward. Show him respect, so that he will see in your model how to respect others. Teach him how to throw a punch. It is sometimes necessary for males to assert themselves physically. When he punches your hand, show him that you did not hit back, since restraint of temper should always be the first instinct. Read to him the bible or holy book. That is important for all children. Volunteer in the community, and invite him to join you and help."



Male action mentors like Mr. Tumwesigye help communities to report cases of violence. © UNFPA Uganda

Other suggestions from education experts interviewed on how to help a boy develop into a responsible, confident, and capable man include: -

- Be a Positive Role Model: The first step in helping a boy become a man is to model positive behaviors yourself. Show respect, responsibility, empathy, and integrity in your own actions and interactions.
- **2. Encourage Independence:** Allow the boy to take on age-appropriate responsibilities and make decisions. Encouraging independence helps build confidence and self-reliance.
- **3. Teach Life Skills:** Teach practical life skills such as cooking, cleaning, financial management, and basic car maintenance. These skills are essential for independent living.
- 4. Encourage Emotional Intelligence: Help the boy develop emotional intelligence by encouraging open communication, empathy, and self-awareness. Teach him how to manage and express his emotions in a healthy way.
- **5. Promote Respect:** Teach the importance of respecting oneself and others. Encourage empathy, kindness, and consideration for others' feelings and perspectives.
- 6. Provide Guidance: Offer guidance and support in navigating challenges and making decisions. Help the boy set goals, make plans, and work towards achieving them.
- 7. Encourage Physical Health: Promote physical health through regular exercise, a balanced diet, and good hygiene practices. Encourage participation in sports or physical activities that promote teamwork and discipline.
- 8. Promote Mental Health: Support the boy in developing healthy coping mechanisms for stress and anxiety. Encourage seeking help when needed and destigmatize discussions around mental health.
- Teach Respect for Women: Teach the boy to respect women as equals and to reject harmful stereotypes and behaviours that perpetuate toxic masculinity.

**10. Encourage Education and Personal Growth:** Support the boy's educational pursuits and interests. Encourage a love of learning, curiosity, and personal growth.

Every individual is unique, and the journey to manhood is a personal one. It's essential to provide a supportive and nurturing environment while allowing the boy to explore his own identity and values. Patience, understanding, and consistent positive reinforcement are key in helping a boy transition into a responsible and well-rounded man. Mr. Godfrey Kuteesa of the Boys Mentorship Program stated that; "there is a lot one can do to help a boy become a man.

- Accept them Firstly, if you are his parent you need to accept the fact that he may not turn out to be the man you have always dreamed he would be. It's ok to have those dreams. All parents have them. But your son will chart his own course in life and he will make choices you will not like. That's called growing up. Whatever you do, don't ever cut them off (or threaten to do so) because they don't like the choice they have made.
- **Listen.** As they pass through their adolesence there is a cliché that boys become sullen and uncommunicative. That they won't talk to adults like girls will. That they won't ask for help and will make stupid mistakes. Boys will talk when they feel comfortable enough to do so. And it may not be to their parents. Sometimes boys need a trusted adult in their life who they can ask guestions of and talk to without their parents necessarily knowing about it. Teachers, coaches, Uncles, neighbours.... the list goes on and on. But if you are one of those people then take the time to listen to what boys are trying to tell you. Don't become so involved in giving them your insights that you forget to hear what they are saying.
- Talk. Even when you think boys aren't listening, they probably are. Boys tend to talk and listen when they are doing something. Go for a driving lesson, play sport together, paint a fence, fix a car, cook a meal, whatever it is that you can both enjoy doing together is probably the best chance to hear them talk and to talk to them.

- Realise you can't save them. Sometimes there really isn't anything you can do. Boys will make mistakes as they grow up and some of those mistakes have the potential to be devastating. And you can't save them from making those mistakes as much as you would like to. You can only hope that occasionally you do make a little bit of a difference.
- Trust them. The only way a boy can take on trusting and responsible roles is for someone to take a gamble and trust them. It might be an employer, a coach, their parent or other adult. The point is when you show boys that you trust them to do something then it helps them move closer to manhood in their minds.
- Give them responsibility. Boys crave responsibility. They gravitate towards things in life that make them feel grown up and responsible ie: driving, smoking, drinking etc. If you don't give them responsibility they will find other ways to obtain it. So give it to them and let them know that along with responsibility comes accountability.
- **Surround them.** The success of the boys growing into a man isn't entirely your responsibility. Boys need a whole community of men to show them what to do. Each man in their life (if they are a positive force) can teach them something different that they will need. Know this and know that they need this mentoring. If there is no father around then having man to take this role is absolutely crucial.
- They're okay as they are. Body image is a big problem for boys. They think they have to grow up to become big and strong with a six pack, chiseled pecs and manly beards /stubble on their faces. Not all of them will. Don't make degrading comments about the way boys look. If they are overweight then you can be supportive and encouraging without being critical. If they dress badly then you can suggest

- alternatives without being critical. They may not admit it and they certainly don't act like it but this stuff does matter with boys.
- Don't minimize or underestimate their problems. Never minimize their problems because they're 'only teenagers'. When you were a teenager a lot of stuff really mattered that you look back on now and laugh at. But the point is, it mattered a lot to you then and it matters to boys now."

## **7.1.9 Participation in Government Programmes**

Despite Government efforts to economically and socially empower youth, boys are underrepresented in key initiatives. Challenges such as limited awareness, fear of stigmatization, restricted access to financial resources, and bureaucratic barriers hinder their participation in programmes like the Youth Livelihood Programme and the Youth Joint Venture Capital Fund. According to MoGLSD, only 30% of Youth Livelihood Programme beneficiaries are young men, highlighting the need for a gender-sensitive approach to ensure equitable access for boys.<sup>201</sup>

#### 7.3 GOVERNMENT INTERVENTIONS

In 2017, the MoGLSD launched the National Male Involvement Strategy to engage men and boys as change agents in communities and workplaces, to prevent and respond to GBV in Uganda. Additionally, the Ministry developed several policies and frameworks, including the National Youth Policy (2016), the Social Development Sector Plan 2015/16-2019/20, the National Parenting Guidelines (2018), the National Orphans and Other Vulnerable Children Policy (2004), and the National Adolescent Health Policy (2004), all aimed at promoting and safeguarding the rights of children and young people.

# Highlights UHRC Interventions in Complaints Management

#### 8.0 INTRODUCTION

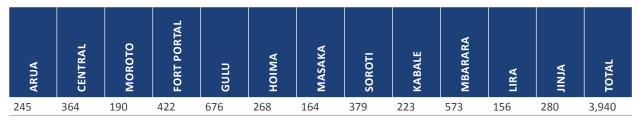
Article 52 (1) (a) of the 1995 Constitution of Uganda mandates the UHRC to 'investigate, at its own initiative or on a complaint made by any person or group of persons against the violation of any human right'. Article 53(1) gives the UHRC powers of a court to issue summons or other orders requiring the attendance of any person before the UHRC and the production of any document or record relevant to any investigation by the UHRC; to question any person in respect of any subject matter under investigation before the UHRC; to require any person to disclose any information within his or her knowledge relevant to any investigation by the UHRC; and to commit persons for contempt of its orders. The Constitution also gives UHRC powers to order payment for compensation or any other legal remedy or redress in the event of a human rights violation. The UHRC applies a victim-centred approach in its complaints-management process. This section provides highlights on vomplaints management by the Commission in 2024.

#### 8.1 COMPLAINTS RECEIVED AND REGISTERED

The UHRC received a total of **3,940** complaints in 2024. Out of the these, **249** were allegations of human rights violations as guided by the Commission's admissibility criteria. The complaints received represented all the matters reported to the UHRC whether admissible or not. The highest number of complaints were registered by Gulu Regional Office with 54 (22%) complaints followed by Soroti Regional Office with 33 (13%) complaints.

**Table 15** shows the number of complaints received<sup>202</sup> in 2024, while Table 16 shows the number of complaints registered<sup>203</sup> by the various UHRC regional offices in 2024.





<sup>202</sup> Complaints received are all the complaints reported to the Commission (those within and those that don't fall within the Commission's jurisdiction)

<sup>203</sup> Complaints registered are those that meet the admissibility criteria of human rights violations handled by the UHRC.

Table 16: Number of Complaints Registered by the UHRC Regional Offices in 2024



#### 8.2 COMPLAINANTS DISAGGREGATED BY GENDER

The UHRC registered complaints from 255 individuals regarding human rights violations, of which the majority were male, as was the case in previous years.<sup>204</sup> Of the 255 complainants whose matters were registered by the UHRC, 147 (58%) were male and 108 (42%) were female. More men reported complaints to the UHRC than women due to the nature of the alleged violations that are mostly reported (torture and deprivation of personal liberty), which are mostly experienced by men who conflict with the law more frequently than women.

The Kabale and Mbarara Regional Offices registered the highest number of male complainants, 26, while the Gulu Regional Office registered the highest number of female complainants, 40.

Table 17: Number of Complainants Disaggregated by Gender per Regional Office

GENDER	ARUA	CENTRAL	MOROTO	FORTPORTAL	GULU	ноіма	MASAKA	SOROTI	KABALE	MBARARA	LIRA	ALNIL	TOTAL
Male	09	18	16	04	14	04	04	18	26	26	07	01	147
Female	04	7	12	00	40	03	05	15	03	10	08	01	108
TOTAL	13	25	28	04	54	07	09	33	29	36	15	02	255

#### 8.3 COMPLAINANTS DISAGGREGATED BY AGE

The highest number of complaints was registered from complainants in the age category 31-59 years, (56%), followed by those between 18-30 years (36%).

Table 18: Complainants Disaggregated by Age

AGE CATEGORY (YEARS)	NUMBER OF COMPLAINTS
0-17	09
18-30	91
31-59	144
60+	11
Grand total	255

<sup>204</sup> The number of complainants is more than the number of complaints registered because one complaint may have multiple complainants.

#### 8.4 COMPLAINANTS DISAGGREGATED BY AGE PER REGIONAL OFFICE

Gulu Regional Office registered the highest number of complaints from complainants in the age category of 18-30 with 30 complainants. Mbarara Regional Office registered the highest number of complainants in the age category of 31-59 years.

Table 19: Complainants Disaggregated by Age per Regional Office

AGE	ARUA	CENTRAL	FORT PORTAL	GULU	ноіма	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
0-17	00	01	00	03	00	00	00	01	00	01	01	02	09
18-30	09	04	00	30	02	01	17	03	05	05	80	07	91
31-59	04	20	04	19	04	01	11	11	04	29	16	21	144
60+	00	00	00	02	01	00	01	00	00	01	03	03	11

## 8.5 COMPLAINANTS IN THE CATEGORY OF VULNERABLE PERSONS WHOSE COMPLAINTS WERE REGISTERED

The UHRC received complaints from 78 vulnerable persons. Out of the 78 complainants, 17 had their complaints registered. The Table below indicates the number of vulnerable persons whose complaints were registered per Regional Office. The highest number of complainants whose complaints were registered were minors (10 complainants), while the Arua Regional Office registered the highest number of complaints from four vulnerable persons who were prisoners.

Table 20: Complainants in the Category of Vulnerable Persons whose Complaints were Registered per Regional Office

CATEGORY	ARUA	CENTRAL	FORT PORTAL	GULU	HOIMA	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
Persons with a disability	-	01	-	-	-	-	-	-	-	01	-	-	02
Prisoners	04	-	-	-	-	-	01	-	-	-	-	-	05
Minors	-	01	-	03	-	-	-	01	-	01	02	02	10
Total	04	02	00	03	00	00	01	01	00	02	02	02	17

#### 8.6 COMPLAINTS RECEIVED THROUGH THE UGANDA HUMAN RIGHTS COMMISSION APP

The UHRC engaged the public through its App and responded to 28 queries from the public (20 males and 8 females). Members of the public were given legal advice, and for those whose complaints were within the Commission's jurisdiction, their complaints were referred to the relevant Regional Offices for further management.

Table 21: Nature of Complaints/Inquiries Received through the UHRC App

NATURE OF ISSUE	TOTAL
Torture	01
Inquiries about location of UHRC offices	19
Follow up on complaints previously lodged	05
Pleasantries	03
Grand Total	28

The UHRC App can be downloaded by Android users using the link https://play.google.com/store/apps/details?ID=com.uhrc.hre. Apple users can download the App on the link https://apps.apple.com/us/app/uhrc-app/id6478109291. The App can also be downloaded using the QR Codes below:

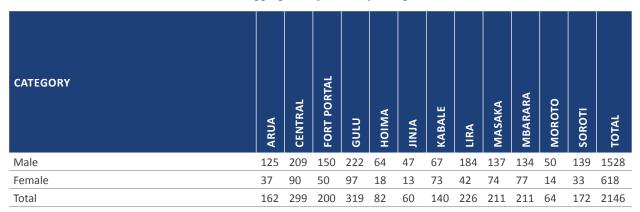




#### 8.7 USE OF TOLL-FREE LINES IN COMPLAINTS RECEIPT AND MANAGEMENT

A total of 2,146 people reported complaints of alleged human rights violations and sought advice on various issues through the use of UHRC's toll-free lines at its twelve Regional Offices as indicated in the table below. Gulu Regional Office had the highest number of callers with 319 callers (15%), followed by the Central Regional Office with 299 callers (14%). As indicated, there were more male callers, 1,528 (71%), than female callers, 618 (29%). This is attributed to the fact that some women do not have access to resources to enable them to own mobile phones and call the toll-free lines. The highest number of both male and female callers was at the Gulu Regional Office, with 222 (16%) male callers and 97 (16%) female callers.

Table 22: Number of Toll-Free Line Callers Disaggregated by Gender per Regional Office in 2024



#### 8.8 NATURE OF ALLEGED HUMAN RIGHTS VIOLATIONS REGISTERED

The table below shows the nature of human rights violations registered at the UHRC Regional Offices in 2024.<sup>205</sup>The alleged violation of freedom from torture ranked highest among the complaints registered, with **90** (31%) complaints. This was followed by complaints involving the alleged violation of the right to child maintenance, with 78 (28%) complaints, and the right to personal liberty, with **66** (24%) complaints.

The Moroto Regional Office registered the highest number of complaints involving the alleged violation of the right to freedom from torture, with 17 (22%) complaints, followed by the Gulu and Soroti Regional Offices, with 12 (15%) complaints each. The Kabale Regional Office registered the highest number of complaints involving the alleged violation of the right to personal liberty, with 24 (36%) complaints.

<sup>205</sup> The totals in the tables vary because a single complaint registered may have two or more alleged human rights violations.

Table 23: Violations Registered at UHRC Regional Offices in 2024

ALLEGED HUMAN RIGHTS VIOLATIONS	ARUA	CENTRAL	FORT PORTAL	פחרח	ноіма	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
Torture, cruel, inhuman & degrading treatment or punishment	09	11	04	12	04	00	02	07	02	10	17	12	90
Denial of child maintenance	00	03	00	36	02	01	03	04	04	08	07	10	78
Deprivation of personal liberty (detention beyond 48 hours)	04	09	00	06	01	00	24	06	02	06	01	07	66
Violation of the right to education	00	01	00	02	00	00	00	00	00	06	01	03	13
Deprivation of the right to life	00	01	01	00	00	01	00	02	00	00	03	04	12
Violation of the right to property	00	02	00	04	03	00	02	00	00	00	00	00	11
Denial of remuneration	00	01	00	00	00	00	00	00	00	05	00	00	06
Violation of the right to a fair hearing	00	00	00	00	00	00	00	00	01	00	01	00	02
Violation of the right to health	00	00	00	00	00	00	00	00	00	01	00	00	01
TOTAL	13	28	05	60	10	02	31	19	09	36	30	36	279

#### 8.9 RESPONDENTS IN HUMAN RIGHTS COMPLAINTS REGISTERED

The highest number of complaints registered by UHRC was against the Uganda Police Force with 101 complaints (38%), followed by complaints registered against private individuals, with 92 complaints (35%). Complaints registered against the Uganda Peoples Defence Forces (UPDF) were 33 (12%), and there were 14 complaints registered against UPS (5%).

The highest number of complaints against the Police was registered at the Kabale Regional Office, with 27% complaints. The highest number of complaints registered against UPDF was registered at the Moroto Regional Office, with 61% complaints. The Gulu Regional Office registered the highest number of complaints against UPS, at 57% complaints.

Table 24: Categorisation of Respondents by Regional Office and Number of Complaints Registered against Each Respondent

CATEGORY			RTAL							Ş			
	ARUA	CENTRAL	FORT PO	GULU	ноіма	ALNIL	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
UPF	00	16	03	08	02	00	27	80	04	13	02	18	101
Private individuals	00	07	00	39	06	01	03	04	04	10	07	11	92
UPDF	00	02	00	06	00	00	00	01	00	02	20	02	33
UPS	00	00	02	08	00	01	00	02	00	01	00	00	14
Ministries, departments and agencies (MDAs)	00	00	00	01	00	00	00	00	00	00	00	02	03
Private companies/businesses	00	01	00	00	01	00	00	00	00	00	00	00	02
Local Governments	00	00	00	00	00	00	00	00	00	04	00	00	04
Education institutions	00	00	00	01	00	00	00	00	00	01	00	00	02
Clan leaders	00	00	00	00	00	00	00	01	00	00	00	00	01
State House Anti-Corruption Unit	00	00	00	01	00	00	00	00	00	00	00	00	01
ISO	00	01	00	01	00	00	00	00	00	08	00	00	10
Courts	00	00	00	00	00	00	00	00	01	00	00	00	01
SACCOs	00	00	00	00	00	00	00	00	00	01	00	00	01
TOTAL	00	27	05	65	09	02	30	16	09	40	29	33	265

#### 8.10 INVESTIGATIONS

In fulfilment of its constitutional mandate to investigate alleged violations of human rights, the UHRC investigated **727** complaints. Out of the 727 complaints investigated, **307** (42%) complaints were investigated to conclusion, while **420** (58%) were partially investigated. The UHRC's backlog at the investigations level reduced by 66% from 803 in 2023 to 529 in 2024.

Table 25: Complaints Investigated per Regional Office

CATEGORY	ARUA	CENTRAL	FORT PORTAL	פחוח	ноіма	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
Files conclusively investigated	17	15	13	25	24	33	25	09	06	68	45	27	307
Files partially investigated	04	45	29	39	27	36	61	12	31	44	42	50	420
Total No. of files investigated	21	60	42	64	51	69	86	21	37	112	87	77	727
Case load as at 31st Dec 2024	04	269	33	121	39	26	61	23	31	75	167	77	926
Backlog as at 31 <sup>st</sup> Dec 2024	00	193	26	121	14	26	02	05	16	33	55	38	529



A UHRC staff member reviewing evidence of a witness during a field investigation exercise at Kabalye Cell, Kibwona Ward, Karujubu Division, Masindi District. © Hoima Regional Office

#### 8.11 INVESTIGATIONS INITIATED BY THE UHRC

The UHRC initiated investigations into **03** incidents of alleged human rights violations as indicated in the Table below. Investigations into alleged human rights violations initiated by the UHRC were triggered as a result of reports made to the UHRC by concerned individuals and media reports on various media platforms, including the print media, on radio and television, and through social media platforms.

Table 26: Investigations Initiated by the UHRC per Regional Office

REGIONAL OFFICE	NUMBER OF INVESTIGATIONS	ALLEGED HUMAN RIGHTS VIOLATIONS	RESPONDENT INVOLVED
FORT PORTAL	01	Life	UPF (Flying Squad Fort Portal CPS)
GULU	01	Liberty	UPF (Adjumani CPS)
LIRA	01	Life	UPF (Alemi Police Post, Kole District)



UHRC staff conducting investigations at Kisoro Police Station. - Kabale Regional Office



UHRC staff recording a statement from a complainant at Akisim Ward, Soroti City.

#### 8.12 REFERRALS MADE TO OTHER INSTITUTIONS

The UHRC gave legal advice and referred **3,691** complaints to various institutions and organisations for appropriate management. The complaints referred involved matters that were outside UHRC's mandate to handle. The nature of matters referred are indicated in the Table below.

Table 27: Number of Complaints Referred per Regional Office

ARUA	CENTRAL	FORT	פחוח	ноіма	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
232	445	313	676	361	306	264	333	80	346	141	194	3,691

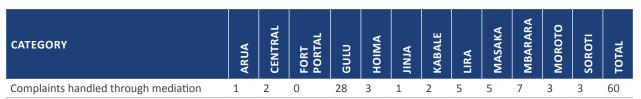
Table 28: Nature of Matters Referred

NATURE OF COMPLAINT	TOTAL
Criminal matters	744
Land disputes	622
Legal advice	541
Child-related matters	342
Family disputes	277
Labour disputes	275
Domestic violence	136
Breach of contracts	132
Property-related matters	110
Issues of investigations of cases by the Police	107
Succession disputes	99
Access to justice	85
Health-related matters	73
Education-related matters	38
Banking and credit-related matters	31
Torts	29
Traffic offences	25
Corruption and abuse of office	9
Security of person	7
Issuance of identity cards	4
Migration-related matters	3
Poaching	1
Elections-related matters	1
GRAND TOTAL	3,691

#### 8.13 MEDIATIONS

The UHRC mediated **60** complaints during the period under review. The complaints mostly involved the denial of child maintenance. Of the 60 complaints mediated by the Commission, **45** (75%) were successfully mediated. This means that the parties were able to agree amicably and sign memoranda of understanding showing details of how they resolved their disputes and each party's responsibilities. Mediations are still ongoing in some of the matters, while files were closed for those matters where mediations were deemed unsuccessful. The Table below illustrates the number of complaints mediated by the UHRC per Regional Office.

Table 29: Complaints Handled Through Mediation per Regional Office



#### 8.14 RESOLUTION OF COMPLAINTS THROUGH THE UHRC TRIBUNAL

In 2024, the UHRC Tribunal heard a total of **197** matters and disposed of **98** complaints. The UHRC Tribunal awarded a total of **UGX 238,000,000** in 2024 to victims of human rights violations as indicated in the Table below. It also shows the nature of human rights violations involved in the matters where compensation was awarded by the Tribunal and these included the right to freedom from torture, the right to personal liberty, and the right to life. It also shows the specifics of the complaints where compensation awards were made by the Tribunal and from which Regional Offices the complaints arose.

Table 30: Nature of Complaints Decided by the Tribunal in 2024 and Total Compensation Amounts Awarded

NATURE OF VIOLATION	NUMBER	TOTAL AMOUNT IN UGX AWARDED BY THE TRIBUNAL IN RESPECT OF THE VIOLATION
Torture	05	51,000,000
Personal Liberty	04	32,000,000
Life	04	155,000,000
Total	13	238,000,000

Table 31: Details of Complaints where Compensation Awards were made by the Tribunal in 2024

COMPLAINT NUMBER	COMPLAINANTS	RESPONDENT	NATURE OF VIOLATIONS	DECISION DATE	TRIBUNAL DECISION			
MOROTO REGIO	NAL OFFICE							
MRT/49/2010	Omodio Lochokio	Attorney General	Torture	29/2/2024	Settlement of UGX 8,000,000 as general damages			
CENTRAL REGION	NAL OFFICE							
UHRC/349/2002	Bukenya Umar	Attorney General	Personal liberty	20/5/2024	Awarded UGX 3,000,000			
		(UPF-RRU)						
KABALE REGIONA	AL OFFICE							
MBR/040/2008	Rugasimbana Francis	Attorney General	Right to life	12/8/2024	Awarded UGX 45,000,000			
		UPF						
SOROTI REGIONA	AL OFFICE							
SRT/167/2007	Okello Richard	Attorney General UPF	Torture	24/06/2024	Awarded UGX 12,000,000			
SRT/107/2008	Abwongoto Richard, Emuge Joseph Michael	Attorney General	Torture and liberty	24/06/2024	The 2 <sup>nd</sup> complainant Emuge Joseph Michael was awarded			
	and Tino Joyce	UPF	,		UGX 4,000,000 for personal liberty			
	Mutama Richard, Sakwa Moses and Sakwa	Attorney General	Personal liberty	24/06/2024	Mutama Richard: UGX 8,000,000			
	William	UPF			Sakwa William: UGX 8,000,000 Sakwa Moses: UGX 8,000,000			
SRT/172/2007	Aseu John Bosco, Omollo Anthony, Achedu Peter, Okeju Yafesi, Atim Demetrina, Amuge Janet, Oyola Ben and Osuku	Attorney General	Torture, personal liberty and life	26/06/2024	Okeju Yafesi: UGX 10,000,000			
					Achedu Peter: UGX 5,000,000			
		UPF			Omolo Anthony: UGX 5,000,000			
	Moses				Amuge Janet: UGX 5,000,000 Osuku Moses: UGX 5,000,000			
GULU REGIONAL	OFFICE							
GLU/087/2007	Ojok Francis Obiga and Okello David	Attorney General	Torture	21/6/2024	Ojok Francis Obiga: UGX 6,000,000			
		(UPF)			Okello David: UGX 5,000,000			
FORTPORTAL REC	GIONAL OFFICE							
FPT/093/2007	Katsirombi Edson (Muhesi Sylvester Biduku)	Attorney General UPDF	Right to life	27/11/2024	Awarded UGX 50,000,000			
FPT/07/2010	Kisembo Amir (Rukara Johnson)	Attorney General UPDF	Right to life	27/11/2024	Awarded UGX 50,000,000			
FPT/067/2016	Philip Bayisiriya	Attorney General UPF	Personal liberty	27/11/2024	Awarded UGX 1,000,000			



A witness takes oath during a Tribunal session at Arua Regional office.



Witnesses appearing before the Tribunal at Moroto Regional Office

## 8.15 STATUS OF PAYMENT OF COMPENSATION AWARDS BY THE MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS

In the financial year 2023/2024, the Ministry of Justice and Constitutional Affairs paid compensation awards arising from UHRC Tribunal orders to the tune of UGX 116,086,122. The Ministry is yet to pay an outstanding amount of UGX 435,619,010 arising out of UHRC Tribunal orders.

#### 8.16 STATUS OF TRIBUNAL FILES AS AT 31ST DECEMBER 2024

As at 31<sup>st</sup> December 2024, the tribunal caseload stood at **1,216** which was a **0.3%** decrease from the annual closing caseload of **1,330** in 2023. As of 31<sup>st</sup> December 2024, a total of **989** were pending hearing while **227** were partially heard as summarised in the table below.

Table 32: Summary of Caseload per Regional Office for Matters Partially Heard and Pending Hearing

CATEGORY	ARUA	CENTRAL	FORT PORTAL	GULU	ноіма	JINJA	KABALE	LIRA	MASAKA	MBARARA	MOROTO	SOROTI	TOTAL
Partially heard	53	23	37	16	03	18	14	26	12	04	16	05	227
Pending hearing	151	36	117	42	03	74	67	142	42	42	146	127	989
Grand Total	204	59	154	58	06	92	81	168	54	46	162	132	1,216

#### 8.17 TOTAL NUMBER OF COMPLAINTS DISPOSED OF BY THE COMMISSION IN 2024

In 2024, UHRC disposed of **450** complaints. The breakdown of the complaints disposed of is indicated in the Table below.

Table 33: Complaints Disposed of by UHRC in 2024

Complaints that were conclusively investigated	307	
Complaints that were successfully mediated	45	
Complaints that were disposed of by the Tribunal	98	
Total	450	

#### 8.18 CHALLENGES

1. The UHRC experienced difficulties during investigations in securing documentary evidence from health institutions, law enforcement and security agencies, as evidence is critical to corroborate allegations of human rights violations, particularly allegations of torture and violation of the right to personal liberty. This is further exacerbated by the poor record-keeping in these institutions.

#### 8.19 RECOMMENDATIONS

 The Ministry of Health, Uganda Police Force, Uganda People's Defence Forces and Uganda Prisons Service should establish mechanisms for the proper keeping and retrieval of records. Furthermore, the aforementioned agencies should provide documentary evidence to the Commission during the course of its investigations.

# Highlight of UHRC Interventions in Monitoring and Inspection of Places of Detention

#### 9.0 INTRODUCTION

The right to liberty and freedom of movement is one of the fundamental human rights. However, it is not absolute. States have the possibility to deprive people of their liberty through arrest or detention, where the reasons for deprivation of liberty and the procedures to be followed are clearly established by law. Arbitrary arrest or detention is prohibited under international law. This, however, means that people deprived of their liberty are vulnerable and particularly at risk of human rights violations. Their security and well-being are under the responsibility of the detaining authority, which should guarantee conditions of detention that respect human rights and human dignity.

Monitoring detention conditions, therefore, forms an integral part of the system for protecting persons who are deprived of their liberty. As such, in line with the UHRC's constitutional mandate under Article 52(1)(b), the UHRC continued to monitor the human rights situation in the various places of detention, to assess the conditions of suspects and inmates. This monitoring and inspection of places of detention was also done to assess the Government's compliance with national, regional and international human rights standards in regard to persons deprived of liberty as discussed in this chapter.

#### 9.1 LEGAL FRAMEWORK

#### 9.1.1 International Legal Framework

At the international level, Uganda is a party to a number of international instruments that not only provide for the treatment of detainees but also those that advance and promote the rights of persons in detention. The International Covenant on Civil and Political Rights<sup>206</sup>, the UN Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment<sup>207</sup>, the United Nations Standard Minimum Rules on Treatment of Prisoners<sup>208</sup> and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment<sup>209</sup> are some of the international instruments that provide for the protection of the rights of detainees.

#### 9.1.2 Regional Legal Framework

At the African regional level, the **African Charter on Human and Peoples' Rights** guarantees the rights of detainees in more or less the same manner as the international instruments.<sup>210</sup> 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 Guidelines211 which provide for the prohibition and prevention of torture, cruel, inhuman or degrading treatment in Africa.

<sup>206</sup> Articles 7 and 9-11 of the International Covenant on Civil and Political Rights.

<sup>207</sup> Article 4, Article 10 and Article 13 of the United Nations Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment.

<sup>208</sup> United Nations Standard Minimum Rules for 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).

<sup>209</sup> UN Doc. A/43/173, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

<sup>210</sup> Articles 3-7 of the African Charter on Human and Peoples' Rights.

<sup>211</sup> The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment.

#### 9.1.3 National Legal Framework

At the national level, the 1995 Constitution guarantees respect for human dignity, protection from inhuman treatment,<sup>212</sup> including people in places of detention. The Constitution also protects persons deprived of their personal liberty and the circumstances under which one's personal liberty may be suspended. In the addition to the Constitution, human rights guarantees for detainees are found in other laws such as the Uganda Police Force Act (Cap 303), The Uganda Peoples' Defence Forces Act, 2005 (Cap 307), Uganda Prisons Act (2006), Penal Code Act (Cap 121), Trial and Indictments Act (Cap 23), and the

**Children's Act (Cap 59),** among others. Some of these laws guarantee the rights of detainees as well as provide for the management, treatment and care of inmates in places of detention.

## 9.2 PLACES OF DETENTION INSPECTED BY UHRC IN 2024

In 2024, the UHRC conducted 457 inspection visits to places of detention, which included 257 Police stations, 118 Police posts, 78 Government prisons and 4 remand homes. The table below shows the total number of detention facilities inspected by UHRC in 2024.

Table 34: Detention Facilities Inspected by UHRC in 2024

LOCATION	PRISONS	POLICE STATIONS	POLICE POSTS	MILITARY DETENTION	REMAND HOMES	TOTAL
Arua	05	18	07	-	-	30
Central	20	33	19	-	02	74
Fort Portal	04	19	06	-	01	30
Gulu	07	59	16	-	-	82
Hoima	08	19	21	-	-	48
Jinja	01	09	04	-	-	14
Kabale	07	23	10	-	-	40
Lira	05	12	13	-	-	30
Masaka	09	10	01	-	-	20
Mbarara	04	21	10	-	-	35
Moroto	05	18	06	-	-	29
Soroti	03	16	05	-	01	25
TOTAL	78	257	118	-	04	457

## 9.3 HIGHLIGHTS OF KEY FINDINGS IN PLACES OF DETENTION INSPECTED IN 2024

During its inspections, the UHRC noted progress had been made in some areas, while a number of human rights issues remained. The findings below highlight the UHRC's findings in the detention places inspected during the year.

## 9.3.1 Registration and Records Management

Well-kept records that contain information required for effective protection of detainees' rights contribute to the efficient management of places of detention. Official registration in places of detention is also an important element in guaranteeing transparency and protection of those detained.

Out of the 457 places of detention the UHRC inspected, the UHRC established that the majority of the facilities had registers which were regularly used and updated, save for a few isolated cases, mainly in Police posts, where the registers were not updated. The registers inspected included: lock-up registers, station diaries, admission registers, release registers, property register, transfer of detainees' registers, gate registers, exhibits registers, medical registers, as well as medical treatment records. The existence of registers demonstrated that majority of detainees assessed by UHRC had an admission trail, an inventory of their property and information regarding their judicial processes. However, poor storage of

<sup>212</sup> Article 23-24 and Article 28 of the Constitution of the Republic of Uganda (1995).

records was noted in instances where the registers became full.

### 9.3.2 Separation of Categories of Detainees

Human rights standards require that different categories of prisoners are kept in separate places of detention, taking into account their sex, age, criminal record and reasons for detention. As a matter of law, women should be separated from men, minors from adults, and untried detainees from convicted detainees. 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 is also a measure to preserve the principle of the presumption of innocence of untried persons as well as providing the most appropriate prison conditions for each category of detainees. Below is what the UHRC observed regarding categorisation.

#### (a) Separation of female from male cells

In all 457 detention places inspected, the UHRC noted that female inmates were detained in different cells from the male cells. This was in conformity with the required standard that men and women should, as much as possible, be detained in separate facilities. The standard for separating women from men in prison cells is rooted in human rights principles, particularly the rights to dignity, safety, and protection from harm. Key human rights frameworks support this separation, emphasising both the physical and psychological well-being of female prisoners.

The separation of males from females is also important for the safety and protection of inmates. Women in male-dominated prisons face a higher risk of sexual assault, harassment, and physical violence. Separating men and women helps reduce

these risks. Women are generally more vulnerable in an environment where they may be physically outmatched by men, and male inmates can pose a threat to them. In terms of physical and emotional needs, women have specific physical and emotional needs, especially around health, and menstrual hygiene management. For example, the facilities available in male-dominated prisons might not be adequately equipped to address women's health-care needs, including access to reproductive health services and trauma support.

Women may also require different types of rehabilitation and support programmes compared to men. Having women in a female-only environment makes it easier to offer programmes that address the unique issues women face, such as those related to domestic violence, parenting, or gender-based trauma. The presence of male prisoners can interfere with the implementation of these gender-sensitive programmes.

It is also important to maintain women's dignity and autonomy. Women in mixed-gender prison environments might be subjected to additional humiliation and a loss of autonomy. This can affect their mental health, rehabilitation prospects, and overall well-being.

#### (b) Juveniles detained with adult offenders

It is a requirement that juveniles be separated from adults while in detention.<sup>216</sup> During inspections, the UHRC found cases where juveniles were in detention with adult offenders. These were mainly at Police stations, some of which included Kitagwenda Police Station, Rukiga Police Station, Kaabong Police Station and Kotido Police Station, Luuka Police Station, Mubende Police Station, Mpigi Police Station, and Lugazi Police Station. The detention of juveniles with adult offenders in Police cells was mainly attributed to the lack of juvenile cells in Police facilities and the continued failure to ascertain the ages of suspects. At Kamwenge Police Station, it was reported that since the district lacks a remand home, it is usually difficult to transport a juvenile who had been denied bail to Fort Portal Remand Home due to a lack of transport means.

<sup>213</sup> Rule 11, Nelson Mandela Rules and Rule 8 of the UN Standard Minimum Rules on the Treatment of Prisoners.

<sup>214</sup> ICCPR, United Nations Standard Minimum Rules on Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

<sup>215</sup> Rule 8(a) UN Standard Minimum Rules on Treatment of Prisoners.

<sup>216</sup> ICCPR, Art. 10.2

Human rights standards surrounding the separation of juvenile offenders from adults emphasise that such separation is crucial for their well-being, rehabilitation, and protection from harmful influences. Keeping juveniles in close proximity to adults increases the risk of physical, sexual, and emotional abuse. Separation helps mitigate these risks. In addition, juvenile offenders are at a critical stage in their psychological and emotional development. Exposure to adult criminal behaviour can significantly hinder their rehabilitation and reintegration. Article 40 of the United Nations Convention on the Rights of the Child specifies that juveniles accused of violating the law should be treated in a way that promotes their reintegration into society and that they should be separated from adults in detention or prison settings. This ensures that they are not exposed to harmful adult criminal influences. The separation of juveniles from adults is essential to prevent their exposure to potentially damaging and harmful environments, which could impede their development and rehabilitation.

#### (c) Remand and convicted inmates

Prisoners on remand are required to be kept separate from convicted prisoners.<sup>217</sup> In 2024, the UHRC noted that prisoners on remand shared cells with convicts in all facilities, contrary to section 66 of the Prisons Act 2006, which provides for the separation of the two categories. Human rights standards require that convicted prisoners and pre-trial detainees be separated to ensure fair treatment and uphold the presumption of innocence for those awaiting trial. The key principle is to treat pre-trial detainees as individuals who have not yet been proven guilty, so they should not face conditions that could be considered punitive before their trial. Rule 8 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) clearly states that pre-trial detainees should be kept separate from convicted prisoners. This is to prevent the undue punishment of those who are presumed innocent and to protect their rights. Rule 11 of the Mandela Rules further states that pre-trial detainees should not be subjected to solitary confinement or harsh conditions just because they have not been convicted. Those who have not been convicted should be kept separate from those who have been convicted, to ensure that pre-trial detainees are not subjected to punishment or unnecessary harm. The ICCPR under Article 10 also emphasises that the treatment of persons deprived of their liberty should be humane, and it calls for separation between different categories of detainees, including separating pre-trial detainees from convicted persons.

#### (d) Civil debtors

During its inspections, the UHRC found civil debtors in various prisons such as Hoima Prison, Bushenyi Government Prison, Isingiro Government Prison, Sheema Government Prison, Ndorwa Government Prison, Kanungu Government Prison, Nyarushanje Government Prison, Rukungiri Government Prison, Kwania Prison farm, Lira Main Prison, Moroto Government Prison, Ssaza Government Prison, Masaka Main Prison, Lwengo Government Prison, Kalungu Government Prison, Fort Portal Main Prison, Kamwenge Government Prison, Mbale Main Prison and Kapchorwa Prison, among others. Article 11 of the ICCPR, to which Uganda is a State Party, prohibits the incarceration of people for failure to honour contractual obligations. It was also noted that the requirement<sup>218</sup> to separate civil debtors from inmates on criminal charges was not observed. Inmates were mainly separated based on their gender due to limited space.

Human rights standards<sup>219</sup> surrounding the detention of civil debtors focus on protecting the rights of individuals who are unable to pay their debts. These standards are based on the recognition that no one should be imprisoned solely for failure to pay a civil debt, especially if they lack the financial means to settle the debt. International human rights standards strongly prohibit the imprisonment of individuals for civil debts, focusing on protecting individuals from arbitrary detention and ensuring fair and just legal processes.<sup>220</sup> Alternative repayment and mediation methods are encouraged, and imprisonment should be reserved for more severe situations involving fraudulent conduct.

<sup>217</sup> Rule 8(b) UN Standard Minimum Rules on Treatment of Prisoners.

<sup>218</sup> Rule 8(c) UN Standard Minimum Rules on Treatment of Prisoners.

<sup>219</sup> International Covenant on Civil and Political Rights (ICCPR) Article 11, and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

<sup>220</sup> Ibid.

#### (e) Mothers incarcerated with their children

Mothers incarcerated with their children are entitled to have their physical, emotional, social and psychological needs provided for by the authorities. Some of the children found incarcerated with their mothers were between 1 month and 3 years, which in some cases was beyond the authorised statutory age of 18 months. Some of the prisons with incidences of children being incarcerated with their mothers included: Hoima, Ndorwa, Moroto, Kotido, Kaabong, Lwengo, Masaka, Ssazza, Adjumani, Patongo, Pader, and Kapchorwa Prisons. In most of these cases, the UHRC found toddlers and babies too young to be separated from their mothers. The UHRC was informed that the reason for incarcerating mothers with their children was mainly due to the unwillingness or lack of relatives to take care of the children while the mothers were in detention.<sup>221</sup> The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (The Bangkok Rules) under Rule 64 of the Bangkok Rules emphasise that, where possible, non-custodial measures should be considered for mothers of young children to avoid incarceration. When incarceration is unavoidable, efforts should be made to allow mothers to stay with their children in an appropriate environment, ensuring their safety, health, and development. Children should be allowed to live with their mothers in prison until they are of a certain age (often up to 6 years old), but this should only be done in facilities that provide adequate care, including child-friendly spaces, nutrition, and educational activities.

#### 9.3.3 Prolonged Pre-trial Detention

Pre-trial detainees are persons awaiting trial or the finalisation of their trial, who have not been convicted of the charges against them. They are legally presumed innocent, which is a criminal justice system principle based on the rule of law and individual liberty. International standards require that pre-trial detention should only be used if there are reasonable grounds to believe that the person concerned has been involved in the commission of the alleged offence, and there

is a demonstrable risk that the person concerned will abscond, interfere with the course of justice, or commit a serious offence. International standards also mandate the widest possible use of alternatives to pre-trial detention.

Table 35: Prison Population at 31st December 2024

0.7700DV	GENDER			(%)	
CATEGORY	MALE	FEMALE	TOTAL		
Convicts	39,052	1,816	40,868	51.0	
Remands	36,793	1,940	38,733	48.4	
Debtors	325	150	475	0.6	
Total	76,170	3,906	80,076	100.0	
Percentage	95.1%	4.9%	100.0%		
Holding capacity			21,257		
Occupancy			376.7		

The UHRC noted that pre-trial detainees or inmates on remand remained very high and significantly contributed to prison overcrowding, as inmates have to wait for years before their cases are concluded. Prolonged pre-trial detention was attributed to a number of factors, including disruptions of court sessions during the COVID-19 pandemic, arrests and detention before conclusion of investigations, delays in sanctioning files, and irregular court sessions, among others. In most of these facilities, the UHRC received reports of irregular court sessions due to irregular court sessions.

The Constitution of Uganda under Article 28 guarantees that in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law. The provision underscores the principles of due process and justice and the presumption of innocence which is a cornerstone of justice, implying that pre-trial detention should only be used as a last resort. Unjustified or prolonged detention undermines this presumption and violates the rights of the accused.

#### 9.3.4 Overcrowding

The UHRC noted that prison overcrowding has remained a challenge, with some prisons housing

twice or up to three times their designed capacities, 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. However, this is not always attained. The UHRC noted that while UPS has an accommodation capacity of 21,257 prisoners, it has a population of around 80,076 inmates. The UHRC is concerned that overcrowding greatly impacts on prisoners' health and safety and also increases their risk of being subjected to acts of physical torture by fellow inmates, as well as diseases.

Overcrowding was mainly attributed to the limited size of the cells, the delay by prosecutors to sanction files as well as the absence of magistrates from duty stations, which affected the judicial process. As such, gaps in the criminal justice chain affect the successful and timely conclusion of investigations and securing convictions. Prisons with the highest number of inmates include Luzira Maximum Security Prison, which was designed for a capacity of 1,700 inmates, but often houses close to 8,000 inmates. The UHRC found that all the prisons within Luzira including Luzira Upper Prison, Murchison Bay Prison, Kampala Remand Prison, and Luzira Women's Prison were overcrowded. Other overcrowded prisons included Kitalya Maximum Security Prison, Nakapiripirit, Moroto, Namalu and Amita Prisons. In Moroto Prison, the UHRC was informed that overcrowding in the facility was due to the absence of a prison in Napak.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) State that the prison capacity should not exceed the number of prisoners it can hold in a manner that allows for proper care, rehabilitation, and a safe environment. Overcrowding can negatively impact prisoners' health, safety, and rehabilitation opportunities, and the UN emphasises that States must ensure that the conditions of detention are humane and respect the dignity of the person. The International Covenant on Civil and Political Rights (ICCPR) under Article 10 ICCPR requires that all people, including those deprived of liberty, be treated with respect for their inherent dignity and rights. Overcrowded conditions can lead to a failure in meeting these standards by creating dangerous, unsanitary, and degrading living environments.

#### 9.3.5 Accommodation of Inmates

The UHRC noted that efforts were being made to renovate or construct new facilities. However, despite these efforts, the infrastructure in many facilities largely remained the same. Below are the findings regarding accommodation in places of detention.

#### (a) Ventilation and lighting

International human rights standards set out certain minimum conditions for prison environments to ensure the health and dignity of prisoners. Both ventilation and lighting are key aspects of these standards, which are designed to protect inmates from inhumane or degrading treatment. In terms of ventilation, the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) State that prisoners should have access to fresh air, and all cells should be adequately ventilated. Poor ventilation can contribute to the spread of disease, respiratory problems, and general physical discomfort. Therefore, it's essential that cells are designed in a way that allows for constant air flow. Where possible, natural ventilation through windows or open spaces is preferred to mechanical ventilation systems. The aim is to maintain air quality and prevent overcrowding from impairing airflow.

Cells should receive natural light for part of the day to maintain the physical and mental well-being of prisoners. The Nelson Mandela Rules also emphasise that prisoners should have access to natural light for a significant portion of each day. Where natural light is insufficient, adequate artificial lighting should be provided. This is important for visibility, reading, and basic activities, especially in the absence of daylight. The UHRC noted that lighting in prison and Police cells still remained a challenge, particularly in Police facilities inspected. The challenge of poor ventilation and lighting was mainly found in Police cells, some of which were very dark and small. Some of these Police stations included Mabona, Kaberebere Police Station, Nakivaale Police Station, Rwentuha Police Station, Nyamufumura Police Station, Kizinda Police Station, Nyakabirizi Police Station, Kyamuhunga Police Station, Kotido Police Station, Kajjansi Police Station, Kasambya Police Station, Kassanda Police Station, Kayabwe Police Station, Kiganda Police Station, Lwamata Police Station, Matugga Police Station, Nabingola Police Station, Ngogwe Police Station, Nkozi Police Station, Nyenga Police Station and Naguru Remand Home. Others included Sidok Police Post, Kalapata Police Station, Kaabong Police Station, Kamion ASTU detach, Lolelia Police Post, Kyabandara Police Post, Mashonga Police Post, Butare Police Post, Oruchinga Police Post, Buikwe Police Station, Bukuya Police Station, Goma Police Post, Kikandwa Police Post, Kirongo Police Post, Kitoro Police Station, Lubaali Police Post, Kakungube Police Post, Lukoma Police Post, Manyogeseka Police Post, Myanzi Police Post, Senyi Police Post, and Wattuba Police Post, among others.

#### (b) Old dilapidated buildings

The UHRC found a number of detention facilities with old, derelict, run down and dilapidated buildings or facilities. The Police Stations included Warr, Bweyale, Kigorobya, Kambuga, Kyashambya, Kamwezi, Rukiga, Muhanga, Kyanamira, Kitumba, Mwanjari, Kyashambya, Nyakishenyi, Buyanja, Aboke, Alito, Kathile, Karenga, Rubabo, Ikumbya, Bukanga, Busiro, Buikwe, Busunju, Buvuma, Buwama, Kajjansi, Kassanda, Kayabwe, Kibalinga, Kiboga, Kiganda, Kitoro, Kyenda, Lwamata, Mpigi, Mubende, Ngogwe, and Nyenga Police Stations. Kampingirisa National Rehabilitation Centre was also found dilapidated, especially the boys' dormitories.

The dilapidated Police posts included Imara, Karungu, Diima, Kitutu, Runga, Bulyango, Kirima, Ayara, Adwoki, Aler, Sidok, Ggolo, Goma, Kachanga, Lukoma, Magyo, Myanzi, Njeru, Senyi, Butoloogo and Kirongo.



A dilapidated prison cell with a cracked ceiling board at Aboke Police Station.



Male cell at Kirongo Police Post in Buvuma District.





Top: The only pit latrine at Kirongo Police Post in Buvuma District. Bottom: The bathroom.



Top: Front view of Ayara Police Post. Bottom: Female cell at Ayara Police Post.



Warr Police Station in a sorry state.



A UHRC inspection team, together with the Officer-in-Charge of Mpigi Government Prison inspect a leaking kitchen.
© Central Regional Office.

The UHRC found that Bungangari Police Station, Nyakabungo Police Post and Kanyantorogo Police Station were housed in old rented premises. At Kyanamira Police Station and Kirima Police Post, the Police facilities were housed in old un-cemented uniports. At Bikurungu Police Station, the Police Post was in an old uniport, while staff accommodation was in an old, dilapidated National Forestry Authority structure. Mwanjari Police Station was a temporary wooden structure in bad structural condition.

Prisons found with old and dilapidated buildings included Mpigi Prison, Kiboga Prison, Kaweeri Prison, Magyo Prison, Ngogwe Prison, Buikwe Prison, Nyenga Prison, Giligili Prison, Paidha Prison, Rukungiri Prison, Nyarushanje Prison, Kanungu Prison, Kihihi Prison, Mparo Prison, Ndorwa Prison, and Ndorwa Women's Prison, among others. The majority of these dilapidated buildings are poorly ventilated, and have inadequate sewage systems, posing a threat to life.

#### (c) Newly constructed and renovated facilities

Despite the continued existence overcrowding, the UHRC noted efforts by the UPS and the Uganda Police Force in improving the accommodation facilities of detainees. In 2024, a number of detention facilities had newly constructed buildings and renovated facilities, which included offices, cells, stores and wards for inmates. Some of the newly constructed structures were found in Lira Main Prison and Dokolo Government Prison. The UHRC noted that in most of the prisons, inmates were used to construct cells and staff houses. This not only helped them address overcrowding issues, but also gave inmates building skills they could use after serving their sentences.



New wards at Lira Prison. © Lira Regional Office

Police facilities with newly constructed structures included Kole Police Station, Apac Police Station, Kaabong Police Station, Karenga Police Station, Kotido Police Station, Kanu Police Station, Morulem Community Police Post, Abim Central Police Station, Lokori Sub Police Station, Moroto Police Station, and Paidha Police Station, among others.

The UHRC, however, noted with concern that most Police accommodation is still old, dilapidated and in a sorry state, which requires demolition, renovation and new construction. However, it was noted that the Uganda Police Force has continued distributing and setting up uniports across the regions to address the gaps in accommodation and office capacity. The UHRC observed that the cells at Okoboi Police Station, Okungur Police Station, Obalanga Police Station, Acowa Police Station, Akore Police Post and Oditel Police Post were made of weak materials with poor quality windows without any proper form of ventilation. As a result, the risk of escape of inmates was high. At Acowa and Obalanga Police Stations, the officers reported that suspects with mental disabilities had destroyed the cells. The cell at Acowa Police Station also had a leaking roof, a weak door and an anthill growing inside. At Oditel Police Post, the male cells were reported to have a leaking roof.

#### 9.3.6 Access to Adequate Food

Prisoners should be provided with sufficient, nutritious, and culturally appropriate food to maintain their health and dignity. Rule 22 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) provides that prisoners must be provided with food that is 'adequate in quality, quantity, and nutritional value to maintain health and strength'. The food should be culturally-appropriate, and where possible, it should meet prisoners' religious or dietary needs.<sup>222</sup> Prisoners should be given enough time to have their meals and be served in an environment that promotes health and well-being.<sup>223</sup> The UHRC thus assessed the quantity and quality of the food. The food must meet the nutritional needs of the prisoners and provide adequate calories for health and well-being. It should also be hygienic and free from contaminants. Prisoners should be provided with regular meals, typically at least three times a day, with sufficient intervals between meals. If a prisoner has specific medical or health conditions, such as diabetes or allergies, they must be provided with appropriate meals.

The UHRC noted that progress was registered in the inmates' access to food, in terms of frequency, quality and quantity. In most of the detention facilities, inmates had at least two meals a day,

<sup>222</sup> Rule 23 United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

<sup>223</sup> Rule 24 Ibid.

consisting of porridge for breakfast and lunch/supper comprising food such as cassava, posho or sweet potatoes and beans. At most prison farms, the meals for inmates were supplemented by green vegetables, potatoes, and cassava, depending on what the inmates themselves grew. 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.<sup>224</sup>

In assessing whether there was adequate access to food in detention facilities, the UHRC took note of several elements when inspecting the detention facilities, including the quality and quantity of the food provided. In addition to this, UHRC focused on the food given to particular vulnerable groups, such as people living with HIV and lactating mothers. While some prisons inspected provided their detainees with three meals a day, containing breakfast-porridge, lunch and supper, the majority served porridge for breakfast, then lunch was served at once, followed by supper.

In regard to the quantity of food, the UHRC found that when it came to prisons, most of the detainees interviewed found the helpings of food adequate. As for the diet, the UHRC noted that a number of prisons endeavoured to provide additional nutrients to the staple diet of posho and beans, especially for detainees with specific health conditions such as people living with HIV, pregnant women and lactating mothers. In some facilities, there were gardens of vegetables which the detainees used to add to their diet. In other facilities, the detainees hired out for labour got an opportunity to change their diet, where they are given fish or meat. Self-cooking was also permissible in various prisons, which the inmates welcomed.

Despite efforts made by the prisons, the same was not the case for the Police. As previously reported in the UHRC's Annual Report, most suspects in Police custody continued to have only one meal a day or none at all. Many Police Posts relied on food brought by the relatives of the suspect or money given by the complainants to buy food for the suspects and in some cases where relatives did not



UHRC official and the RPC SSP Awany tasting prisoners' food at Kijjumba Ngogwe Government Prison in Buikwe District.



UHRC official tasting prisoners' food at Government Prison Farm in Mubende District.

bring food, the officers had to share their food with the suspects or use their personal money to feed suspects. Imprest for food was given to only a few Police facilities like Kyazanga Police Station, Masaka Police Station, Nyendo Police Station, Lukaya Police Station and Kalungu Police Station.

### 9.3.7 Access to Health Services and HIV Treatment

Access to medical services has improved in most prisons. The UHRC noted that prisons that lacked internal health facilities were reportedly accessing health services from the nearby Government health centres. However, though there is now a patient referral system and medical care provision in prisons is better than the national average, there still remains the problem of inadequate drugs. It was also noted that some prisons have emergency health kits which help in emergency medical response to staff and inmates. The emergency health kits are only used to resolve small, uncomplicated emergencies, and complex cases of inmates are referred to nearby Government health facilities for treatment. Some detention facilities have health care personnel attached to them. The UHRC also found that in some facilities, the nearest Government health facilities are a distance away from the prisons, making it hard for the inmates to easily access treatment.

#### 9.3.8 Inmates' Clothing and Beddings

According to Rule 15 of the Nelson Mandela Rules, all prisoners should be provided with adequate bedding and clothing, including seasonal clothing. Prisoners must be provided with clean clothing appropriate to the climate and the season.<sup>225</sup> The clothing should be of a sufficient standard to maintain prisoners' dignity. Prisoners should not be required to wear degrading or stigmatising uniforms, and their clothing should respect their cultural and religious needs.<sup>226</sup> Prisoners are also entitled to a bed with proper bedding (including a mattress, blankets, and pillows) that ensures their physical well-being. The bedding should be clean, comfortable, and suitable for the climate, and prisoners should be provided with adequate privacy and hygiene.<sup>227</sup>

The UHRC noted that prison facilities had made an improvement in clothing and bedding for inmates. The inspections revealed that most inmates had uniforms at the time and that the majority had been supplied with uniforms, even though they were still inadequate. At Kaladima Prison and Nwoya Prison, inmates were found with old and tattered

uniforms. The prison's authorities reported that it was not possible to provide all the inmates with two pairs of uniforms due to funding.

All the remand homes inspected had sufficient bedding and had greatly improved compared to previous years. The juveniles were provided with beds containing mattresses, blankets, and mosquito nets. Mbale Remand Home particularly stood out because it had double-decker beds, mattresses, mosquito nets, and blankets supported by Jenga Development Community Outreach (a faith-based organisation).

With regard to bedding, every prisoner was provided with one or two blankets for sleeping. It was also noted that some prisons, such as Kaladima, allowed the use of mosquito nets, while others disallowed it completely for safety reasons. However, the UHRC found that in most Police facilities, inmates were sleeping on bare floors or on torn blankets. Such facilities included Bukinda Police Station, Karangura Police Station, Waibuga Police Station, Busiro Police Post, Kiyunga Police Post and Kiculeeta Police Post. At Kitumba Police Station, the inmates found in detention informed the Commission that the uniport cells got so cold at night, yet they had no bedding.



UHRC official inspects the new beds at the boys' dormitory at Mbale Remand Home.

<sup>225</sup> Rule 19 - Bangkok Rules (UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders).

<sup>226</sup> Mandela Rules.

<sup>227</sup> Ibid.

#### 9.3.9 Sanitation and Personal Hygiene

In most prisons, especially those newly constructed and renovated, inmates enjoyed good standards of basic hygiene. Where running water and flush toilets had been installed, the personal hygiene of inmates had greatly improved. The Mandela Rules under Rule 12 provide that 'Prisoners shall have access to adequate sanitation and toilet facilities, which are essential for their health, dignity, and hygiene'. The facilities provided for prisoners must also be clean, hygienic, and allow prisoners to maintain basic personal hygiene.<sup>228</sup> Prisoners should also be provided with personal hygiene items, such as soap, toilet paper, and sanitary products, without any charge.<sup>229</sup>

#### (a) Bucket Waste Disposal System

The bucket system is when inmates ease themselves in the bucket in their cells due to a lack of indoor toilet facilities. The UHRC found that inmates in facilities without flush toilets still used pit latrines during daytime and the 'bucket' at night, which they would empty during daytime. The practice of human beings sharing a room with their waste is not only dehumanising but also unhygienic; for example, many inmates would not be able to survive an outbreak of an epidemic like cholera due to such unhygienic living situations.

The UHRC noted that the bucket system had been eliminated in all the prison facilities inspected. However, while prisons had made efforts, the bucket system was still widely used by Police facilities, some of which include Aboke Police Station, Zombo Police Station, Warr Police Station, Mbale Police Station, Katine Central Police Station, Kamuda Police Station, Tubur Police Station, Kaproron Police Station, Obalanga Police Station, Okungur Police Station, Alito Police Station, Sipi Police Station, Kaptoyoy Police Post, Kaserem Police Post, Half London Police Post, Okoboi Police Post, Oditel Police Post, Acowa Police Station, Hoima Kaiso Police Post, Bulindi Police Post, Bukyango Police Post, Kachesombe Police Post, and Runga Police Post, Kango Police Post, Nyapea Police Post, Akore Police Post and Atyak Police Post. Because of the continued use of the buckets for urine, most cells were found to have a very bad smell. At Alito Police Station and Obalanga Police Station, the

UHRC was informed that the Police lacked buckets for suspects to use at night, hence the inmates were forced to contain their waste throughout the night till morning, which is very unhealthy.



Bucket containing urine found at Aboke Police Station male cell.



At the male cell at Mbale CPS, the bucket is placed at the door for the inmates to urinate through a bottle, to avoid having a smelly cell.

<sup>228</sup> Rule 13 – Mandela Rules.

<sup>229</sup> Rule 19 – Mandela Rules.

#### (b) Access to sanitary towels

Human rights standards for sanitary towels for female prisoners are based on the principles of dignity, health, and equality, ensuring that incarcerated women have access to necessary hygiene products. The Bangkok Rules (UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders) under Rule 19 provide that 'Prisoners shall be provided with sufficient clothing, which must be appropriate to the climate, and they shall be provided with means to maintain personal hygiene'. Rule 22 of the Bangkok Rules also provides that 'Prisoners shall be provided with feminine hygiene products, such as sanitary pads or tampons'. 230 In addition, Rule 11 of the Nelson Mandela Rules specifically emphasises that prisoners should have access to hygiene products, including sanitary items The rule mandates that sanitary products should be available to female prisoners, respecting their dignity and ensuring they do not face discrimination or degradation. Rule 15 mandates that all prisoners must be provided with the means to maintain personal hygiene, including during menstruation.<sup>231</sup>

UHRC found that most of the prisons with female inmates provided sanitary towels. Some of these included Kibaale, Rukungiri, Ndorwa, Dokolo, Kwania, Kole, Moroto, Amita, Kotido, Nakapiripirit, Kaabong, Kapchorwa, Kiyunga, Buwama, Kauga, Magyo, Kaweri, Mpigi, Naguru, Sentema and Kiboga Women's prisons. Kampingirisa National Rehabilitation Centre and all remand homes also offered sanitary towels to juveniles. The UHRC noted that Kaabong Women's Prison also provided knickers to female inmates. The Commission was informed that female inmates often had a challenge accessing knickers in prisons. On the whole, all prisons visited provided female inmates with sanitary towels. However, the UHRC found that no sanitary towels were offered to female inmates in all Police facilities visited.

#### 9.3.10 Access to Clean and Safe Water

Prisoners are required to have access to a sufficient quantity of water for drinking, washing, and other hygiene needs.<sup>232</sup> In 2024, the UHRC observed that the majority of inmates could access clean

and safe water through various sources such as rain-harvested water, water taps, boreholes, wells, swamps, springs and dams, which sometimes have unclean water which isn't safe for drinking. In most of the facilities visited, the inmates boiled water stored in small jerrycans and kept in their cells. Other facilities without available water sources have to buy water from water hawkers.

Prisons without access to clean water included Kijumba Prison Farm, Kapchorwa Prison, Kaweeri Prison, Bugungu Prison Farm, Muduuma Prison, Nyenga Prison and Muinaina Prison Farm. Police facilities that lacked access to clean water included Abaita Ababiri Police Station, Bukomero Police Station, Kitoro Police Station, Kyenda Police Station, Mbala Police Station, Nabingola Police Station, Ngogwe Police Station, Nyenga Police Station, Bugongi Police Post, Kambuga Police Station, Nyakishenyi Police Station, Rugyeyo Police Post and Nyakabungo Police Station, Bubaale Police Post, Butoologo Police Post, Dwaniro Police Post, Ggolo Police Post, Goma Police Post, Kachanga Police Post, Kibalinga Police Station, Kirongo Police Post, Kyamkweya Police Post, Lukoma Police Post, Manyogaseka Police Post, Muwanga Police Post, Ngogwe Prison and Njeru Police Station, among others.

#### 9.3.11 Right to Work

Regulations 107(1)-(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 UHRC found that inmates' labour was used on prison farms and workshops or hired on private farms to generate income. Prisoners' most common forms of work included carpentry and joinery, building construction, handicrafts, brickmaking, livestock farming, crop farming, and gardening. At all the prison facilities inspected, inmates work from Monday to Friday for 6-8 hours each day, and on Saturday, inmates do light work around the prison premises.

The Prisons Services Act, 2006, recognises prisoners' rights to meaningful remunerated employment.

<sup>230</sup> The Bangkok Rules (UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders).

<sup>231</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

<sup>232</sup> Rule 11 - Nelson Mandela Rules.

Work, for prisoners serving sentences, is helpful in that it enables them to acquire meaningful and useful skills, which would benefit the inmates in earning an honest livelihood after release. In fact, work for prisoners helps to maintain or improve the vocational qualifications of the inmates as well as offering them meaningful occupations.

The UHRC noted that all the prisoners who worked were paid a daily rate ranging between UGX 100 for unskilled labour, UGX 250 for semi-skilled labour and UGX 500 for skilled work in most regions. However, prison farms such as Kyakasengura Prison and Buseruka Prison were reported to overwork the inmates. At Adjumani Prison, some inmates complained of being subjected to work while sick. This was attributed to the fact that sometimes, the inmates are considered to be faking illness and that sometimes, the medical staff refuse to listen to complaints of sickness raised in the morning. The UPS, however, reported that they have since made proposals for the increment of prisoners' earnings to more appropriate rates as follows.

Table 36: Rate of Prisoners' Earnings

PRISONER CATEGORY	ORIGINAL RATES PER DAY (UGX)	REVISED RATES PER DAY (UGX)
Skilled	500	1,398
Semi-skilled	250	699
Unskilled	100	280
Gratuity	3,000	8,386

#### 9.3.12 Disciplinary Measures

The UHRC observed that the disciplinary and orderly measures used in most detention facilities included appearance before disciplinary committees, collecting water, cleaning cells and toilet facilities, doing garden work, loss of remission, caning, demotion in cases of katikiros (prefects), institution of new charges, caution, cleaning the compound, counselling and warnings to the offender. 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, the secure operation of the prison and a well-ordered community life.<sup>233</sup>

Prison disciplinary measures are provided for under the Prison Regulations 2012. However, it was noted that despite the fact that caning inmates is not sanctioned by any administrative or governing body of prisons, it was still erroneously meted on inmates by either prefects or errant officers.

The United Nations Standard Minimum Rules for the Treatment of Prisoners provide a comprehensive framework for the treatment of prisoners. They set out standards for the use of disciplinary measures, emphasising that any disciplinary action must be:

- Proportionate to the infraction.
- Non-discriminatory, ensuring that prisoners are not subjected to punishment based on their race, ethnicity, religion, gender, or any other status.
- Non-violent, where physical violence, including corporal punishment, is strictly prohibited.
- Fair, meaning prisoners should have access to a disciplinary process with safeguards such as the right to be informed of charges, to be heard, and to appeal decisions.
- Inclusive of non-punitive measures (e.g., counselling or behavioural programmes), instead of physical or harsh disciplinary actions only.

#### 9.3.13 Access to Information

The UHRC found that detainees were able to access information through sources such as televisions, newspapers, books, and radios. Access to information provides inmates with information and knowledge about current affairs, laws, legal practices, politics, religion, developmental issues, health issues, and general knowledge about their cases, <sup>234</sup> which could be beneficial to the inmates.

During its inspections, the UHRC found that a number of prisons facilities allowed detainees to have radios and newspapers and other sources of information. Prisons also provided inmates with TVs. On the other hand, inmates in Police facilities were not allowed to access any information from any medium.

<sup>233</sup> Rule 8, Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners.

Nelson Mandela Rules, UN Standard Minimum Rules on Treatment of Prisoners.

#### 9.3.14 Human Rights Committees

Majority of the prisons inspected in 2024 had established human rights committees for both staff and inmates. These committees, especially for inmates, have helped in educating inmates about their rights and bringing to the attention complaints such as the quality and quantity of food, issues of overstay on remand and general welfare of the inmates to the officers in charge.

The human rights committees are also one of the complaints and grievance procedures put in place by the UPS in order to strengthen transparency and accountability mechanisms by ensuring that human rights concerns are brought to the attention of the authorities and are promptly addressed. The fact that human rights committees have been instituted in the majority of prisons is an indication of their effectiveness. However, the UHRC noted that several committees, although set up, were not functional.

#### 9.3.15 Staff Conditions

Conditions of service of staff were also marred with challenges such as inadequate staffing levels, inadequate accommodation and delayed payments.

#### (a) Staffing levels

Rule 72 of the Mandela Rules provides for adequate staffing in prisons. It emphasises that prison staff should be sufficient in number to allow for the maintenance of security, safety, and order, as well as to protect the rights of prisoners. While a specific number may vary by country and institution, most standards agree that a ratio of at least one staff member for every 10-15 prisoners is a starting point. However, this ratio can fluctuate depending on the level of security, prisoner needs (e.g., medical, psychological care), and the specific responsibilities of the staff (e.g., security, rehabilitation, support).

The level of staffing in Police detention facilities was still inadequate, which continued to affect their work. All prisons, remand homes and Police stations had less than required staff capacity. In Prisons, the staff-to-prisoner ratio remained at 1:7. However, the number of prisoners per custodial staff ranged between five (5) and ten (10). For the

Uganda Police Force, the Police-to-population ratio was 1:893, against the internationally recognised ratio of 1:500. The Police had 146 administrative districts and 184 districts/divisions with a territorial Police strength of 30,967 officers. Police raised concern that this ratio was likely to worsen in view of the fact that the current attrition is at an average of 1,000 per year. This attrition was attributed to the number of deaths, retirement, dismissals, desertion and discharge of Police officers, yet they still had irregular recruitments.

Table 37: Prison Staff Strength as of 31st December 2024

STAFF CATECORY	GENDER	TOTAL		
STAFF CATEGORY	MALES	FEMALES	TOTAL	
Uniformed	9,467	3,995	13,462	
Senior officers	507	115	622	
Principal officers	673	171	844	
Non-commissioned officers (NCOs)	8,287	3,709	11,996	
Non-uniformed	257	231	488	
Senior officers	105	79	184	
Junior officers	152	152	304	
GRAND TOTAL	9,724	4,226	13,950	
Percentage	69.7%	30.3%	100.0%	

All staff in prisons and Police indicated that they received their salaries on time, and indicated that their salaries had been enhanced. The officers were, however, still concerned about the salary disparities between the science and arts Prison officers.

#### (b) Staff accommodation

Staff accommodation in prisons and Police facilities remained a challenge in 2024, with many Police staffers either living in dilapidated housing or renting from neighbouring communities. Prisons had made efforts to provide accommodation for their staff. However, Police Officers continued to live in a sorry state. Staff accommodation in most of the regions was found to be old and dilapidated. A number of staff houses inspected were grass-thatched, but even these were also dilapidated and lacked basic sanitation facilities, especially within the Police.

#### (c) Transport

In all the facilities visited, Prison and Police officers indicated a challenge of a lack of transportation

for suspects. Prison officers stated that they had to walk long distances when taking inmates to court, hospitals, water sources, or workplaces due to the absence of vehicles. Concerns were raised that the long walks with inmates put the security of officers at risk of being attacked, and also created temptation for prisoners to escape. The UHRC learnt that prisons such as Kiryandongo, Kigumba and Kanungu Government Prisons did not have any means of transport.

#### (d) Office stationery and equipment

A number of facilities visited complained about the lack of office stationery such as books, printers, tables, communication gadgets, as well as fuel for office operations. The UHRC noted that, other than uniforms and guns, most Police stations lacked the basic office equipment to facilitate their law enforcement activities. The majority of the Police facilities inspected informed the UHRC that due to a lack of stationery, they often request complainants to provide books or photocopies of Police forms They also indicated that most of the Police officers use personal mobile phones for official communication.

#### 9.3.16 Rehabilitation of Inmates

The UHRC notes that all prisons provide rehabilitation programmes for inmates, including counselling, guidance, psychosocial support programmes, as well as teaching programmes in which inmates study from primary to university if they so wish. Vocational training was also available, through which inmates were taught various skills such as carpentry, building, gardening and tailoring. The work produced by the inmates is sold to the public, and the inmates receive a portion of the proceeds. The UHRC noted that after serving sentences, pre-settlement Prison officers visit the inmates' places of origin to persuade the families of the inmates to accept them in their communities upon release. This is extremely helpful in facilitating the resettlement and acceptance of former convicts. The UHRC was, however, informed that for any convict to engage in production activities, they must have completed the vocational training phase. The UPS reported that inmates work up to six hours per working day for both production and rehabilitation.

Meaningful activities, such as education, work and other programmes, are at the heart of creating a positive prison environment, channelling prisoners' energy into constructive occupations and assisting with their preparation for release and subsequent re-entry into society. Such activities are also important from a security perspective, as prisoners who are engaged in meaningful activities are less likely to initiate disturbances than those who are bored and frustrated. However, when the inmates' numbers increase it affects them since, in most cases, the prison authorities keep them in dormitories and do not allow them to engage in activities outside their wards.

Human rights standards on inmate rehabilitation in prisons emphasise the importance of both rehabilitative and humane treatment for incarcerated individuals. The goal is to ensure that prisoners can reintegrate into society as productive and law-abiding citizens, while also respecting their inherent dignity. Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners emphasises the importance of rehabilitation. It states that 'All prisoners shall have the opportunity to participate in educational, vocational, and recreational activities, which should be designed to facilitate their reintegration into society'. Rule 103 further underlines the need for inmates to have access to programmes that promote personal development and reduce recidivism.

#### 9.3.17 Human Rights Committees

The human rights committees helped, especially the inmates, in educating them about their rights and bringing to the attention of the officers in charge complaints on the quality and quantity of food, overstay on remand and general welfare. The human rights committees were also one mechanism put in place by UPS to handle complaints and grievances, in order to strengthen transparency and accountability. They ensured that human rights concerns were brought to the attention of the authorities and promptly addressed. Due to their effectiveness, the committees were found to have been instituted in the majority of prisons.

#### 9.3.18 Challenges of Facilities in Hard-to-Reach Areas

The UHRC noted that Police officers in hard-to-reach areas such as Buvuma and Kalangala islands faced unique challenges. The Police officers at Kitobo and Kachanga Police Stations which are situated on Kalangala Island informed the UHRC that they lacked accommodation and were never given any hard-to-reach/ difficulty allowance.

The Police officers on all the stations on the island also informed the UHRC that they had no life jackets for the suspects or themselves, yet they have to cross by boat to the mainland while taking suspects to court, which often puts their and the suspects' lives at risk. They were also concerned that the Court doesn't have special consideration for suspects on the island during hearings, and continues to regularly adjourn cases, which makes traveling expensive and tiresome since they have to travel long distances on land and water.

#### 9.4 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 to build better structures and facilities suitable for human habitation, including eliminating overcrowding. The Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs

- should review the civil procedure rules to include a provision prohibiting the detention of civil debtors.
- The Ministry of Internal Affairs and the 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 appropriately catered for.
- 3. Uganda Prisons Service and Uganda Police Force should completely phase out the bucket waste disposal system.
- The Uganda Police Force should adequately facilitate all its Police stations and Police posts with the necessary stationery, equipment and transportation to enable officers do their policing work.

#### 9.5 CONCLUSION

Though the UHRC notes positive interventions in conditions in places of detention, several human rights concerns, including detention of civil debtors, long and arbitrary detention and overcrowding, which are underlying causes of the high prison population, still need to be addressed. Special focus should be placed on addressing prison congestion and supporting Police detention facilities to ensure the effective promotion and protection of detainees' rights in detention.

## Highlight of UHRC Interventions in Human Rights Education

#### 10.0 INTRODUCTION

The Uganda Human Rights Commission is an independent national human rights institution established by the Constitution of Uganda to protect and promote human rights and freedoms in the country. The promotional mandate of UHRC, under Article 52 (1) (c), (e), (f), and (g) of the Constitution, entails creating awareness about human rights, freedoms, duties and responsibilities. It also includes overseeing civic education and conducting research. These are all designed to foster the culture of respect for human rights and to prevent the occurrence of human rights violations.

During the period under review, UHRC implemented human rights and civic education interventions intended to engage and inform the citizenry. They included training workshops, human rights barazas (community meetings), and informative roadshows that reached various sections of the population. In addition, radio and television talk shows were conducted to provide platforms for discussions, while the production and airing of spot messages helped raise awareness among the public. Furthermore, the public benefitted from access to the UHRC libraries and documentation centres located at the Head Office and in the regions. These provided valuable resources for

fostering a deeper understanding of human rights. Ultimately, the human rights and civic education interventions empowered individuals, thus contributing to an informed society.

## 10.1 HUMAN RIGHTS BARAZAS (COMMUNITY MEETINGS)

Human rights barazas are community gatherings aimed at promoting awareness and discussion of human rights issues. They are open and inclusive spaces where individuals speak out about their concerns, learn about their rights, share experiences and discuss strategies to address human rights issues within their communities. Through the barazas in 2024, participants learned about their basic human rights and the legal frameworks that protect them, thus getting empowered to be proactive in claiming their rights and defending the rights of others.

In 2024, UHRC conducted **94** barazas in **5** cities and **40** districts across the country. Of these, **8** were conducted in the Nakivale and Oruchinga Refugee Settlements. A total of **16,481** participants **(8,319** male and **8,162** female) attended the barazas, as shown below

Table 38: Barazas Conducted and Districts Covered per UHRC Regional Offices

REGIONAL OFFICE	CITIES/DISTRICTS COVERED	NUMBER OF BARAZAS
Arua	Yumbe, Terego, Zombo and Koboko.	6
Central	Buikwe, Luwero, Mpigi, Mubende, Mityana and Buvuma.	13
Fort Portal	Kitagwenda, Kasese, Kyegegwa, Bundibugyo, Kamwenge and Kyenjojo.	10
Gulu	Gulu City, Amuru, Adjumani, Nwoya, Gulu, Omoro, Kitgum, Lamwo and Agago.	14
Hoima	Kibaale, Buliisa, Hoima City, Kikuube, Kiryandongo and Kyankwanzi.	16
Jinja	Jinja City, Buyende and Kibuku.	3
Kabale	Rubanda, Rukiga and Kanungu.	3
Lira	Kwania, Lira City, Alebtong, Otuke, Oyam and Kole.	8
Masaka	Lwengo, Kalangala and Bukomansimbi.	3
Mbarara	Isingiro and Ntungamo.	10
Moroto	Kotido Municipality, Abim, Karenga and Nakapiripirit.	5
Soroti	Serere and Soroti City.	3
TOTAL		94

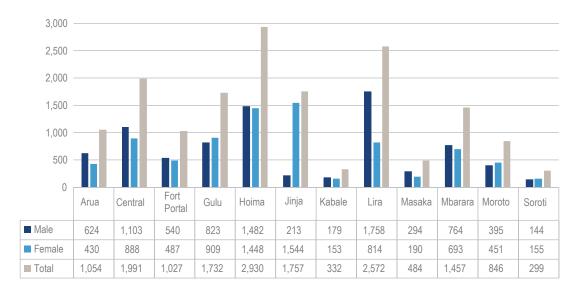


Figure 10: Baraza Attendance Disaggregated by Gender per Regional Office

The number of barazas conducted decreased significantly by **37.75%** from **151** in 2023 to **94** in 2024. The decline was attributed to the inadequate funding released to the UHRC, which constrained its capacity to organise a reasonable number of barazas. Fewer barazas meant that fewer people were reached, thus limiting public engagement and the opportunities for citizens to voice their concerns and participate in discussions on their rights, freedoms, duties, and responsibilities.

The UHRC, alongside key stakeholders from the Uganda Police Force, UPS, legal aid service providers, CSOs and LG officials, facilitated the discussions that covered various topics on human rights and fundamental freedoms. These were:

- The concept of human rights, duties and responsibilities of citizens in a democratic society.
- The UHRC mandate and functions.
- Domestic violence, including its implications and remedies for victims.
- Children's rights, emphasising parental roles in upholding them and examining violations like child labour, neglect, and school dropout.
- The dangers of GBV and early, child, and forced marriages and their human rights implications.
- The importance of proper record-keeping and the role of probation officers in assisting children in conflict with the law.

- The right to education.
- The rights of women.
- Land rights and property ownership.
- The relationship between business and human rights.
- The human rights implications of excessive alcohol consumption and the criminal implications of drug and alcohol abuse, and their relationship with common offences like assault, theft, and defilement.
- The role of the Police in crime prevention and their response to community complaints, procedures for reporting criminal matters, and understanding the referral pathways.
- The responsibility of the Police in upholding environmental rights.
- The right to personal liberty and the rights and responsibilities of suspects.
- Tackling mob action.
- The Parish Development Model (PDM) and the challenges faced by beneficiaries.
- The right to access justice and the administration of justice.
- Understanding specific laws, including the Prevention and Prohibition of Torture Act 2012, the Succession Act 2022, the Marriage Act, and the Human Rights Enforcement Act.
- Effectively reporting complaints through platforms like the UHRC App.

- The rights and responsibilities of refugees in Uganda and promoting peaceful co-existence.
- Introduction to the human rights-based approach (HRBA) to development.

Community members raised various emerging issues during the barazas, including the following:

- The increase in early, child and forced marriages due to a lack of food and money to pay fees and other basic needs. In the refugee camps, lack of food was attributed to food cuts by the World Food Programme.
- Denial of access to property faced by women, and particularly widows.
- Inadequate business knowledge and literacy, which has led to poor performance of the business ventures.
- Exploitation of women, especially in business, by various microfinance bodies, to the extent of confiscating their national identity cards that were used as collateral for loans.
- Rampant domestic violence, which was noted as a common cause of the numerous cases of murder, also negatively impacted women's economic growth.
- There was a lack of access to justice noted to have perpetuated SGBV in Nakapiripirit.
- The increase in male victims of domestic violence in Masaka, who were reported to be hesitant to seek help.
- Child neglect and mistreatment, particularly among children who did not live with their biological parents.
- Child involvement in child-to-child sexual activities, often resulting in teenage pregnancies.

 Accusations against LC leaders for reportedly engaging in fraudulent land deals.

## 10.2HIGHLIGHTS OF SOME POSITIVE EFFECTS OF THE BARAZAS

- The UHRC Soroti Regional Office received 8
  calls on the office toll-free line from complainants who stated that they had received the contact from the barazas they attended.
- Co-facilitating the barazas with stakeholders from the OPM, LGs and other humanitarian agencies cultivated a positive working relationship, which subsequently facilitated an efficient referral mechanism for the UHRC Arua Regional Office.
- The human rights barazas not only provided an opportunity for individuals and organisations to connect, collaborate, and support each other in their human rights efforts, but they also served as forums where community members shared feedback on Governmental and non-Governmental human rights programmes, thus informing and helping to shape future initiatives.
- Different stakeholders, including local leaders, security officers, as well as community members, increasingly recognised and appreciated the UHRC's role in the promotion of human rights, especially at the grassroots, in creating community harmony and peaceful co-existence in the localities.
- Some of the participants' concerns that could be immediately addressed were handled, as some of their testimonies indicate:

"As a result of the baraza conducted at Tongolo Ward, Nyenga Division in Buikwe District, there was a successful mediation between a one man identified as Bashir and his mother. Bashir had previously threatened to kill his mother due to land wrangles under the disguise that the mother bewitched his wife not to give birth to children. The Commission mediated their issue during the community baraza and as such Bashir apologized to the mother. Furthermore, the Police promised to intervene in the matter to ensure that the old woman is well protected and safe."

"I wish to state that my husband died in the year 2020 due to COVID-19 and left me with three children and properties including cows, goats and land. In 2021, the father in-law decided to chase me from the land saying "You have no right to inherit any of my son's properties" So I left with my children then went to my parents' home. In December, 2023, the LC II Chairperson Mr. Benard Waiswa invited me to attend the human rights training at the Sub County organized by UHRC for CDOs and LCs and I went. During this training I raised my issue and I was given advice on how I can be helped to go back, recover my husband's property then settle with my children. The UHRC Staff called my father in-law on phone and scheduled a mediation meeting between us at their office in Naguru and the issue was resolved. I went back to my home and we are staying peacefully. When I heard that UHRC team is coming to Nyenga, I came purposely to thank them for helping me and my children since we were homeless."- A participant, Nakirya Zeulesi of Nyenga Ward, Nyenga Division, Buikwe District

## 10.3 HUMAN RIGHTS EDUCATION THROUGH ROADSHOWS

The Commission conducted roadshows in 13 Districts covering 56 villages across the country, and effectively reaching 4,641 people (2,513 males and 2,128 females), as per the table below. The roadshows presented a dynamic and effective method for enhancing awareness and fostering human rights education.

Even though only 4,641 people in the trading centres gathered around the civic education vans and registered, many more were reached by the UHRC messages broadcast on loudspeakers, wherever they were, whether in their business premises, homes or in transit. During the roadshows, human rights-related music was played, drama skits acted out, and roleplays performed, in addition to interactive question-and-answer sessions on human rights. Information, education and communication (IEC) materials such as posters, t-shirts and excerpts of the Uganda Bill of Rights were also widely distributed.

Table 39: Trading Centres Covered During the Roadshows

REGIONAL OFFICE	NUMBER OF TRADING CENTRES	DISTRICT/CITY	TRADING CENTRES/VILLAGES COVERED	
Arua	5	Maracha and Arua City	Nyoro, Elifutrini, Awidiri, Lokiragodo and Bunia-Baba.	
Central	18	Buvuma, Kayunga and Mityana	Bubale-Kumayinja, Kasali, Namugombe, Tojwe, Namatooke, Katuba, Kikongo, Kyampisi, Kikandwa, Kamira, Kakindu Trading Centre, Mawanda Trading Centre, Kabuwambo Tamu Ward, Nawyeso Cell, Nabwiru Trading Centre, Busuubizi Trading Centre, Buwaali Village and Bukoma Trading Centre.	
Fort Portal	3	Kamwenge	Kanara, Kitakama and Buhumuriro.	
Hoima	3	Kyankwanzi	Katanabilwa, Kasent, and Misago Trading Centres.	
Jinja	8	Iganga	Buyubu, Bulowoza, Buwasa, Bulamagi, Bwanalira, Kinawanswa, Budebera and Ingulumubiri.	
Lira	2	Otuke	Anyalima Trading Centre and Ociro Village.	
Masaka	7	Kalungu	Bajja, Kalungi, Lusango, Nsaalu, Lukerere, Kalungu and Villa Maria Trading Centres.	
Mbarara	3	Mbarara	Kagongi, Nyanja and Kahooma Trading Centres.	
Moroto	2	Kotido Municipality	Lochoto Cell and Kapadakook West Cell.	
Soroti	5	Mbale City	Bugema A, Mukaga Cell, Nauyo Cell, Mutoto Lower, Nabisiso Cell and Market Cell.	

The engaging presentations significantly contributed to making human rights topics relatable and understandable for the community members. The participants in the roadshows were educated on the mandate of the UHRC, the constitutional rights, duties, and responsibilities of citizens, laws including the Human Rights Enforcement Act of

2019 and the Prevention and Prohibition of Torture Act of 2012 and promoting the rule of law and human dignity. In addition, UHRC representatives discussed the vice of domestic violence against women, children, and other vulnerable groups, as well as empowering the youth for development.

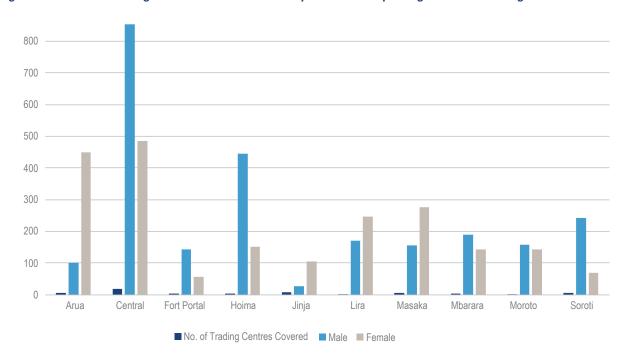


Figure 11: Number of Trading Centres Covered and Participants Reached per Regional Office Through Roadshows

#### **Emerging issues from the roadshow discussions**

- The persistent rise in child neglect by parents and early and forced marriages.
- The growing number of street children in various parts of the country.
- The demand for payment for Police bond by some Police officers.
- The increasing land disputes and land grabbing.
- The re-emergence of mob action, theft, and witchcraft.
- The high rates of drug use among the youths and the rise of 'untouchable' youth gangs/ groups such as the 'Owok wok' in the Teso Sub-Region, which coerce, intimidate, and threaten communities.

Corruption among some Government officials.

- The high rate of domestic violence.
- The rising disputes over managing deceased persons' estates.
- The increasing violation of suspects' rights by the Police.
- The persistence of poverty.

## 10.4 HUMAN RIGHTS TRAINING WORKSHOPS

In 2024, UHRC conducted **21** training workshops on pertinent human rights issues targeting various stakeholders and communities. A total of **2,054** people (**1,356** males and **698** females) participated in the workshops, compared to the **1,525** people reached in 2023, which was a **34.68**% increase.

The trainings enhanced participants' understanding of human rights principles, standards, and obligations, enabling them to align their actions, practices, and policies with human rights frameworks. This contributed to fostering a culture of respect and promotion of human rights within their organisations and communities. The workshops created a more informed, empowered, and proactive group of individuals and organisations, committed to upholding human rights.

#### 10.1.1 Strategic Meeting on the Human Rights Issues Affecting the Externalisation of Labour Industry

The UHRC held a strategic meeting on 11th June 2024 in the UHRC boardroom to discuss the issues affecting the externalisation of the labour industry and devise strategies to address them. The meeting discussed, as a follow-up, the several issues that had been raised in an earlier capacity-building workshop for recruitment companies. The issues were: the Ugandan Government lacking missions/ embassies in some of the recipient countries, especially in the Middle East; unfavourable agreements for the migrant workers negotiated between the recruitment companies in Uganda and the recruiting agencies/companies abroad; migrant workers signing contracts with recruitment companies in Uganda without any training/orientation on what is expected of them; their obligations in the contract or their recourse mechanism

in case of challenges; and migrant workers' rights being violated on account of their status, among others.

A total of **12** participants (**8** males and **4** females) attended the meeting from various key institutions, namely the Ministry of Foreign Affairs (MoFA), the MoGLSD, the Ministry of Finance, Planning, and Economic Development (MoFPED), and the Uganda Association of External Recruitment Agencies (UAERA).

The meeting resolutions were that:

- (e) The UHRC, together with the MoFA, MoGLSD, and MoFPED should engage the Prime Minister of the Republic of Uganda with a view to advocating for adequate funding of the MDAs in charge of recruitment companies and the externalisation of labour industry.
- (f) The MoFPED and the Parliament of Uganda should consider reversing the directive requiring the concerned MDAs to remit all the non-tax revenue (NTR) generated from the industry to the Consolidated Fund. Instead, the meeting appealed to the Government to authorise the MDAs to retain 20% of the NTR collected through the fees generated from externalisation of labour activities so that they can ably support migrant workers, particularly those in distress, manage and boost the industry's growth.



The UHRC Director of Research, Education and Documentation (3<sup>rd</sup> right) with some of the participants who attended the strategic meeting on the human rights issues affecting the externalisation of the labour industry.

- (g) The MoGLSD should review and streamline the regulations and procedures guiding the externalisation of the labour industry to expressly provide for the duties, responsibilities, and obligations of both recruitment companies and migrant workers.
- (h) The MoFA and MoGLSD urged to promote and encourage partnerships and collaborations between Ugandan recruitment agencies and registered international companies to help create more formal, gainful and worthwhile opportunities in the industry.

#### 10.1.2 Training of Trainers for Human Rights Educators on the Application of the Human Rights-Based Approach in the Implementation of the Parish Development Model

The Commission organised a two-day training of trainers for its human rights educators on the application of HRBA in the PDM. A total of **42** participants (**15** male and **27** female) attended the training held on 19<sup>th</sup> and 20<sup>th</sup> February 2024 at Sapphire Hotel, Lubowa in Wakiso District. The trainees were equipped with knowledge, skills

and resources necessary to, in turn, train Parish Development Committees to apply HRBA in implementation of the PDM in the parishes. It also empowered them to meaningfully engage with their communities from an informed position on the pertinent issues surrounding the implementation of the PDM. The training covered topics such as the overview of the right to development; introduction to the PDM; the implementation status of the PDM; and applying and linking the HRBA to the PDM. Some of the emerging issues included:

- The need for continuous awareness creation on the application of HRBA in the implementation of the PDM.
- The need for more training for the Parish Development Committee members and technical teams on the application of the HRBA in the implementation of PDM to enhance the observance of human rights in the processes.
- The need for the UHRC to be part of the PDM Secretariat Taskforce to ensure integration of and compliance with human rights standards and obligations in implementation, monitoring and reporting on PDM.



The UHRC Chairperson, Hon. Mariam Wangadya (seated in the middle) joins the participants for a group photo at the opening of a training of trainers on application of the HRBA in the PDM, on 19<sup>th</sup> February, 2024 at Sapphire Hotel in Lubowa, Wakiso District.

## 10.1.3 Training of Regional Stakeholders on Better Migration Management and Human Rights

The Commission conducted 3 training workshops for regional stakeholders on better migration management and human rights in Lira, Mbarara and Soroti Districts. The workshops were attended by 80 people (53 male and 27 female) drawn from the Uganda Police Force, UPS, Uganda Peoples' Defence Forces, Internal Security Organisation, the Directorate of Citizenship and Immigration, the Judiciary (Chief Magistrates), the Directorate of Public Prosecution, NIRA and CSOs. Other stakeholders were from Lango-Inter Religious Forum, Resident City and District Commissioners, District political and technical officials, including the City Clerk, Mayor, LCV Chairperson, District Community Development Officer (DCDO), religious leaders and legal aid providers.

The training enabled the stakeholders to appreciate the concept of migration and subsequently develop strategies for collaboration and synergies. They committed to work together to address migration concerns, particularly child trafficking and street-connected children, and to map out appropriate referrals and activities aimed at safeguarding and promoting the rights of migrants. Emerging issues of concern from the discussion were as follows:

- The increasing number of immigrants in the country, despite the lack of resources to meet their basic needs, such as food, shelter, clothes, and education.
- The clash between migrants' traditions and the host country's cultures and laws which renders the Police efforts at cultural pluralism and inclusion problematic.
- The denial by NIRA of the right of the children of foreigners/refugees born in Uganda to register for citizenship, owing to the lack of supporting laws.
- The increasing number of street-connected children and incidents of child trafficking, particularly in the Teso and Karamoja Sub-regions, reportedly linked to the deplorable living conditions and poverty, spousal abuse

- and parental neglect. It was noted that the trafficked children mostly turned into street beggars, housemaids/shamba boys, or herders.
- The emergence of criminal gangs known as 'Owok-wok' in the Teso Sub-region, who rob people and subject them to inhuman treatment, causing heightened security concerns in the area.
- The deception of some religious leaders who lure their members into relocating, without making any arrangements for them. Cited was the incident of 2023 when a group of Christian followers of Christ Discipleship Church travelled to Ethiopia "to avoid the doomsday."
- The mistreatment of Ugandan migrant domestic workers in the Middle East that has resulted in human rights concerns, including death, maiming, lifelong disability, trauma, and psychological torture, among others.



Some of the stakeholders who participated in the training on better migration management and human rights in Lira City.



Some of the stakeholders who participated in the training in Soroti City.



UHRC staff (in civilian wear) pose with UPDF participants during a training workshop at 45 BN Longoromit in Kaabong District.

## 10.1.4 Training of the UPDF on the Human Rights Enforcement Act, 2019 and the Prevention and Prohibition of Torture Act, 2012

In the period under review, the UHRC trained 252 (244 male and 8 female) UPDF personnel from Karenga, Kaabong, Nakapiripirit and Nabilatuk Districts on the Human Rights Enforcement Act, 2019 and the Prevention and Prohibition of Torture Act, 2012. Participants were also taken through the concept of human rights and the mandate and functions of the UHRC. A critical observation was the low number of women in attendance, which the UPDF officer attributed to factors including the nature of work and working environment since the UPDF were involved in the disarmament exercise that was considered riskier for women; the prevailing low ratio of women serving in the army which starts at the recruitment stage; and the nature of military training which is more demanding and taxing on women. Emerging issues from the training that were reportedly constraining the UPDF from upholding human rights in their work in Karamoja Sub-region included the death of UPDF personnel in custody; poor relations between the communities and the UPDF; lack of awareness of human rights, which caused some UPDF personnel to fail to fulfil their duties to protect and promote

human rights; and the ever-present struggle of UPDF personnel to strike a balance between observing human rights and following orders, even unlawful ones, from superiors and commanders.

#### 10.1.5 Legal Training of Prisoners

The UHRC held a legal training workshop for prisoners at Nakapiripirit, Namalu and Kaabong Prisons. A total of **306** prisoners (**288** males and **18** females) were empowered and gained a better understanding of the law, their rights, and the legal processes. The training equipped them to advocate for their rights more effectively, navigate the legal system, and make more informed decisions about their cases, appeals, or post-conviction remedies. All this would ultimately lead to a reduction in the rate of recidivism.

Some of the concerns raised by prisoners were prison congestion; delayed court sessions and lack of legal representation; bribery in courts; lack of knowledge of the cause list on appeal for those transferred from other prisons; lack of water, particularly in Kaabong Prison; loss of contact with relatives and lack of knowledge of places of detention by those arrested and prosecuted by UPDF.



Training of inmates at Uganda Government Prison, Namalu in Nakapiripirit District by a joint team from UHRC and UPS.

## 10.1.6 Sensitisation Meetings for Ethnic Minorities and Marginalised Groups

Members of the Batwa, Bagabu, and Ik ethnic communities from the Districts of Kasese, Bundibugyo, and Kaabong, respectively, attended **3** human rights sensitisation meetings organised by the UHRC. They discussed the UHRC mandate and functions; the rights of vulnerable individuals with emphasis on the rights of ethnic minorities; and the Human Rights Enforcement Act of 2019.

In total, 390 people (220 male and 170 female) who belong to the marginalised ethnic minorities were sensitised. The meetings empowered them with knowledge and understanding of their rights and how to seek redress in the event of human rights violations, irrespective of their status. Issues of concern raised during the sensitisation meetings included: The lack of cultural institutions and benefits which threatens the community's cultural rights that are essential for preserving their identity, heritage, and traditions; rising alcohol abuse among the communities; lack of recognition of the Bagabu community in Kasese by the Constitution of Uganda 1995. Consequently, they faced discrimination and denial of the rights and protections guaranteed to the other recognised tribes. This hampered their access to resources, political representation and social services, worsening their vulnerability and perpetuating inequality. More still, was the lack of a Police Post in Timu Sub County, serving the Ik community; Insecurity from cattle rustlers from the Turkana, crossing in from neighbouring Kenya; prevalence of early marriages which was identified as a deep-rooted cultural practice for the Ik which they themselves declined to discuss and threats from the people of Kalapata Sub County, who belong to the Dodoth (a majority group) neighbouring the Ik since there was no clear demarcation of the land boundaries between the two communities. This, they claimed, had escalated land grabbing by the Dodoth.

#### 10.1.7 Training of Parish Development Committee members and Technical Teams on the Application of the Human Rights-Based Approach in the Implementation of PDM

Cognisant of the vital roles performed by the Parish Development Committee members and technical teams in implementing the PDM effectively, the UHRC organised 4 training workshops focusing on the application of the HRBA. The workshops, held in the Districts of Luweero, Mpigi, Nabilatuk, and Karenga, were attended by 174 participants (109 males and 65 females).

The participants, who were trained on human rights and the HRBA principles and their practical application in the community development framework, were empowered with the knowledge and skills necessary for integrating human rights

in implementing the PDM. Ultimately, this would foster inclusiveness and promote sustainable development in their respective areas. The training equipped participants with a better understanding of their roles as PDC members, as most of them testified. The fact that most of them had never received any training before, had made their work very challenging because they lacked information. One chairman of a PDC said:

"The training has helped me understand my role/responsibility as a PDC chairman. Before the training, I was confusing my role with that of the SACCO members."
- Mr. Herbert Higenyi, Chairman PDC, Bajjo Parish, Nyimbwa Sub-County, Luweero District.



Participants at the capacity-building training on applying HRBA in implementing the Parish Development Model in Hoima District.



UHRC staff with selected Parish Development Committee Members and technical staff of Luweero District during the training of PDC members on applying HRBA in implementation of PDM.

The emerging issues raised during the trainings included the following:

- The limited understanding of their roles and the sloppiness of some of the PDM SACCO leaders affected smooth implementation.
- Failure by some community members to access PDM funds due to non-recognition of their thumbprints on their national IDs by the registration system.
- The lack of awareness of the balance from the first disbursement of less than 100 million, particularly in Nabilatuk and Karenga Districts.
- Some beneficiaries from Kidepo Town Council who had originally registered got relocated due to animal corridor issues before accessing the PDM funding. However, due to the requirement in the Government PDM guidelines, they needed to have been resident in an area for at least 6 months to qualify for the PDM funds, so they were yet to receive the PDM funds.
- Some Government employees benefitted from PDM, yet the vulnerable did not.
- The timing for the releases of PDM funds did not correspond with some project activities like the farming seasons.
- Embezzlement of funds by chiefs under the guise of buying internet data to facilitate the entry of details into the systems.
- The unstable PDM information system, especially during the time of upgrading.
- Some parish chiefs conducted registration in a way that compromised the selection and identification of the appropriate beneficiaries.
- The Wendi payment system used in the implementation of PDM was a challenge to beneficiaries in Karenga District. The process was criticised for generating payment codes that expired too quickly, and the absence of a nearby Post Bank and the limited mobile money dealers compounded this. There were also network concerns, ignorance of the use of technology by most community members, as well as the absence of MTN services in many places, including Lomaler Parish, Kakwanga Parish, Lokri Parish, Kawalakol Sub County, Kapedo Sub County and Sangar Sub County. Beneficiaries had to move long distances, as far as 25 km, for data capture and access to funds.

### 10.1.8 Community Dialogues in Refugee Settlements

The UHRC organised **3** community dialogues in the refugee settlements of Adjumani District, specifically in Maaji, Boroli I, and Boroli II which were attended by a total of **522** participants (**222** males and **300** females). Of the 522 participants, **420** were refugees, while **102** were members of the host communities.

The dialogues aimed to foster communication and understanding between refugees and host community members, addressing shared concerns and promoting a cohesive environment. The refugees and host communities were educated about the human rights implications of criminal activities such as arson and threatening violence, the concept of human rights, and the functions and powers of the UHRC. This awareness led to a greater appreciation of human rights, duties and responsibilities.

#### Immediate gains from the dialogue

- Following the community dialogues, the refugees who had fled Boroli II settlements returned successfully. Their return was facilitated by the Office of the Prime Minister, demonstrating the effectiveness of the dialogues in addressing the concerns and needs of the refugee population and restoring a sense of stability within the settlement.
- An elderly man with a disability who raised a concern about not having a caretaker was promptly responded to, as during the dialogue, the Lutheran World Federation committed to finding a caretaker for him.

## 10.1.9 Capacity-Building Workshop for Police Officers on Human Rights Standards During Law Enforcement Operations

Post-to-post trainings for Police Officers on human rights standards during law enforcement operations were held in Jinja, Mubende, and Buikwe Districts. A total of **198** participants (**145** males and **53** females), including District Police Commanders, OC Stations, CID Officers, Traffic Police, Child and Family Protection Units, Officers in Charge of General Duties, Human Rights, and Legal Officers from the Uganda Police Force.



UHRC Jinja Regional Office staff during police officer training in the Kira Region.



UHRC Central Region Office staff and senior Police Officers during a capacity-building training on human rights standards during law enforcement operations in Lugazi.

They were drawn from the Regional Police Headquarters, District Police Headquarters, Sub County Police Stations and Posts. They were trained on the PPTA and its application to security officers as well as human rights standards, principles and safeguards during arrest and detention, among others.

The emerging concerns from the post-to-post trainings were inadequate budgetary allocations to the units which negatively affected timely service delivery; lack of juvenile and female cells in most of the Police Stations; poor welfare of the Police Officers and their dilapidated and inadequate accommodation; the harsh working environment

of inadequacies in resources and tool, particularly fuel and stationery for Police Stations; poor remuneration for some Police Officers, particularly those classified as non-professionals and non-science personnel; rising technology-assisted crimes in relation to lack of expertise, skills and equipment to investigate such crimes; dilemma of implementing at all costs of 'orders from above' impacts on Police operations and professionalism; and limited or lack of knowledge of new laws, such as the Human Rights Enforcement Act of 2019 coupled with the general public's lack of knowledge of their responsibilities, all of which made law enforcement and crime prevention extremely challenging. As a way of appreciating

the UHRC, one SP Muyinda, from the Kira region, said:

"We appreciate the sensitisation UHRC staff have extended to us as Police officers. We take along the concept and principles of human rights to our work and ensure that we do what is in line with the law. For example, actions of torture in reference to the PPTA will be stopped."

## 10.1.10 Human Rights Education through School Human Rights and Peace Clubs

School Human Rights and Peace Clubs (SHRPCs) are student-led clubs that focus on promoting awareness, understanding, and advocacy for human rights and peace within the school

community and beyond. The UHRC utilises SHRPCs to convey human rights messages to young people in schools through various activities, including debates, quizzes, corporate social responsibility initiatives, and nature conservation, all conducted in consultation with the school administration.

During the review period, the UHRC engaged in various activities to support SHRPCs. These included organising intra-debates, conducting sensitisation meetings on human rights for club patrons and students, re-establishing the Human Rights and Peace Club, and providing monitoring and technical support to SHRPC members. The UHRC engaged with 72 secondary schools reaching a total of 11,885 participants comprising 5,433 male and 6,452 female as indicated in the Table below.

Table 40: Number of Schools and Participants Reached during SHRPC Activities

REGIONAL OFFICE	NUMBER OF SCHOOLS REACHED	NAME OF SCHOOLS	MALE	FEMALE	TOTAL
Arua	6	Ediofe Girls School, Arua Public Secondary, Wandi Progressive Secondary, Ushindi Secondary School, Mvara Secondary School, and Muni Girls Secondary.	195	445	640
Central	9	Luweero Seed Secondary School, Luwero Vocational Secondary School, Mt. Zion Secondary School, Collins Secondary School, Mpigi Mixed SS, Kibuuka Memorial SS, Sacred Heart-Najja Secondary, Victoria SS, and Lubiri SS.	1,115	1,189	2,304
Fort Portal	10	Kasese Muslim SS, Mubuku Valley SS, Kuruhe High School, Semliki High School, Bumadu Seed School, Bubukwanga Secondary School, Nyabbani Secondary School, Kitagwenda High School, Kyaaka Senior Secondary School and Wekomire Secondary School.	1,099	1,162	2,261
Gulu	12	Gulu Secondary School, Gulu High School, Gulu Army SS, Gulu Central High School, Sir Samuel Baker School, St. Joseph College, Layibi, Kitgum Comprehensive College, Rev. Jabuloni Isoke Memorial College, Archbishop Flynn Secondary, Lagwai Seed SS and Layibi High School.	934	1,010	1,944
Hoima	12	St. Joseph SS, St. Edward Bukumi SS, St. Paul SS, St. Albert SS, Duhaga SS, Bwikya Muslim SS, Kiziranfumbi SS, Buseruka SS, Kabalega SS, Kinyara SS, St. Paul Pakanyi SS, and Masindi Army SS.	778	425	1,203
Jinja	1	Jinja SS.	16	32	48
Lira	9	St. Catherine SS, Comboni College, Dara Christian High School, Hill City College, Iceme Girls SS, Atapara SS, Ngai SS, Iguli Girls SS and Kangai SS.	308	853	1,161
Masaka	6	Bukomansimbi SS, St. Victor's Senior Secondary School, Sseke SS, St. Joseph Mary's SS, St. Mary's SS Ssanje and Kyotera Parents SS.	326	677	1,003
Soroti	7	Olila High School, Crane High School, Tubur SS, Katine SS, Bukongoro Peas High School, Sebei College and Gamatui Girls School.	662	659	1,321
Total			5,433	6,452	11,885

Through the SHRPCs, students have been equipped with skills to handle disputes constructively, both in school and in their personal lives. They have also reduced bullying and discrimination by promoting understanding and respect among students and increased civic engagement and participation in community service.

Participants identified several challenges, including insufficient funding for the peace clubs and a lack of human rights knowledge among some patrons and club members, which hinders the clubs' effective operation. Additionally, when club leaders leave and take club property with them, new members often have to start from scratch, negatively impacting the clubs' functioning.

### 10.1.11 Media Programmes for Human Rights Education

Different media platforms were utilised to disseminate information and raise awareness about human rights. These included television, radio, and print media, which the UHRC took advantage of due to its broad reach to successfully empower and engage diverse audiences, including those in remote areas that may have lacked access to conventional human rights educational resources. Through the media programmes, the public was informed about their rights, responsibilities and the importance of respecting the rights of others. The programmes were conducted in 20 languages, namely, English, Luganda, Lusoga, Rutooro, Runyoro, Runyankore, Rukiga, Luo, Leb-Lango, Ateso, Lumasaba, Kup-Sabiny, Nga'karimojong, Alur, Lugbarati, Kiswahili, Lukhonzo, Lwamba, Pokot, and Japhadhola.

#### 10.1.12 Radio Talk Shows

The UHRC conducted **77** live radio talk shows on **38** radio stations nationwide. A total of **435** callers (**352** males and **83** females) participated. The talk shows provided an interactive platform for listeners to engage directly with the panellists, gaining valuable insights and awareness of human rights, duties, and responsibilities.

Listeners called in, asked questions, sought clarity on the topics discussed and engaged in discussions. The general focus was on the concept of human rights, the rights of vulnerable persons (women, children, and suspects), HRBA, domestic violence, and highlights of the Prevention and Prohibition of Torture, Act 2012. These shows facilitated open discussions, shared real-life stories to bring issues to life, and offered resources, support services, and legal aid information to those in need.



UPF's Community Liaison Officer for Lira City West Division and UHRC Staff during a radio talk show at Radio Wa 89.8 FM.



UHRC Fort Portal Regional Office staff at Britop FM in Kyegegwa District sensitising the public on human rights.

Moroto Mbarara Masaka Lira Kabale Jinja Hoima Gulu Fort Portal Central Arua 400 100 150 200 Fort Hoima Kabale Mbarara Soroti Arua Central Portal Gulu Jinja Lira Masaka Moroto Female 0 13 4 7 15 0 3 27 0 5 7 83

Figure 12: Call-ins on Radio Talk Shows Categorised by Gender and the Number of Radio Talk Shows Conducted per UHRC Regional Office in 2024

#### 10.1.13 Spot Messages

■ No. of Radio talkshows

Male

A total of **5,020** spot messages on **36** radio stations were aired to promote a deeper understanding of selected human rights themes. The spot messages highlighted SGBV, the rights of children, the location of UHRC offices, domestic violence, and the rights of women and girls. Each message aimed to inform the public about rights and empower individuals to take appropriate actions and seek the necessary assistance.

0

0

33

4

21

13

52

9

55

8

10

## 10.5 HUMAN RIGHTS EDUCATION THROUGH INFORMATION, EDUCATION, AND COMMUNICATION MATERIALS

In 2024, the UHRC produced and distributed various IEC materials, including posters, t-shirts, and digital scrolling LED display messages, specifically at the Gulu Regional Office. In addition, simplified and translated excerpts of the Bill of Rights were also produced.

A photo of the poster on domestic violence developed in Runyoro.

#### 10.5.1 Posters

8

96

25

8

3

31

4

15

2

23

352



A total of **600** posters were produced on the rights of women and other marginalised individuals, as well as ending domestic violence.

#### 10.5.2 T-Shirts

In addition, **1,338** customised T-shirts with human rights slogans on various issues were produced and distributed to raise awareness for whoever saw the T-shirt. The messages on the T-shirts were:

- I know my rights and fulfil my duties.
- Dignity of a person.
- Stop forced and early child marriages.
- Protect the rights of vulnerable persons.
- Everyone has equal rights.

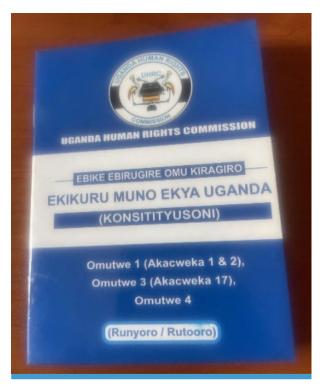
## 10.5.3 Digital Scrolling LED Display Messages

Three digital graphics of human rights messages were specifically developed for the UHRC Gulu Regional Office for the scrolling LED display on the office's LED sign. The messages were on human rights issues such as children's rights, the right to education, land rights for women and orphans, and the challenges of early and forced marriages. The visually engaging and informative content enabled the UHRC to educate the community members who would pass by the office in Gulu. They were crafted to be easily understood by the local population of a diverse audience.

## 10.5.4 Production and Dissemination of the Uganda Bill of Rights

In fulfilment of its function to promote awareness of the Constitution of Uganda, UHRC printed and distributed **1,730** excerpts of the Bill of Rights. These were produced in English and **7** local languages: Luganda, Rutooro, Runyoro, Lwamba, Lukhonzo, Luo, and Nga'karimojong.

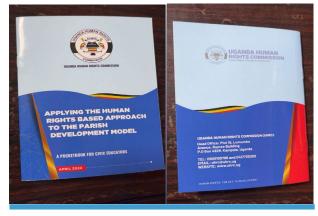
This initiative ensured the reach of a wider audience, including those more comfortable with the specified local languages than English. Understanding the Constitution empowered citizens to defend their rights, hold authorities accountable, actively participate in democratic processes, and uphold the rule of law.



A copy of an excerpt of the Uganda Bill of Rights in the Runyoro language.

## 10.5.5 The Pocket Handbook on the Application of Human Rights-Based Approaches to the Parish Development Model

The Commission produced and disseminated **400** pocketbooks for civic educators to guide their application of the Human Rights-Based Approach (HRBA) to the Parish Development Model (PDM). The pocketbooks not only enhanced understanding of the HRBA principles but also improved communication and collaboration among various stakeholders involved in PDM implementation.



Cover of pocketbook about applying the HRBA to the PDM.

Furthermore, the pocketbook was a reference tool for civic educators to effectively educate and promote the application of human rights principles and considerations imperative in implementing PDM. The simplified and abridged pocketbook was structured for ease of use, providing practical examples and actionable strategies that can be readily applied.

## 10.5.6 Human Rights Education Through Partnerships

In 2024, the UHRC continued to fulfil its mandate through both national and international partnerships and collaborations in accordance with the Paris Principles. In this regard, the UHRC participated in numerous human rights awareness activities organised by various stakeholders, including UNODC, GIZ, African Youth Development Link, Human Rights Centre Uganda, Sensitise Uganda, African Centre for Treatment and Rehabilitation of Torture Victims, West Nile Regional Civil Society Network, Redeem International, The Cross Culture Foundation of Uganda, Charter For Change, National Humanitarian Platform, Lango Civil Society Network, FIDA-Uganda, Naguru Remand Home, Our Lady of Africa Secondary School-Namilyango, Uganda Prisons Service, and the Ministry of Local Government. In addition, the UHRC worked with Mbarara Rotary Club, United Nations Population Fund (UNFPA), and various District Local Governments, including Lira and Buvuma, among others.

Through these multifaceted partnerships and collaborative projects, a more comprehensive approach to addressing human rights challenges

and concerns has been established in the country. A strong coalition has been built, dedicated to creating an environment where human rights are not only acknowledged but actively defended.

### 10.5.7 UHRC Library and Documentation Centre

In 2024, the UHRC provided essential human rights information through its Library and Documentation Centre at the head office and in all 12 Regional Offices. The Centre made both physical and online resources available to the public and staff, including peer-reviewed articles, e-books, and journals, to ensure timely access to accurate information on human rights, laws, and other relevant subjects. This was facilitated through remote access to the UHRC library, a physical collection, and subscriptions to various resources.

The UHRC subscribed to the Consortium of Uganda Universities Libraries (CUUL), which collaboratively manages information resources, granting member institutions access to a wide range of materials. Additionally, UHRC provided an online law library containing all Ugandan legal instruments and subscribed to the Uganda Printing and Publishing Corporation (UPPC) for current physical laws, acts, Bills, statutory instruments, and gazettes, which were obtained as soon as they were endorsed. In total, over 300 legal items were received in 2024.

Furthermore, UHRC automated its regional libraries in Lira and Kabale and procured a selection of human rights and law books, textbooks, journals, and other literature for both locations.



The chief guest (UHRC's Commissioner Lamex Apita Omara) and other stakeholders at the launch of the civic education handbook by Sensitise Uganda, with technical support from the UHRC.

## 10.6 CHALLENGES FACED IN THE PROVISION OF HUMAN RIGHTS EDUCATION

- (i) Inadequate funding affected the implementation of some of the planned activities. Since human rights education activities require significant resources, including financial and human resources, limited resources hinder the implementation of various programmes.
- (j) Inadequate knowledge of human rights, duties, responsibilities and the legal framework, coupled with deep-rooted cultural beliefs and norms, continued to affect the observance of human rights.
- (k) Poor road infrastructure coupled with adverse weather conditions, especially heavy rains, floods, and mud slides, affected access to some areas, particularly for barazas and roadshows in Bugisu and Sebei Sub regions, Kamion and Timu Sub counties in Amudat District in Karamoja.
- (I) Deep-rooted negative cultural and traditional beliefs and practices that conflicted with human rights principles, created some resistance to change and were responsible for the persistent early, child and forced marriages, and FGM, among others.
- (m) The country's lack of a National Civic Education Policy continued to affect the effective coordination and oversight of human rights and civic education, which the UHRC is constitutionally mandated to do.

#### 10.7 RECOMMENDATIONS

 The Ministry of Finance, Planning and Economic Development should increase funding to the Uganda Human Rights Commission to support comprehensive and continuous civic and human rights education activities, especially in the financial year 2025/2026, to conduct special civic education focusing on the 2025/2026 general elections.

- 2. The Ministry of Local Government should prioritise rehabilitating impassable feeder roads to enhance service delivery in the communities.
- 3. The Ministry of Justice and Constitutional Affairs should expedite the approval of the proposed National Civic Education Policy to enhance coordination and oversight of human rights and civic education in Uganda.
- 4. The Ministry of Local Government should take the initiative to develop and implement specific by-laws and ordinances aimed at reducing specific human rights violations within their jurisdictions, such as early, child and forced marriages, alcohol and drug abuse, among others.

#### 10.8 CONCLUSION

Uganda Human Rights Commission effectively fulfilled its constitutional promotional mandate by implementing a range of human rights and civic education initiatives during the reporting period. Through targeted community engagements such as training workshops, barazas, roadshows, and media outreach, the UHRC reached diverse segments of the population with critical information on rights, freedoms, and civic responsibilities. The use of accessible platforms, including radio, television, and public libraries, ensured wide dissemination and sustained impact. These efforts not only enhanced public awareness but also empowered individuals to actively participate in promoting and defending human rights, thereby contributing to the development of a more informed, rights-conscious society.

# Highlight of UHRC's Finance and Administration in the Financial Year 2023/2024

#### 11.0 INTRODUCTION

The Finance and Administration Directorate plays an integral part in the implementation of Commission activities and ensuring that the strategic objectives as laid out in the Commission's Strategic Investment Plan (SIP) are achieved. The Directorate comprises the following units: Policy and Planning, Finance, Human Resources and Administration, Procurement and Disposals, Information Systems and Communication and Public Relations. In accordance with the units stated above, the activities under the Directorate include management of human resources, procurements and disposals, IT systems, logistics/transport, public relations, planning, budgeting and finance.

#### 11.1 FINANCES FOR FY 2023/24

Unlike the rest of the activities reported on in the Annual Report, which are based on the calendar year, the financial information is based on the financial year (FY) 2023/24. This is because funding is provided on that basis.

The Government of Uganda (GOU) has a constitutional obligation to ensure that the Commission is adequately funded in order to fulfil its constitutional mandate. In this regard, the Commission finances are drawn from the Consolidated Fund. The Commission, therefore, appreciates GOU for the continuous funding of its activities.

However, the trend shows continued inadequate funding from the Government as indicated in the

Table below. This constrains the Commission's efforts in fulfilling its constitutional mandate of complaints management, human rights and civic education, monitoring and inspections of places of detention and other facilities of human rights interest, as well as implementing administrative tasks/operations. In addition, this inadequate funding breaches the Paris Principles, which recognise financial independence as a key requirement for National Human Rights Institutions to be able to execute their functions /core mandate independently and effectively.

Nevertheless, development partners have occasionally stepped in to narrow the funding gap by particularly supporting human rights tribunal hearings, investigations, monitoring, inspections, and human rights and civic education. However, the Commission may not entirely rely on donor funding, as it is sporadic.

# 11.2 FUNDING FROM THE GOU AND DEVELOPMENT PARTNERS

In the FY 2023/2024, the GOU remained the major funding source for the Commission providing a total of UGX 18.667 billion, which was supplemented by contributions from development partners amounting to UGX 1,649,130,354. The development partners were Justice, Law and Order Sector (JLOS), the German Cooperation for International Development (GIZ), and UNFPA, Danish Institute of Human Rights, as indicated in the table 41.

Table 41: Funding for the Commission for the FY 2023/24 (UGX)

FUNDING SOURCE	AMOUNT IN UGX	TOTAL IN UGX
Government of Uganda	18,667,000,000	18,667,000,000
Development partners		1,649,130,354
Justice, Law and Order Sector (JLOS)	1,004,686,458	_
German Cooperation for International Development (GIZ)	505,676,826	_
UNFPA	98,452,585	_
The Danish Institute for Human Rights (DIHR)	40,314,485	_
Grand Total		20,316,130,354

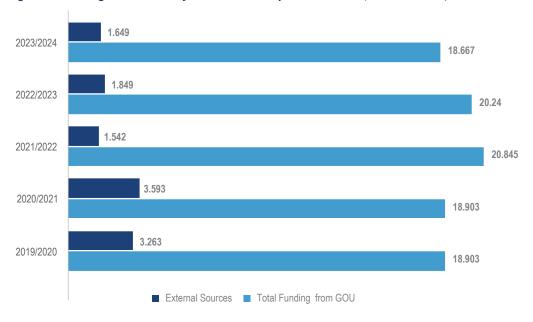
The GOU provided 91.9% of the Commission's funding while development partners gave 8.1%, which was a reduction from the 8.4% they provided in the last FY 2022/23. Of the funding provided by the GOU, 99% was for operations and administra-

tive expenses, while only 1% funded core activities for implementation of the constitutional mandate. This was the trend over the years, as shown in the Table and Figures below for the last five years for both the GOU and development partners.

Table 42: GOU and External Funding to the Commission 2019-2024

EXPENDITURE ITEM	2019/20 UGX IN BILLIONS	2020/21 UGX IN BILLIONS	2021/22 UGX IN BILLIONS	2022/23 UGX IN BILLIONS	2023/24 UGX IN BILLIONS
Wage	6.595	6.595	7.595	7.595	7.595
Non-wage	12.256	12.256	12.250	12.014	10.806
Capital development	0.0518	0.0518	1.000	.631	.266
Total funding from the GOU	18.903	18.903	20.845	20.240	18.667
External sources	3.263	3.593	1.542	1.849	1.649
Total funding from the GOU, including external sources	22.166	22.496	22.387	22.089	20.316
% of the GoU contribution	85.3%	84%	93.1%	91.6%	91.9%
% of the development partners' contribution	14.7%	26%	6.9%	8.4%	8.1%

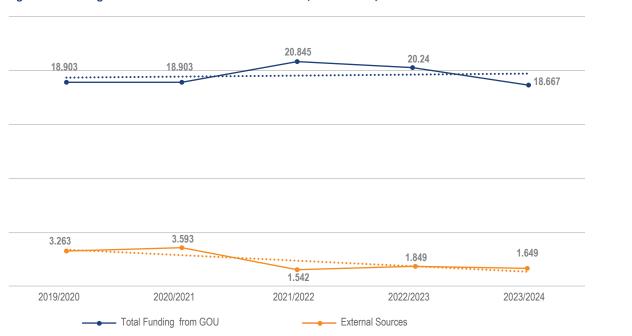
Figure 13: Funding Contribution by GOU and Development Partners (UGX in Billions)



93.1% ■ Total Funding from GOU 91.6% 91.9% 85.3% 84 0% External Sources 26.0% 14.7% 8.4% 8.1% 6.9% 2019/2020 2020/2021 2021/2022 2023/2024 2022/2023

Figure 14: Percentage Funding Contributions by GOU and Development Partners

Figure 15: Funding Trends of UHRC in the last Five Years (UGX Billions)



#### 11.3 FUNDING GAP IN THE COMMISSION'S MINISTERIAL POLICY STATEMENT

The Commission budgeted and submitted the Ministerial Policy Statement, indicating a budget requirement of UGX 54 billion for the FY 2023/24. However, the Government approved the Medium-Term Expenditure Framework (MTEF) of UGX 18.67 billion, leaving a funding gap of UGX 33.977 billion.

In view of the funding gap, the Commission reached out to the Government, including the MoFPED and the Parliament of Uganda, to lobby for the enhancement of the Commission's MTEF. By close of the FY 23/24, the Commission's request was being handled as the Attorney General was engaging with the Hon. Minister of Finance, Planning and Economic Development on additional funding for the Commission, amounting to UGX 33.977 billion for implementation of the critical unfunded activities. Part of this was for staff salary enhancement and capital development.

#### 11.4 HUMAN RESOURCE MANAGEMENT

In 2024, the Commission was fully constituted with the Chairperson and six members. This improved service delivery in the protection and promotion of human rights in Uganda. Key staff positions approved by the Ministry of Public Service had also been filled by mid-2024 through staff promotions, leaving vacant positions, as shown in the Table below.

Table 43: Human Resource Staffing Levels by December 2024

APPROVED POSITIONS	APPROVED STAFFING	CURRENT STAFFING	FEMALE	MALE
Chairperson	1	1	1	0
Members of the Commission	6	6	2	4
Secretary to the Commission	1	1	1	0
Substantive staff	220	187	111	76

In a bid to prepare for the impending Rationalisation of Agencies and Public Expenditure (RAPEX), the Commission held several meetings with the Equal Opportunities Commission, with which it is set to merge, and the Ministry of Public Service.

The year ended with the Office of the Attorney General still developing the legal framework for the rationalisation of the two constitutional bodies, the finalisation of which the Ministry of Public Service was also awaiting. Owing to this process, the Attorney General guided the Commission to extend staff contracts for only six months. However, this uncertainty negatively impacted staff motivation and performance.

#### 11.4.1 Staff Training and Capacity Building Programmes

The Commission trained staff in various programmes aimed at enhancing their academic levels and capacity in financial management, payroll, and performance management. The capacity building enabled staff to improve in promoting and protecting human rights in Uganda. The training programmes are highlighted in the Table below.

Table 44: Staff Training and Capacity Building

TRAINING PROGRAMMES/INTERVENTIONS	NUMBER OF PARTICIPANTS	FEMALE	MALE
Masters (students)	7	5	2
Post-graduate diploma (bar course at the Law Development Centre)	1	1	0
Post-graduate diploma (students)	3	2	1
Bachelor's degree	2	2	0
Professional courses (CPA)	3	0	3
Training in human capital management to HR staff (performance management, payroll, leave management)	5	4	1
Training in financial management for all accountants	23	11	12

#### 11.4.2 Recruitment and Exit of Staff

In the year under review, the Commission appointed one substantive staff member to a vacant position and promoted and re-designated 12 others. Nine others exited the Commission through resignation, termination of services due to unsatisfactory performance, and, on an unfortunate note, death, as illustrated in the Table below.

Table 45: Recruitment and Exit of Staff

ACTIVITY	TOTAL NUM	IBER FEMALE	MALE	
Newly appointed substantive staff	1	1	0	
Promotion	9	5	4	
Redesignation of titles	3	2	1	
Resignation	5	4	1	
Non-renewal of contract	2	1	1	
Termination of contract	1	1	0	
Death	1	1	0	

#### 11.5 EXPANDING THE COMMISSION'S REGIONAL COVERAGE

In a bid to take its services closer to the people, the UHRC, in line with section 9 of the UHRC Act 1997, which mandates it to establish offices at the District level and other administrative units as deemed fit in the execution of its mandate, embarked on the establishment of Regional and Field Offices throughout the country. This became even more necessary with the creation of more Districts and the increase in the country's population. The UHRC currently has a total of twenty-two installations: twelve Regional and ten Field Offices. Each of the Regional Offices comprises between 6 and 21 Districts, with ten of them covering cities as well. The Regional and Field Offices implement the UHRC's core mandate under the coordination of the Directorate of Regional Services in liaison with respective directorates at the Head Office. In April 2024, the UHRC closed its Bundibugyo Field Office owing to financial constraints. The members of the public that the Field Office was serving now have access to UHRC services at Fort Portal Regional Office.

It should be noted that despite its regional presence, the UHRC remains thinly spread on the ground, which has negatively impacted the execution of its broad mandate, yet efforts for further expansion have been constrained by inadequate funding. In the period under review, no additional Regional or Field Office was established, and so the regional coverage remained at 12 Regional Offices and the 10 Field Offices, having closed one as indicated in the Table below.

Table 46: Regional Coverage of UHRC in 2024

REGIONAL OFFICE	FIELD OFFICE	DISTRICTS COVERED	
Arua	Moyo	Arua City, Arua, Terego, Maracha, Pakwach, Zombo, Yumbe, Moyo, Koboko, Ubongi, Madi-Okollo and Nebbi.	
Central	Buvuma	Kampala City, Buvuma, Buikwe, Mukono, Kayunga, Mpigi, Butambala, Gomba, Mubende, Kassanda, Mityana, Kiboga, Nakaseke, Luwero, Nakasongola and Wakiso.	
Fort Portal	Kasese	Fort Portal City, Kasese, Bundibugyo, Kitagwenda, Kyenjojo, Kyegegwa, Kamwenge, Kabalore, Ntoroko and Bunyangabu.	
Gulu	Kitgum and Pader	Gulu City, Pader, Agago, Lamwo, Kitgum, Amuru, Nwoya, Omoro, Gulu and Adjumani.	
Jinja	0	Jinja City, Jinja, Kamuli, Buyende, Kaliro, Mayuge, Iganga, Luuka, Bugweri, Namutumba, Bugiri, Namayingo, Busia, Tororo, Butaleja, Pallisa, Butebo , Budaka and Kibuku.	
Hoima	0	Hoima City, Hoima, Kikuube, Kakumiro, Kibaale, Kagadi, Buliisa, Masindi, Kiryandong and Kyankwanzi.	
Kabale	0	Kabale, Kisoro, Kanungu, Rukungiri, Rubanda, Rukiga.	
Lira	0	Lira City, Lira, Amolatar, Apach, Kwania, Otuke, Oyam, Kole, Dokolo and Alebtong.	
Masaka	Kalangala	Masaka City, Masaka, Kalangala, Lwengo, Rakai, Kyotera, Lyantonde, Sembabule, Kalungu and Bukomansimbi.	
Mbarara	0	Mbarara City, Mbarara, Ibanda, Kazo, Kiruhura, Buhweju, Bushenyi, Mitooma, Rubirizi, Sheema, Isingiro, Rwampara and Ntungamo.	
Moroto	Nakapiripirit and Kotido	Moroto, Kotido, Nakapiripirit, Napak, Abim, Kalenga, Kaabong, Amudat and Nabila	
Soroti	Kapchorwa and Kaberamaido	Soroti City, Mbale City, Soroti, Kaberamaido, Kalaki, Kapchorwa, Kween, Bukwo, Manafwa, Sironko Bulambuli, Bududa, Namisindwa, Mbale, Kumi, Bukedea, Katakwi, Kapelebyong, Amuria, Serere and Ngora.	

#### 11.6 CAPITAL DEVELOPMENT

# 11.6.1 Construction of own Premises at Headquarters, Regional Offices and Field Offices

The Commission owns only the premises occupied by the Gulu Regional Office. Apart from that, it has been renting office premises for its headquarters and all other regional and field offices. Consequently, significant resources that could have been spent on core activities were spent on rent.

Efforts were made by the Commission to variously engage urban authorities in the cities, municipalities and districts where the regional and field offices are located, to donate plots for the construction of their own premises. Consequently, the Commission, over the years, was allocated plots of land by the Soroti and Masaka City Councils, as well as the Moyo Municipal Council, to construct office premises. The plots were even transferred into the ownership of the Commission. In the year under review, the Commission was again offered plots by Lira and Hoima City Councils, but which are yet to be transferred into the Commission's ownership.

The Commission secured funds for construction of the office premises (up to the shell house level) for the Moyo field offices from the European Union through the EU Supreme Project. However, more funds were still needed for completion of the building.

Plans were underway for the Commission to construct a Human Rights Village on its premises on Buganda Road (its former head office) in Kampala Capital City. The Office of the President and MoFPED granted the Commission permission to enter into a public-private partnership, and the



The UHRC Moyo Field Office under construction with support from the EU.

#### 11.6.2 Transport Equipment

As a National Human Rights Institution, the activities of the Commission stretch across the entire country, including hard-to-reach areas, and, therefore, this requires a sound and reliable fleet to facilitate the movement of members of the Commission and staff. By January 2024, the Commission had 50 vehicles. During the year under review, the Commission received a donation of two double-cabin pick-up vehicles from the United Nations Development Programme (UNDP), which increased the fleet size to 52 units. However, out of these, 17 were earmarked for disposal. Out of the 52 vehicles available for use, 14 vehicles were in a bad state and only 21 vehicles were in good mechanical condition, as shown in the Table 47.

Only 35 vehicles were in the required condition to facilitate the entire work of the Commission. They included eight for the Chairperson and members of the Commission and six for the Secretary to the Commission and Directors, all of whom are in the category of chauffeur-driven public servants. The other 12 units were deployed in the 12 Regional and 11 Field Offices, leaving only 9 for the rest of the members of staff.

Table 47: Status of the Commission Vehicle Fleet

NUMBER OF VEHICLES UHRC NEEDS	NUMBER OF VEHICLES PRESENT	VEHICLES EARMARKED FOR DISPOSAL	VEHICLES RUNNING BUT IN BAD CONDITION	VEHICLES IN GOOD CONDITION	VEHICLES AVAILABLE FOR USE	NUMBER OF VEHICLES REQUIRED
A	В	С	D	E	F= D+E	G = A-E
67	52	17	14	21	35	32

In addition, the Commission has two field offices based on the islands of Lake Victoria, namely, Kalangala, which covers 84 islands and Buvuma, which covers 54 islands. The islands can only be accessed by water transport. The Commission continued to depend on hired boats, which were not only costly but also unsafe and not easily available. Therefore, the Commission's quest to acquire two speedboats to enhance the timely implementation of activities remained unmet in the period under review, negatively affecting the effective implementation of the constitutional mandate for people in the hard-to-reach areas.

#### 11.7 POLICY AND PLANNING ACTIVITIES

**Efforts were made** to ensure that all Commission plans, programmes and policies were aligned to the National Development Plans and policy frameworks.

## 11.7.1 Preparation of the Budget Framework Paper

The Commission, in compliance with Government planning and budgeting frameworks, prepared and submitted the Ministerial Policy Statement for FY 2024/25 and Budget framework Paper for FY 2025/26 to the Ministry of Finance, Planning and Economic Development (MoFPED).

#### 11.7.2 Quarterly Performance Reports

For the period under review, all the Commission's quarterly performance reports submitted to the MoFPED as required, showing progress on budget performance and programme implementation. They were submitted through the online Programme-Based System (PBS) for Government of Uganda funding and the Governance and Security Programme Secretariat.

#### 11.7.3 Monitoring and Evaluation

Monitoring and evaluation was conducted in two regions namely, Soroti and Jinja. The budget monitoring and evaluation field exercise confirmed that overall allocations were in line with the original/approved budget and the budgeting guidelines were appropriately observed.

# 11.8 INFORMATION AND COMMUNICATION TECHNOLOGY

The Commission fully embraced Information and Communication Technology (ICT) as both an enabler and a driver of development. Its fully-fledged ICT Unit manages automation and innovation of the Commission's business processes to improve them, in line with the institution's Strategic Investment Plan. However, inadequate resources remained a major constraint on the potential of the Commission's ICT innovations.

#### 11.8.1 Hardware Acquisition

With support from the GOU retooling programme of the Government to MDAs, the Commission procured 12 high-performance desktop computers and 1 laptop, which were distributed among Regional Offices and headquarters to improve staff efficiency and performance.

## 11.8.2 Digitalisation and Software Applications

The Commission integrated the UHRC APP, its mobile App, with its Human Rights Integrated Information System (HURIS) for automated management of all public complaints. The GIZ-supported activity ensured that citizens could not only get instant human rights information but also chat live with Commission staff through the mobile App and get instant feedback on their issues or queries. The integrated mobile App was popularised both internally and externally.

Regarding application software and licenses, the Commission continued to collaborate with the National Information Technology Authority Uganda (NITA-U), which supports the Commission's web conferencing software (Zoom) and all Microsoft Application Licenses. This has enabled the Commission to carry out its corporate operations without hindrances. The security and safety of network systems have also been maintained since all the Commission's application software is licensed.

#### 11.8.3 Public Affairs Management

The Commission implemented activities to promote its corporate image, enhance visibility and public communications to contribute to the achievement of its constitutional mandate of protecting and promoting human rights in Uganda. In effect, the Commission was able to publicise its work internally and externally and maintain healthy relations with its various clients, stakeholders and partners, per the requirements of the Paris Principles and the UHRC SIP. The Chairperson, as the official spokesperson of the institution, continued to oversee the dissemination of institutional messages and the management of feedback both countrywide and internationally. Furthermore, the Commission continued to leverage the use of technology/new media in its communications,, which enabled it to reach a wider audience with minimal resources.

#### 11.8.4 Enhanced Media Coverage

The Commission's activities got enhanced media coverage by the mainstream/legacy media following intensified regional media stakeholder engagements. In particular, the Human Rights Tribunal sessions held at the Commission Regional Offices at Central (Kampala), Kabale, Mbarara, Masaka and Fort Portal were substantially covered.

Over 20 newspaper opinions written by the Chairperson, Hon. Mariam Wangadya, on various human rights topics were published in the period under review. National televisions UBC, NTV, NBS and an online media, the African Institute for Investigative

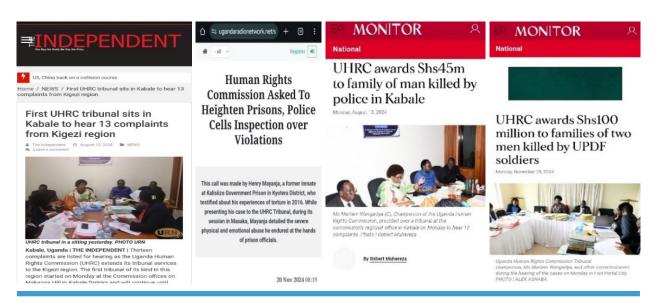
Journalism (AIIJ) also had exclusive interviews with her on freedom of assembly, demonstration, right to liberty, following the arrest of half-naked young female demonstrators demanding for the resignation of the Speaker of Parliament; the arrest/disappearance of Dr Kizza Besigye from a hotel in Kenya; and the Commission findings on alleged missing persons.

#### 11.8.5 Social Media Platforms

The Commission enhanced the utilisation of its social media platforms: (X@UHRC\_UGANDA, Facebook, and the Uganda Human Rights Commission Website, www.uhrc.ug) to communicate to the public. Messages were used to commemorate and publicise activities, including stakeholder engagements, visits of/meetings with high-profile guests, dialogues, trainings and workshops. The Commission's following on X (formerly Twitter) grew from 10,000 to 12,144 in 2024, while the UHRC official WhatsApp Group was also revamped to enhance internal communication.

#### 11.8.6 Campaign Messages and Media Coverage for Selected International Human Rights Days

The Commission's advocacy campaigns in commemoration of selected UN human rights days were widely covered by the media. Appropriate campaign messages were developed and disseminated through all the Commission communication channels, including press conferences and other



Different media headlines on the UHRC Human Rights Tribunal Sessions in Masaka, Kabale, Mbarara and Fort Portal in 2024.

activities spearheaded, mobilised and co-organised with various stakeholders. (Refer to the section on civic education for more information). The days commemorated were:

- The International Human Rights Day (adoption of the Universal Declaration of Human Rights UDHR) on 10<sup>th</sup> December under the theme: "Reducing Inequalities in the Enforcement of Environmental Rights and Mitigating the Impact of Environmental Degradation in Uganda."
- The World Press Freedom Day (WPFD) on 3<sup>rd</sup>
  May under the theme: "Journalism in the face
  of the environmental crisis."
- The UN Day in Support of Torture Victims (Anti-torture Day) on 26<sup>th</sup> June under the theme: "Torture-free Communities for all."
- International Day for Universal Access to Information (IDUAI) on 3<sup>rd</sup> September, marked with a dialogue on freedom of expression and access to information.

## 11.8.7 Public Relations/Stakeholder Engagements

In the period under review, the Commission hosted various stakeholders, including representatives of vulnerable persons groups, development partners and heads of CSOs. These included the Country Representative of UNFPA, the British High Commissioner to Uganda, the Executive Director of the Human Rights Awareness Forum (HRAPF), the Executive Director of the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV), and the UN Resident Coordinator. Key points of discussion included:

- Strengthening collaboration in the protection and promotion of human rights.
- Following up on emerging issues of human rights concern.
- Cordial exchange of pleasantries.
- Following up on earlier understandings/resolutions and reassurances.

The Commission was also invited to various high-profile events including the King's Day reception hosted by the Belgian Ambassador to Uganda, H.E. Hugues Chantry; the celebration of the Day of German Unity 2024, hosted by the Ambassador of the Federal Republic of Germany, Mr and Mrs Katharina Schauer; and the British High Commissioner to Uganda. The Chairperson also met the Japanese Ambassador, the Russian Ambassador to Uganda, and the US Ambassador to Uganda and signed a condolence book in respect to the late US President Jimmy Carter, among others.



UHRC Chairperson Hon. Mariam Wangadya with H.E Matthias Schauer the German Ambassador.



UHRC Chairperson, Members and Management with the British High Commissioner Lisa Chesney and German Ambassador to Uganda H.E Matthias Schauer.

#### 11.8.9 Assessment of the Anti-Homosexuality Act (AHA) and its Impact on LGBTI Persons in Uganda

#### Introduction

Uganda has made two attempts in enacting a law criminalising homosexuality. The first was in 2014 and the second in 2013. It should be noted that in Uganda, public opinion is largely supportive of laws criminalizing homosexuality, in part due to cultural and religious beliefs. Uganda is also not the only African country to penalise consensual same-sex activities. More than half of the 54 countries on the continent prohibit same-sex activity. <sup>235</sup> The law continues to fuel debate regarding the intersection of human rights, cultural values, and international standards. It remains a highly controversial and divisive issue both within Uganda and globally.

#### **Anti-Homosexuality Act of 2014**

The first Anti-Homosexuality Act, 2014 (Act) also commonly known as the Bahati Bill was introduced in Parliament as a Private members Bill on 14<sup>th</sup> October 2009. The law was supported by many Ugandans, as well as political and religious leaders in Uganda, who argued that it was necessary to protect the country's cultural and moral values. The law however garnered significant interna-

tional attention and was condemned globally for violating human rights, especially the rights of LGBTQ+ individuals. Various international bodies, including the United Nations, and several foreign governments, threatened sanctions and aid reductions to Uganda.

Some of the key features of the Act included:-Criminalization of Homosexual relations and made homosexual acts punishable by life imprisonment. The law also provided for "Aggravated Homosexuality". This provision introduced harsh penalties for repeat offenders and those found guilty of engaging in homosexual acts with minors or individuals infected with HIV. The Act further still criminalised the promotion of homosexuality. It criminalized the act of promoting or recruiting others into same-sex relationships, including by organizations or individuals. This also extended to people providing "promotion" through media, education, or other platforms.

Constitutional Court Ruling (2014) - In 2014, Uganda's Constitutional Court declared the Anti-Homosexuality Act invalid due to procedural issues. Court specifically ruled that the law had been passed without the required quorum in Parliament. As such the law was nullified.



Hon. Fox Odoi Oywelowo (R) together with other lawyers attending a hearing of petitions and applications challenging the AHA at the constitutional court - November 28, 2023.



Judges of the Constitutional Court making their judgment on the AHA

#### **Anti-homosexuality Act 2023**

On March 21, 2023, the Ugandan Parliament passed the 2023 Anti-Homosexuality Act (AHA). This followed a public outcry, social and broadcast media discussions and homosexuality victims' telling painful and gruelling stories' of children and families that were allegedly facing psychological trauma of forced recruitment of children into homosexual acts. Like its 2014 predecessor, the Act criminalised same-sex sexual relations, including consensual same-sex conduct, with penalties of up to life imprisonment. Attempted homosexual acts fetched penalties of 10 years in prison, and the death penalty for those convicted of "aggravated homosexuality," which includes repeated same sex acts and intercourse with a person younger than 18, older than 75, or a person with a disability. Although the Act explicitly targeted Lesbian, Gay, Transgender, Intersex and Queer (LGBTIQ+) people, the vagueness and overbroad reach of the Act's text ensures that the conduct of a wide range of actors, including those outside of the community, can be criminalised.

The reintroduction of this law caused widespread international condemnation, with many foreign governments and organizations calling it an infringement on human rights. After the law came into force in May 2023, local groups reported that LGBT people in Uganda were experiencing increased attacks and discrimination by both officials and

other people. These included beatings, sexual and psychological violence, evictions, blackmail, loss of employment, online harassment, and denial of health care based on their perceived or real sexual orientation or gender identity.

The key features of the 2023 AHA include:- Death Penalty for Aggravated Homosexuality: In cases of individuals engaging in homosexual acts with minors, people with HIV, or during rape, the law introduces the death penalty. The law provided for life Imprisonment as a penalty in respect of individuals convicted of consensual same-sex sexual activity. Promotion of Homosexuality is also criminalised. This includes public advocacy, including media promotion and advocacy for LGBTQ+ rights. Penalties were also established for LGBTQ+ Organizations.

#### **Constitutional Court Ruling (2024)**

Immediately the President of Uganda assented to the Anti-Homosexuality law on the 26th of May 2023, four Constitutional Petitions were filed in the Constitutional Court by a total of 22 private citizens and human rights activists challenging all the seventeen sections of the Anti-Homosexuality Act for their alleged contravention of human rights and freedoms that are guaranteed under the Uganda Constitution, and international human rights instruments to which Uganda is a party.

This was in the unanimous judgment delivered on April 3<sup>rd</sup> 2024, by a panel of five justices of the Constitutional Court, led by the Deputy Chief Justice Hon. Justice Richard Buteera; Justice Geofrey Kiryabwire, Justice Monica Mugenyi, Justice Kibeedi Muzamiru, Justice Christopher Gashirabake, in Consolidated Constitutional Petition Nos. 14, 15, 16 & 85 of 2023. The parities to the petition were Hon. Fox Oywelowo Odoi, Prof. Sylvia Tamale, Advocate Rutaro Robert, Bishop James Lubega Banda & 18 others Vs Attorney General & 3 Others. The Petitions were opposed by the Attorney General of Uganda, Pastor Martin Sempa, Eng. Stephen Langa and the Family Life Network Limited. Court also did benefit from an amicus brief filed by the Secretariat of the Joint United Nations Programme on HIV/ AIDS (UNAIDS).

In its Judgment, the Constitutional Court upheld the constitutionality of the Anti-Homosexuality Act, save for the four provisions including Sections 3(2)(c), 9, 11(2)(d) and 14 of Act that were nullified. The nullified Sections had criminalised the letting of premises for use for homosexual purposes, the failure by anyone to report acts of homosexuality to the Police for appropriate action, and the engagement in acts of homosexuality by anyone which results into the other persons contracting a terminal illness.

The Court ruled that the act did not violate fundamental rights to equality and non-discrimination, privacy, freedom of expression, or the right to work for LGBT people. However, the Court did strike down sections that restricted healthcare access for LGBT people, criminalized renting premises to LGBT people, and created an obligation to report alleged acts of homosexuality. Court also ruled

that the petitioners who sought to challenge the law had failed to prove the negative financial implications of the law, or that there had been a lack of public participation in the legislative processes, or breaches in parliamentary rules of procedures. Court concluded that the law had been "overwhelmingly passed on the basis of the views of the Ugandan people's parliamentary representatives, who would know the sentiments of the people that they represent on the subject.

#### **UHRC** interventions

The UHRC affirms that all persons in Uganda, including those identifying as LGBTI, are entitled to the full enjoyment of rights under Chapter Four of the Constitution. In 2023, the Commission conducted consultations in Kampala, Jinja, and Mbarara to better understand the human rights context of LGBTI persons following the enactment of the AHA. In Mbarara, participants expressed concern that the law was unnecessary and further stigmatized them. They shared that LGBTI-identifying prisoners were sometimes made to wear labelled uniforms, which they felt exposed and humiliated them. Some participants also voiced disappointment in Members of Parliament, who they perceived as having betrayed their trust during the law-making process.

The UHRC is documenting these findings to inform policy and legal discussions. The Commission's ongoing work aims to foster constructive engagement on how to uphold Uganda's constitutional values while ensuring that no one is subjected to inhumane or degrading treatment, in line with international human rights standards. The research and findings once done shall be shared with Parliament and the General public.





UHRC Chairperson and Commissioner Kaheru meeting the LGBTI community in Mbarara





The Chairperson, Mariam Wangadya (Adv), Commissioner Crispin Kaheru, UHRC staff, and representatives from the Human Rights Awareness and Promotion Forum (HRAPF) engage with members of the LGBTI community during a meeting in Jinja.

#### 11.8.9 Branding

The Commission embarked on developing a Brand Manual to standardise the branding and production of all visibility materials, such as those required at the front desk at the Head Office and all the Regional and Field Offices. These included banners, signposts, and diaries, among others.

### 11.8.10 Information Sharing and Distribution of Resource Materials

During the year under review, the Commission stepped up the use of technology in the dissemination of its Annual Report. An audio-visual summary of the 26<sup>th</sup> Annual Report was shared on UHRC social media platforms both internally and externally. As a result, access to the report increased with 10,058 members of the general public viewing the video, 150 of whom liked it. In addition, 10,000 copies of the Simplified Complaints Handling Procedure brochures were distributed through the Regional Offices.

#### 11.9 CHALLENGES

The previous Annual Reports highlighted issues requiring attention among which was the key constraint of inadequate funding, which was still pertaining in the period under review. The Commission, therefore, highlights the following challenges under finance and administration.

#### 11.10 RECOMMENDATIONS

- The Ugandan Government should improve the Medium-Term Expenditure Framework of the Commission to address the underfunding challenge and enable the Commission to:
- Reduce donor dependency for finances to implement the Commission's core activities.
- Construct Commission Headquarters and Regional Office premises to save on the funds spent on renting office premises and allocate more Government funding for core activities.
- Acquire new motor vehicles and speedboats for the two Field Offices (Buvuma and Kalangala) based on the islands for effective implementation of activities.
- As was previously recommended, the Commission staff structure which was approved by the Ministry of Public Service should be fully funded and implemented to address the human resource gaps and improve efficiency.

#### 11.11 CONCLUSION

The Commission appreciates the continued funding from the GOU and development partners. Despite the challenges highlighted above that the Commission faced in service delivery in the FY2023/24, it still registered some achievements. Once the challenge of inadequate funding is addressed, the Commission would be able to achieve its strategic objectives and ultimately fulfil its constitutional mandate.

# The UHRC's Review of the Human Assisted Reproductive Technology Bill 2023

#### 12.0 INTRODUCTION

Uganda Human Rights Commission is a national human rights institution established under Article 51 of the Constitution of the Republic of Uganda. One of core functions as provided for under Article 52(1) is to monitor Government's compliance with international Treaty and convention obligations ratified by Uganda and make appropriate recommendations to Parliament on effective measures for the promotion of human rights.

The UHRC further has an obligation as a national human rights institution to review and analyse Bills, laws and policies to ensure that they are in line with human rights standards and not in conflict with other existing laws. It is upon this basis that the UHRC reviewed the Human Assisted Reproductive Technology Bill, 2023 and aimed at providing a human rights assessment of the following:

#### 12.1 THE HUMAN ASSISTED REPRODUCTIVE TECHNOLOGY BILL, 2023

#### 12.1.1 Introduction

Infertility has traditionally been an area of medicine in which physicians have had limited means to help their patients. Since the first successful In-Vitro-Fertilisation (IVF) procedure in 1978, the use of this and related technologies has expanded to become commonplace around the globe. Assisted Reproductive Technology is currently a commonplace technology that has successfully treated millions of infertile couples worldwide.

While Assisted Reproductive Technology (ART), including In-Vitro-Fertilisation (IVF) has given hope to millions of couples suffering from infertility, it has also introduced countless ethical, legal, and social challenges. ART is directly challenging society to reevaluate the way in which human life, social justice and equality, and claims to genetic offspring are viewed. It has caused a shift in the way physicians and the general population perceive infertility and ethics. The dynamic nature of ART and the rapid evolution of the field have also resulted in constant paradigm shifts that require frequent and comprehensive evaluation by professional organisations and society alike.

Society has a responsibility to ensure that the advances achieved through Assisted Reproductive Technology (ART) are implemented in a socially responsible manner. Uganda still lacks a law governing Assisted Reproductive Technology despite the fact that ART has become an increasingly important part of healthcare, which requires urgent and constant attention. The Commission, therefore, commends the framers of the Bill for trying to address the current absence of a legal framework. This Bill, if enacted into law, will provide legal safeguards and legal systems that accommodate the unique challenges created by ART. It will also promote the right to healthcare in the country and open up space for public health facilities offering such services.

#### 12.1.2 Objectives of the Bill

The main objective of the Bill is to regulate the use of the human assisted reproductive technology; to designate the Medical and Dental Practitioners Council as the body responsible for the administration of this Act: to provide for the designation of health Units as fertility centres; to provide for the establishment of sperm, oocyte (egg before maturation) and embryo banks within the fertility centres; to regulate the donation and storage of gametes (sperm or reproductive cell) or embryos; to provide for the rights and duties of persons involved in human assisted reproductive technology and rights of children born through human assisted reproductive technology; to provide for a register for information collected on human assisted reproductive technology; and to provide for a register for information collected on human assisted reproductive technology Bill.

#### 12.1.3 Positive Aspects of the Bill

The Bill has a number of positive aspects that not only regulate but also protect the procedure, effects and parties involved in Assisted Reproductive Technology in Uganda, including the following.

#### The State's obligations

Uganda has ratified a number of international and regional human rights instruments with stipulated rights, which this Bill will operationalise. These include the right to health which is secured under Article 12 of the ICESCR, 1966. Children's rights as provided for under the Convention on the Rights of the Child (CRC) are important in protecting children involved in the ART processes. The right to security of a person and the freedom from torture, cruel, inhuman and degrading treatment will be protected as provided under the ICCPR. The right to privacy and the right to information will also be realised as provided under the ICCPR.

#### Establishment of a Medical and Dental Practitioners Council as a responsible administrator of the Bill

Clauses 3 and 4 of the Bill provide that the Medical and Dental Practitioners Council will be responsible for the administration, regulation and supervision of the use of human-assisted reproductive technology. This is commendable because the Council shall enforce standards for fertility centres and banks prescribed under the Act. It shall also inspect and monitor fertility centres and banks to ensure compliance, as well as keep and maintain registers for human-assisted reproductive technology.

#### 2. The prohibition of children as potential surrogate mothers and gamete donors

Clauses 22 and 17 of the Bill prohibit persons below the age of 18 from acting as surrogate mothers and donating gametes. These are commendable steps in safeguarding and protecting minors from potential exploitation and coercion. Through setting an age threshold for participation in ART procedures, the Bill acknowledges the importance of legal adulthood in making informed decisions about reproductive health. It recognises that individuals below the age of 18 may not have the maturity or capacity to understand the implications of their participation in assisted reproduction fully, and thus, it safeguards their rights by restricting their involvement until they reach the age of legal adulthood.

Upholding this age requirement, therefore, not only promotes responsible decision-making but also mitigates potential risks associated with assisted reproductive procedures for individuals who may not yet possess the maturity or understanding necessary to navigate such significant medical interventions. These clauses, therefore, align with international human rights standards stipulated under the Convention on the Rights of the Child.

#### 3. Prohibiting the use of gametes without consent

Clause 30 of the Bill prohibits the use of gametes or embryos without the informed consent of the individual seeking reproductive assistance. The Clause clearly commits to upholding the right to bodily autonomy and informed consent in the realm of human-assisted reproductive technology. This is a commendable safeguard against potential exploitation or coercion in the reproductive process. This proactive measure also promotes ethical and respectful practices within assisted reproduction, fostering a framework that prioritises the agency and dignity of all involved parties.

#### 4. Maintaining registers and reporting

Clause 14 requires fertility centres to maintain a register of all information collected.

Clause 27 then requires the fertility centres to annually report to the Council on the ART or In Vitro fertilisation (IVF) information collected. The information required includes specific information regarding IVF cycles, including pregnancy rates. The UHRC notes that through centralised mandatory reporting registries, information and statistics of ART activities will be available. The availability of ART information and statistics will help increase patient transparency and accountability.

#### 5. Restriction on disclosure of information to the public

Clause 33 of the Bill provides for the confidentiality of information. It stipulates that any disclosure of information to the public must be in adherence with legal requirements. The Commission notes that this provision is important for the privacy and confidentiality of individuals accessing ART services.

#### 6. Prohibition of the use of genetic material not of human origin

Clause 31 prohibits the use of genetic material not of human origin in reproductive procedures. The Clause explicitly prohibits medical practitioners from implanting human admixed embryos or embryos that are not purely human into any woman's uterus. This clause is important in protecting individuals from potential risks associated with experimental reproductive techniques.

#### 12.1.4 Human Rights Concerns Arising from the Provisions of the Bill

#### 1. Minimum age for surrogate mothers and gamete donors

Clauses 22 and 17 of the Bill prohibit persons below the age of 18 from acting as surrogate mothers and donating gametes. While this is commendable for protecting children from exploitation and abuse, the UHRC notes that Ugandan youth aged 18, 19 and 20 are usually still vulnerable to exploitation and abuse. The majority of Uganda's youth in the age bracket of 18, 19 and 20 years are also still in high school or have just joined tertiary institutions.

#### RECOMMENDATION

(a) The Commission recommends that the age of surrogacy and gamete donation be moved to 21 years and above.

#### 2. Restrictive conditions for intending parents to use surrogacy

Clause 21(a) and (b) provide that only individuals with infertility or proven health complications that impede their natural ability to reproduce will be eligible to contract the services of a surrogate. This inadvertently excludes persons who may choose surrogacy for personal reasons unrelated to health complications.

#### RECOMMENDATION

(a) The UHRC recommends that the scope in Clause 21(a) and (b) be expanded to include persons who may freely and willingly wish to use surrogates to bear their children. By expanding the clause, all natural women, regardless of their natural ability to give birth, should be given an option to contract surrogate services if they so wish. This expansion acknowledges the diverse reasons why individuals may opt for surrogacy and ensures that their choices are valued and respected under the law.

#### 3. Affordability of Assisted Reproductive Health Services

Fertility assistance and solutions, including In Vitro Fertilisation treatment (IVF), intrauterine insemination, and surrogacy, among others, are very expensive. Perhaps one of the most obvious ethical challenges surrounding ART or IVF is the inequitable distribution of access to care and the fact that it has significant economic barriers. This often leads to the preferential availability of these technologies to wealthy couples or those with good financial strength. The Commission notes that issues of ART affordability for the less privileged or financially disadvantaged are not considered, causing exclusion and inequality in accessing the services.

#### RECOMMENDATION

(a) The UHRC recommends for the Bill to provide for equitable access of ART services. This could involve incorporating measures to prevent discrimination based on socioeconomic status, to ensure that all individuals have equal access to reproductive healthcare regardless of their financial means.

#### 1. Provision for multiple gestation pregnancies

The UHRC notes that the Bill is silent on the issue of multiple gestation pregnancies. The transfer of multiple embryos in a single cycle increases the rates of multiple births, and most IVF medical practitioners opt for this. However, the health risks to both mother and infant increase dramatically with an increasing number of infants. Due to the increased social costs and health risks associated with multiple births, there is a need for legislation and guidelines to restrict the number of embryos that may be transferred per IVF cycle in an effort to limit the incidence of multiple gestations.

#### RECOMMENDATION

(a) The UHRC recommends a restriction on the number of embryos transferred per IVF cycle.

#### 2. Eligibility for surrogacy

Clause 22 provides for the conditions for surrogate mothers. However, other than a provision on age and the existence of an agreement, the Bill is generally silent on a person's eligibility to become a surrogate mother. The absence of a criterion for surrogacy poses a risk of exploitation and human trafficking of women. Lack of a legal safeguard in terms of eligibility may also lead to health risks associated with child-birth or even the death of surrogate mothers.

#### RECOMMENDATION

- (a) The UHRC recommends that Bill provide criteria for becoming a surrogate mother, taking into consideration health, age, financial status, or any other relevant factors necessary in protecting surrogates.
- (b) UHRC also proposes that intending surrogate mothers should have previously given birth to at least one child, as an eligibility criterion. This criterion is intended to protect surrogate mothers from the risks of not having children of their own due to complications that may have occurred during the surrogacy process. It will also discourage the use of young and vulnerable women as surrogate mothers.

#### 3. Exploitation and commodification of surrogacy

Another central concern surrounding the use of surrogates and gestational carriers is the possibility that financial pressures could lead to exploitation and commodification of the service. With the demand for surrogate mothers, companies may be established to supply surrogate mothers. It is also a fact that due to these financial and legal considerations, international surrogacy has emerged as an industry. Unfortunately, this has led to the exploitation and trafficking of women. Currently, issues surrounding individual rights, commodification, exploitation, citizenship of the offspring of international gestational carriers, and even fair trade are largely unresolved internationally.

We have all heard of 'Ukraine's 'baby factories' where illiterate, rural, poor, unemployed women with financial hardships were hired by companies and used for surrogacy to make money at the expense of their health. Ukraine had become a popular destination for foreign couples seeking affordable surrogacy services. The same challenges were faced in India, Nepal and Thailand before they banned surrogacy.

#### RECOMMENDATION

(a) The Bill should ban any trade in surrogacy or the establishment of companies supplying surrogate mothers.

#### 4. Surrogacy agreements

Clause 23 of the Bill outlines the provisions for surrogacy agreements, emphasising that intending parents seeking to have a child through surrogacy must enter into a written agreement with a surrogate mother. Surrogates and gestational carriers are subject to significant medical and emotional risks from carrying a pregnancy and undergoing a delivery. With many surrogates being illiterate, rural, unemployed, and poor women, there is a need to ensure that there are enough legal safeguards to protect surrogate mothers. Contracts between surrogacy mothers and intended parents usually tell surrogate mothers that, 'You're on your own after the birth.' However, many of these mothers have found themselves with health complications after birth, yet such were not catered for under the agreement. In addition, surrogate mothers may also die due to complications during birth, yet this is not catered for.

The Uganda Human Rights Commission, therefore, notes that the existing provisions are limited in scope and should be expanded to adequately protect the surrogate mother, especially against exploitation and coercion.

#### RECOMMENDATION

- (a) The agreement should incorporate a provision for the termination of the contract at any time before the implantation of the fertilised embryo into the surrogate mother's womb.
- (b) The agreement should comprehensively address aspects such as healthcare for the surrogate mother before, during and after the pregnancy.
- (c) The agreement should provide for compensation of surrogate mothers in case death occurs during pregnancy or childbirth.
- (d) The agreement should provide for extensive counselling and meticulous informed consent.
- (e) The agreement should incorporate a neutral individual and a representative from the Medical and Dental Practitioners Council. This inclusion is intended to protect the surrogate mother, especially against exploitation and coercion. It is also intended to ensure fairness and effective oversight throughout the surrogacy process.

#### 5. Condition of surrogate mothers during and after pregnancy

The Bill is silent on how surrogate mothers should be protected and treated. In some cases, surrogate mothers are known to be placed in small rooms or apartments 32 weeks into their pregnancy, often with other women. Their freedom of movement is restricted, and feeding is also a challenge. These mothers also face a risk of being abandoned in hospitals in case of stillbirths or birth complications, such as heavy bleeding or when they are sent to the ICU. In other instances, surrogate mothers have been abandoned with children, especially children with disabilities. This has not only been reported in Uganda, but also in other countries.

The UHRC is equally concerned about the complexities of women proving motherhood in situations where they use donor embryos. Such parents have no DNA with their children, and proof of paternity or motherhood may be a challenge.

#### **RECOMMENDATION**

- (a) The Bill should provide for the treatment, housing, payment and welfare of surrogate mothers during pregnancy and after birth.
- (b) The Bill should make provision for the protection of mothers who use donor embryos.
- (c) The Bill should also include a provision for monetary compensation to donors who might require long-term care after removal of an oocyte. Monetary compensation should be aimed at assisting the donor to recover and not for payment of the donation of the oocyte.

#### 6. Using Preimplantation Genetic Testing

Preimplantation Genetic Screening (PGS) and Diagnosis (PGD) (for sex selection) offer the unique ability to characterise the genetic composition of embryos prior to embryo transfer. Although controversial, using PGD to choose embryos solely on the basis of gender is currently being practised in many countries. Sex selection in the proper setting may offer a substantial health benefit. For example, choosing to transfer only embryos of a certain sex may confer a therapeutic benefit if used to avoid a known sex-linked disorder. However, sex selection PGD purely for the preference of the parents could conceivably, if practised on a large scale, skew the gender proportions in certain nations where one gender is culturally preferred.

In the near future, with refinements in microarray technology and the definition of genetic sequences associated with certain physical characteristics, it is conceivable that specific physical or mental characteristics may be evaluated to guide the decision as to which embryos to transfer. This possibility raises concerns on both ethical and practical levels. The Commission appreciated the provision in Clause 31 of the Bill, which prohibits the manipulation of genetic material within an embryo.

#### RECOMMENDATION

- (a) The UHRC recommends that the Bill should prohibit the use of Preimplantation Genetic Diagnosis (PGD) to choose embryos solely on the basis of gender.
- (b) There should be rigorous public and scientific oversight of these technologies to ensure that scientific advances are used with the best interests of society in mind.

#### 7. Donation of gamete or embryo and informed consent

Clause 15 of the Bill provides information on donor gametes and what should be incorporated into the agreement. The use of donor gametes, either in the form of donor sperm or donor oocytes, is commonplace in ART. In recent years, issues surrounding the use of donor gametes have become increasingly visible. Women donating oocytes must undergo IVF. The UHRC notes that there are inherent medical risks associated with IVF, including ovarian hyperstimulation syndrome and surgical risks. This creates a need for adequate and informed consent for donors. Consent, in addition to outlining these medical risks, should include counselling regarding the emotional benefits and risks of donation with an emphasis that long-term data regarding these risks are lacking. Additionally, it is considered an ethical prerequisite that oocyte donors participate voluntarily and without coercion or undue influence.

#### RECOMMENDATION

- (a) The UHRC recommends that oocyte donors should be given 'adequate informed consent' and not just consent as provided under clause 12(3)(a).
- (b) The Bill should make provision for informed consent after outlining the medical risks and counselling.
- (c) The Bill should make provision of the frequency and maxim number of gametes or embryos a person can donate.
- (d) Under Clause 15, the Bill should require oocyte donors to participate voluntarily and without coercion or undue influence.

#### 8. Storage of gametes or embryos

Clause 18 of the Bill requires that the fertility Centre which receives or harvests a gamete or creates an embryo should store it in the bank and enter an agreement with the donor for storage. IVF cycles often result in couples transferring several embryos and cryopreserving (freezing for an extended period of time) other embryos produced by the cycle, presumptively for the purpose of future pregnancy or offered to the fertility centre having entered into an agreement. However, in many instances, these surplus embryos are never used by the genetic parents and therefore are stored indefinitely.

The Bill is silent on how long such gametes or embryos should be stored and how human embryos that have been cryopreserved may be handled and used. The ethical and moral issues surrounding this is how to deal with these surplus embryos.

#### RECOMMENDATION

(a) The Bill should make provision on how the human embryos that have been cryopreserved should be handled and used. This may include thawing and discarding, donating to research, indefinite storage and donating the embryos to other couples for the purposes of uterine transfer.

#### 9. Anonymity of donors and rights of offspring

Clause 23(3) provides that where an intending parent does not wish to be party to the surrogacy agreement, the parent may authorise the fertility centre to enter into the surrogacy agreement on behalf of the intending parent. The ethical and legal issue surrounding the use of donated gametes is to what extent the anonymity of the donor should be preserved. The issue of anonymity as it relates to gamete and embryo donation is emotionally charged. Indeed, the ability of human beings to know their genetic origins is universally important, and at the core of self-identity.

Recently however, there is increasing consideration of the rights of offspring as it relates to donor gametes and anonymity. The UHRC notes that there is no provision for mutual consent contact between people born from anonymous sperm or embryo/egg donation. Advocates for allowing either gamete donors or their offspring to break anonymity cite the medical advantages of sharing medical information with their genetic offspring, in the case of the donor, or learning about their genetic history directly, in the case of offspring. Others simply argue that both donors and offspring have an inherent right to meet and develop a relationship. Recent court rulings suggest that these rights will become more visible in the future. For example, in the *British case Rose v Secretary of State for Health [2002] EWHC 1593*, the court ruled that based on the Human Rights Act, donor offspring could obtain information about their genetic parents despite previously established anonymity.

In 2021, a sperm donor in Kansas, USA, was caught in the middle of a child support case after a judge ruled that Mr William Marotta should pay child support, even though he had signed documents waiving his parental rights. According to him, "he had donated genetic material, and that was it for him". Unfortunately, due to the best interest of the child, court ordered him to pay child support. The question is whether it is right to make a gamete/sperm donor pay child support. In our case, we believe that man who provides donated sperm to a doctor for an insemination is not the child's parent, unless there is a written agreement to the contrary.

The ethical and legal issues surrounding anonymity and gamete donation are therefore sure to be a centrally debated issues within the field of ART for the foreseeable future.

#### RECOMMENDATION

- (a) The Bill should make provision for the extent of anonymity in terms of offspring, surrogate mothers and legal records.
- (b) Clarity on transparency and the legal rights of all parties should be provided for in the Bill.

#### 10. Protection of children born through mass donations and surrogacy

To be a biological child of an anonymous sperm donor is to live in a State of perpetual anticipation because the process is usually shrouded in secrecy and shame. There are growing concerns about the potential psychological and social implications for children conceived through mass donations and surrogacy. Unfortunately, the Bill is silent on the rights of children born through mass donations and surrogacy.

The Commission also notes that many children in the western world have found themselves in orphanages due to being discarded by parents who got them through surrogacy.

There is also concern regarding citizenship of the offspring of international gestational carriers, particularly due to the different citizenship criteria for different countries. For example, if a Ugandan surrogate mother gives birth to a white child of a US couple, what is the citizenship of this child, and how will this child be protected if the white parents abandon the child? This then causes a risk of statelessness.

#### RECOMMENDATION

- (a) The Bill should include a provision emphasising that children born through surrogacy have equal rights as those born naturally to any intending parents.
- (b) The Bill should clearly guide issues of citizenship of children born out surrogacy, to avoid statelessness.
- (c) The Bill should address unintentional incestuous relationships arising out of half-siblings through surrogacy.

#### 11. Transparency and Register of Donors

Clause 28 of the Bill provides for registration of fertility centres, the nature of services provided by the fertility centres and the outcome of the procedures and donor conceptions. While the databases will help in tracking donor conceptions from fertility centres, the Bill is silent on the names of donors or registrations of conceptions that happen outside of fertility clinics. This raises concerns about "prolific donors" having more families.

Many gamete/sperm donors start donating when they are young adults, with majority being university or college students in their 20s. The internet is also full of people offering themselves as donors. This means that there may be donors out there with hundreds of children. Under the Bill, sperm banks are not required to limit the number of families to whom one donor's gamete/sperm would be used. This means that there are no legal birth limits in as far as, how many children the clinics can make from one donor. As such, many children can be conceived by one donor, making them half-siblings. In 2023, a Dutch court ordered a man to stop donating sperm/gamete after it was discovered that he had fathered over 550 children. It is also not clear as to how often a donor can donation gametes or embryos.

As the number of half-siblings increases, there is a likelihood of un-intentional incestuous relationships. In such cases, we may see cases related to unintentional incest arising out of this situation. It can also be traumatic for donor-conceived people to find out they have dozens of half siblings and also raises the risk of accidental incest.

#### RECOMMENDATION

- (a) There is a need for a national register to track sperm donations.
- (b) The Bill should provide a limit on the number of families a donor can contribute to.
- (c) Parent receiving embryos or gamete donations should equally know how many biological siblings their children would have in case they use a particular donor. Due to the secrecy and non-disclosure, the children too would have to grow up without knowing how many biological siblings they have.

#### 12. Fertility preservation

Female fertility is well documented to decrease with age. Consequently, many men and women are freezing sperm and embryos before advanced age is realised. Additionally, fertility preservation for individuals afflicted with cancer has important implications, as often the chemotherapeutic agents used to treat cancer are toxic to the ovary and result in diminished ovarian reserve and reduced fertility. While techniques for freezing sperm and embryos are well established, techniques for freezing oocytes and ovarian tissue are still considered experimental.

Recently, several laboratories have demonstrated the ability to successfully cryopreserve oocytes following an IVF cycle. These developments have profound implications. As the birth control pill gave women the ability to prevent pregnancy, oocyte cryopreservation may give women the flexibility to preserve their fertility potential, starting at a young age, while postponing childbearing. However, the Bill is silent on fertility preservation and what it should entail.

#### RECOMMENDATION

(a) The Bill should provide for fertility preservation and how it should be done.

#### 13. Absence of complaints procedures

The Bill does not provide for any complaint procedures by donors or their relatives, for instance, where a donation process has gone wrong or been mishandled.

#### RECOMMENDATION

(a) The Bill should provide for a clear complaints procedure by members of the public and their next of kin as a way of ensuring access to justice.

#### 14. Need to expand training centres for fertility specialists, embryologists and IVF nurses

Clause 5 of the Bill states that the Minister may designate health units as fertility centres, thereby enabling both private and public or Government health facilities to offer these services. The Commission notes that this expansion is essential to meet the growing demand for ART services and also highlights the urgent need for specialised training and infrastructure to ensure the safe and effective delivery of these procedures.

#### RECOMMENDATION

(a) The UHRC recommends that the Bill should prioritise investments in specialised training programmes and infrastructure development. This includes establishing training centres for fertility specialists, embryologists, and IVF nurses to enhance their skills and expertise in reproductive technologies.

#### 12.1.5 Conclusion

The UHRC commends the Private Member for coming up with the Human Assisted Reproductive Technology Bill, 2023. Indeed, ART has emerged as one of the most widely adopted and successful medical technologies in the last century. While giving hope to millions of couples suffering from infertility, ART has also presented new ethical, legal, and social questions that society must address. Many countries have taken steps to regulate certain aspects of ART. Specifically, Ugandan law should cater for reporting, social inequities that may arise from financial barriers to ART, genetic testing, emerging laboratory techniques that have improved embryo and gamete survival when cryopreserved, and an individual's right to their genetic offspring. The success and sustainability of these technologies, particularly In Vitro Fertilisation (IVF), hinge upon their availability, affordability, and effectiveness.

#### CHAPTER THIRTEEN

## Updates on Uganda's State Reporting Obligations to International and Regional Human Rights Mechanisms

#### 13.0 INTRODUCTION

A State's reporting obligations begin with the accession and ratification of a human rights Treaty. Like other member States of the United Nations body, Uganda is under the obligation to report to Treaty bodies under the United Nations and the African Union on the steps it has taken to ensure the implementation of the provisions of the different treaties it has ratified. Once a State has acceded to or ratified a human rights Treaty, it is required to submit an initial report within one or two years after the entry into force of the Treaty and thereafter, periodic reports at intervals specified in the relevant Treaty or by the Treaty body. In most cases, the Treaty explicitly sets out a timetable for the submission of initial and periodic reports, this system is commonly referred to as the "reporting periodicity". The reporting periodicity is based on the date of entry into force of the Treaty for the specific State party. For further illustrations, refer to the Table below.

#### 13.1 RELEVANCE OF STATE REPORTING

Pursuant to the relevant Articles of the UN and African Charters, State parties should submit their initial reports to the Committees within one or two years after ratification of the Charter and every three years thereafter. The initial reports provide general information about the respective State as well as the legislative and institutional frameworks available for the protection of all rights in the human rights instruments it has ratified. Periodic reports, on the other hand, highlight the measures undertaken by States on the implementation of the prior concluding observations and recommendations of the Committee when its reports were last reviewed, in addition to efforts employed to implement the provisions in the instruments. It must be noted that the reporting system is an essential tool for a State to assess what it has achieved and what more needs to be done to enhance the promotion and protection of human rights under its jurisdiction. This obligation also enables the various Treaty or Charter Committees to continuously monitor the implementation of the Treaty or Charter at a domestic level.

Being a national human rights mechanism entrusted with the duty to spearhead the protection and promotion of human rights in Uganda, the Uganda Human Rights Commission (UHRC), under Article 52(1) (h) of the 1995 Constitution of Uganda, the Commission monitored the Government's compliance with the international Treaty and convention obligations on human rights in 2024. This Chapter, therefore, presents an overview and update on Uganda's reporting obligations in 2024 under the core human rights treaties it has ratified. It also presents highlights from the committees from the previous reviews by the Universal Periodic Review (UPR), the Convention of the Rights of People with Disabilities (CRPD), the Maputo Protocol and on the UN Special Procedures Mandate Holders. It identifies challenges, suggests appropriate recommendations and makes a conclusion based on the observation of the findings.

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#### 13.2 OVERVIEW OF UGANDA'S INTERNATIONAL REPORTING OBLIGATIONS

#### 1.2.1 The Reporting Process

Upon submission of the State's report by the State and upon receipt of the State party's reports, the Committee undertakes a preliminary review of the reports after which it draws a list of issues to the respective States on matters that need clarification and or more information. The Committee then holds constructive dialogue with the Delegation of the State, whose report will be considered during one of its sessions.

#### A total of 33 various Conventions have been ratified so far:

- 1. Fundamental Human Rights Conventions: 9 of 10.
- 2. Governance Conventions (Priority): 3 of 4.
- 3. Technical Conventions: 21 of 177.
- 4. Out of 32 Conventions ratified by Uganda, **26** are in force, **1** Convention has been denounced; and **5** instruments have been abrogated. None have been ratified in the past 12 months.

#### 1.2.2 Consideration of the Reports

Consideration of State Party reports forms part of the Open Sessions of the Committee, whereby interested persons attend the discussions between the Committee and the Delegation of the State. Following the consideration of State Party reports, the Committee issues concluding observations and recommendations to the respective States where it highlights the progress achieved and further measures that should be undertaken to enhance the implementation of the Treaty or Charter. The reporting cycle continues and States in their preceding reports to the Committee continue to provide information about the implementation of the recommendations of the Committee.

Moreover, the Committee also undertakes follow-up country visits/missions to State Parties with a view to assess the implementation of its concluding observations and recommendations and encourages States to submit their upcoming reports, thus being a continuous cycle as per the reporting periodicity.

It is therefore encouraged that the reporting process should facilitate public participation and scrutiny of State policies, laws, and programmes at the national level through constructive engagement with civil society, in a spirit of cooperation and mutual respect, to advance the enjoyment of rights by all citizens.

The reporting periodicity and status of report submissions by the Treaty are further explained in the Table below.

Table 48: Reporting Periodicity and Uganda's Reporting Obligation Status for the Core Treaties Ratified

					1	1	
SERIAL NO	HUMAN RIGHTS TREATY	YEAR OF ADOPTION	RATIFICATION/ ACCESSION OF UGANDA	INITIAL REPORT DUE (FOLLOWING RATIFICATION) WITHIN	PERIODIC REPORTS TIMING	UGANDAS REPORTS TO TREATY BODIES (SUBMISSION DATE)	COMMENTS
1	ICESCR	1966	1987	2 years	5 years, in anticipation of the introduction of the 8-year predictable review cycle <sup>236</sup>	2012,	The 1st report was due in 1990 but was actually submitted in 2012. The 2nd report was due in 2020 and remains pending
2	ICCPR	1966	1995	1 year	8 years	2003, (2008), 2020	The 1 <sup>st</sup> report was submitted in 2003. The 2 <sup>nd</sup> was due in 2010 but was submitted in 2020
3	CEDAW	1979	1985	1 year	4 years	1992, (1986), (1994), 2000, (2010), 2009, (2014), 2020	The 1st & 2nd reports were submitted in 1992. The 3rd was submitted in 2000. The 4th, 5th, 6th & 7th were submitted in 2009. The 8th & 9th were submitted in 2020. Additional comments were submitted in 2022. The next report is due in 2026.
4	CAT	1984	1986	1 year	4 years	(1998), 2004, (2008/2016), 2020	The 1 <sup>st</sup> report was due in 1998 but was submitted in 2004. The 2 <sup>nd</sup> report, combining two reports, was submitted in 2020. The next report is due in 2026.
5	CRC	1989	1990	2 years	5 years	(1992), 1996, (1997), 2003, (2011) 2021	Three reports that were due since 1992 were submitted in 2003. The 3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> combined were submitted in 2021. The next report is due in 2026.
6	ICRMW	1990	1995	1 year	5 years	(2014) 2015 (2020),	The 1 <sup>st</sup> report was due in 2014 and was submitted in 2015. The 2 <sup>nd</sup> was due in 2020, and remains pending.
7	ICPPED	2006	Signed in 2007	2 years	As requested by the Committee on Enforced Disappearances (art. 29 (4))	N/A	
8	CRPD	2006	2008	2 years	4 years	(2010), 2013, (2022)	The 1 <sup>st</sup> report was due in 2010 but was submitted in 2013. The 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> combined were submitted in 2023. The next report is due in 2027.
9	CERD		1980	1 year	2 years	1983, 2001, (2005)	The 1 <sup>st</sup> report was submitted in 1983. The 2 <sup>nd</sup> -10 <sup>th</sup> reports were submitted in 2001. The 11 <sup>th</sup> to 13 <sup>th</sup> reports have been pending since 2005.
AF	RICAN UN	ION HU	MAN RIGH	ITS MECHANI	SMS		
1	ACHPR	1981	1986	2	2	Submitted 2023	Next reports are due in 2026.
2	Maputo Protocol	1986	2010	2	2	Submitted 2023	Next reports are due in 2026.

<sup>§236</sup> CESCR decided to introduce the predictable review cycle (PRC) for the review of States parties' reports. The Committee would thus review all States over an eight-year cycle once resources are available to do so.

#### 13.3 TREATIES PENDING RATIFICATION

#### 13.3.1 Ratification of a Treaty

This could mean the "acceptance", "approval" and "accession" is the State's consent to be bound by a Treaty. In Uganda, Article 123(2) of the 1995 Constitution mandates Parliament to make laws to govern ratification of treaties, conventions, agreements or other arrangements made under clause (1) of this Article, thereby guiding the legislative arm of Government on its role. Other legislative instrument includes the Ratification of Treaties Act, Cap 204 (Laws of Uganda), passed by Parliament in 1998. The Act defines a Treaty to include a convention, agreement or other arrangement made under Article 123(1) of the Constitution. In line with that definition and with Uganda's obligations under international law and in the spirit of International Corporation under the UN council auspice or as a UN member, this section and specifically in the Table, presents pending obligations with regards to treaties and conventions pending ratification. This is both at the international and regional levels.

Table 49: Status of Acceptance of Inquiry Procedure for Uganda

	TREATY	SIGNATURE DATE	RATIFICATION, ACCESSION OR SUCCESSION DATE	DENUNCIATION DATE
1	CAT-OP - Optional Protocol of the Convention against Torture.			
2	ICCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty.			
3	CED – the International Convention for the Protection of All Persons from Enforced Disappearance.	06 Feb 2007		
4	CED, Art.32 - Interstate Communication Procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.			
5	The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption 1913. <sup>237</sup>			
	The African Union Instruments			
6	Protocol to the African Charter on Human and People's Rights on the Rights of Older Persons.	Was adopted by AU member States on 31st January 2016.		
7	African Charter on Democracy, Elections and Governance.	16 <sup>th</sup> Dec 2008. <sup>238</sup>		

In 2024, which is a year of focus, the Commission established that no reports were submitted to the Treaty bodies and no new Treaties were ratified in the period. However, one important event was conducted in preparation for the fourth cycle review of the Universal Periodic Review.

<sup>237</sup> Status of ratification of the Hague Convention on children available at https://clr.africanchildforum.org/Status%20Table/Hague\_Conventions\_on\_Children.html (accessed on 20th March 2025).

<sup>238</sup> List of countries that have signed, ratified or acceded available at https://au.int/sites/default/files/treaties/36384-sl-AFRICAN\_CHARTER\_ON\_DEMOCRACY\_ELECTIONS\_AND\_GOVERNANCE (accessed on 20th March 2025).

#### 13.4 HIGHLIGHTS OF OTHER EVENTS IN 2024

#### 13.4.1 Fourth Cycle Mid-term Review of the Universal Periodic Review Process

The UPR process is a unique mechanism of the Human Rights Council in which UN member States voluntarily accept their peers to review their human rights records on a 4.5-year cycle (each member is reviewed every 4.5 years).

The purpose is to improve the human rights record. Uganda is a member State and has been reviewed three times so far, with the latest review taking place in January 2022. A total of 278 recommendations were received, 138 of which were accepted and 140 noted. The fourth cycle will take place in 2026.

In preparation for the fourth cycle review in 2026, a mid-term review was conducted in July 2024 with the objective of assessing progress made in the implementation of the recommendations accepted in the previous cycle, to identify challenges and areas where improvement is needed. The mid-term review, also a voluntary process, encourages participation of various stakeholders, including national human rights institutions (NHRIs), civil society organisations (CSOs), and other relevant actors, in the preparation and submission of mid-term reports for a comprehensive assessment.

#### It is a very important pre-actual review process because it enables States to:

- Identify areas where progress has been made and where challenges remain in implementation of the accepted recommendations.
- Develop more effective strategies for implementing UPR recommendations.
- Strengthen accountability for human rights obligations and to promote greater transparency and engagement with stakeholders.

#### 13.5 UN SPECIAL PROCEDURES MANDATE HOLDERS

UN Special Procedures Mandate Holders are independent subject-matter experts nominated by the Human Rights Council to engage with Governments on a range of thematic issues. This is done at the invitation of Governments, and sometimes through a response in affirmative to requests from the Special Procedures Mandate Holders. Once the request is accepted or the mandate holders are invited, they may conduct country visits and issue recommendations on how to make improvements in the enjoyment of the specific rights in the thematic areas.

The visits also enable Special Procedures to highlight a country's good laws, policies and practices and to make recommendations to the Government. For Uganda, the last official visit took place in 2007 by the Special Rapporteur on the right to health. It is therefore recommended that the Government issue a standing invitation to UN Special Procedures Mandate Holders, as a wide range of engagements in human rights work enhances the State's level of adherence to human rights standards that bind it. The Table below presents the status of acceptance and non-acceptance of engagements with the UN special mandates.

Table 50: Status of Acceptance of Inquiry Procedure for Uganda

TREATY	ACCEPTANCE OF INQUIRY STATUS	ACCEPTANCE /NON-ACCEPTANCE DATE
CAT, Art 20 inquiry procedure under the Convention Against Torture. <sup>239</sup>	Yes	3 <sup>rd</sup> Nov 1986
CED, Art. 33	No	-
ICESCR Art. 12 on the right to health.	Yes	In 2007, Mr Paul Hunt, a former Special Rapporteur on the right to health, visited Uganda and also the UHRC, and made a recommendation for the establishment of a Right to Health Unit, which has since been implemented. The UHRC has a right to health unit under the Directorate of Monitoring and Inspections.
CED, Art 32- interstate Communication procedure under the international convention for the protection of All persons from Enforced Disappearance	No	-

#### 13.6 THE ROLE OF UHRC IN TREATY BODY REPORTING PROCESSES

As a national human rights body, UHRC works within its Constitutional mandate to protect and promote human rights in the country through various interventions. Specifically in 2024, the year of focus, UHRC, in addition to reviewing Bills to ensure that they are human rights compliant, continues to provide technical support towards the dissemination of the provisions of the Human Rights Enforcement Act-2019 and monitors implementation to enhance access to justice.

# 13.7 CHALLENGES OF TREATY BODY REPORTING AND IMPLEMENTATION OF ACCEPTED RECOMMENDATIONS

- (a) A challenge of a huge task. There are ten Treaty Bodies at the United Nations and three at the African Union. Uganda, as a Member State of the United Nations, is required to report to each Treaty Body as well as the Universal Periodic Review Mechanism at least once every five years. The Ministry of Foreign Affairs is also required to provide a periodic report to the African Commission on Human and Peoples' Rights every two years, including reporting on the Maputo Protocol on the Rights of Women and the African Committee on the Rights and Welfare of the Child every three years. Moreover, the process requires extensive engagement with all the relevant stakeholders, with associated financial costs and resources, hence a huge task. This also places a burden on the Ministry of Foreign Affairs, the line ministry that works with other ministries to execute this task of reporting and ratification, to rely more on the support and commitment of other MDAS and partners who may also be constrained at times.
- (b) Non-utilisation of the database on the recommendations. This challenge was experienced in collecting data and information for this Chapter as well. As stated above, Uganda is a signatory to several core international and regional human rights treaties and, as a result, assumed obligations to submit status reports to the monitoring bodies at the UN and regional level on a periodic basis. In this regard, the UN Human Rights Office in line with the overall objective of strengthening State engagement with international human rights mechanisms, supported the development of a framework for monitoring the implementation of recommendations that Uganda has received from the various human rights mechanisms, including Treaty bodies, the Universal Periodic Review and the Special Procedures Mandate Holders. This was done through the creation of the national database to enable access to updates on progress. However, the challenge is inadequate and non-utilisation of the database by various MDAS to give status or updates on the implementation of these recommendations.

13.8 UN TRACCOMMENDATIONS https://tbinternet.ohchr.org/\_layouts/15/TreatyBodyExternal/Treaty.aspx (Accessed on 20th March 2025).

- Uganda should expeditiously ratify all pending Human Rights Treaties or Conventions, including the Optional Protocol of the Convention against Torture, the Hague Convention on the Protection of Children and the Second Optional Protocol to the International Covenant on Civil and Political Rights, among others.
- 2. Uganda, through the Ministry of Foreign Affairs, should continue fast-tracking to ensure that the overdue reports are submitted and treaties pending ratification are ratified.
- 3. All Ministries, Departments and Agencies should make use of the database on recommendations to enhance the efficiency of reporting obligations.
- 4. The Ugandan Government should also issue standing invitations to United Nations Special Procedures Mandate Holders and accept requests, as a wide range of engagements in human rights work enhances the State's level of adherence to human rights standards that bind it.
- 5. The Ministry of Foreign Affairs should strengthen its work with the Inter-Ministerial Committee on Human Rights and other actors to enhance Uganda's Treaty reporting coordination function in order to increase efficiency, timeliness and accuracy in Treaty reporting.

#### 13.9 CONCLUSION

The Government of Uganda is commended for its efforts and commitments to protecting and promoting the human rights of its citizens, as demonstrated in its legal, policy, and institutional frameworks and through compliance with international and regional obligations by submitting periodic reports. However, further improvement regarding the timely submission of these reports and the ratification of pending Treaties is encouraged.



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