UGANDA HUMAN RIGHTS COMMISSION



15th ANNUAL REPORT 2012

TO THE PARLIAMENT OF THE REPUBLIC OF UGANDA



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The 15th Annual Report of the Uganda Human Rights Commission To the Parliament of the Republic of Uganda



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UHRC CONTACTS

Uganda Human Rights Commission Head Office
Plot 20/22/24 Buganda Road
P.O Box 4929 Kampala
Tel: 041 348007/8
Fax 041 255261
Email: uhrc@uhrc.ug
Web site: www.uhrc.ug

Arua Regional office
Plot 70A Weather Park Head Lane Road
P. O. Box, 406
Tel: 0476 420213
Fax: 0476 420214
Email : uhrcarua@uhrc.ug

Central Regional Office (moved to)
Plot 98 Old Kira Road, Nsimbiziwome Zone
Next to Victory City Church, Ntinda
Before Shell Bukoto 2 Parish
P.O Box 4929 Kampala
Tel: 041 4232190/ 04144271847
Email: uhrckampala@uhrc.ug

Fort Portal Regional Office
Plot No.3/5 Mugurusi Road
P.O Box 960 Fort Portal
Tel: 0483 23171
Fax 0483 22571
Email: uhrcfortportal@uhrc.ug

Gulu Regional Office
Plot 25 Aswa Road
P.O Box 728 Gulu
Tel: 0471432415
Fax: 0471 32458
Email: uhrcgulu@uhrc.ug

Jinja Regional Office
Plot 21 Bell Avenue
P.O Box 66 Jinja
Tel: 0434123760
Fax: 0434 123761
Email: uhrcjinja@uhrc.ug

Masaka Regional Office
Plot 14 Edward Avenue, Opp. NSSF Office
P. O. Box 701 Masaka.
Tel:0318-514 812
Email: uhrcmasaka@uhrc.ug

Mbarara Regional Office
Plot 6 McAllister Road, Mbarara
P.O Box 105 Mbarara
Tel: 04854 21780/1
Fax 0485 21782
Email: uhrcmbarara@uhrc.ug

Moroto Regional Office
Plot 5/8 Circular Road
P.O Box 105 Moroto
Tel: 0454470130
Email: uhrcmoroto@uhrc.ug

Soroti Regional Office
Plot 70 Gweri Road
P.O Box462 Soroti Tel /Fax: 045 4461793
Email: uhrcsoroti@uhrc.ug

MAP OF UGANDA SHOWING LOCATION OF UHRC REGIONAL OFFICES



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The Rt. Honourable Speaker of Parliament

Parliament of Uganda

P.O. Box 7178

Kampala

Dear Madam,

RE: UGANDA HUMAN RIGHTS COMMISSION 15th ANNUAL REPORT TO PARLIAMENT

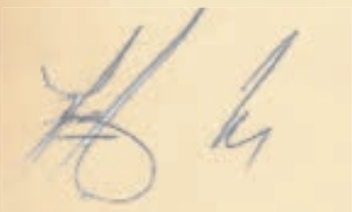
The Uganda Human Rights Commission (UHRC) has the pleasure and honour to present to Parliament its 15th Annual Report in accordance with Article 52 (2) of the Constitution of the Republic of Uganda.

The report focuses on two aspects namely; the specific functions and strategic interventions by the Commission to promote and protect human rights (chapters 1-4) and an assessment of the state of human rights in the country in 2012 (chapters 5-12).

We appeal to all organs of the State to implement the recommendations made by the UHRC in order to enhance the observance of human rights in Uganda.

FOR GOD AND MY COUNTRY!

Yours faithfully,



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

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MEMBERS OF THE COMMISSION



Mr. Med S.K. Kaggwa
CHAIRPERSON



Mr. Joseph A.A. Etima
MEMBER



Ms. Mariam F. Wangadya
MEMBER



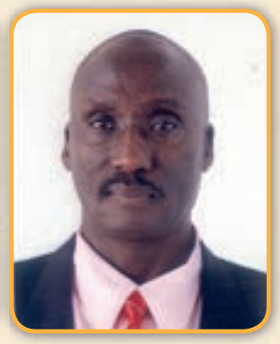
Mr. Agaba Maguru
MEMBER



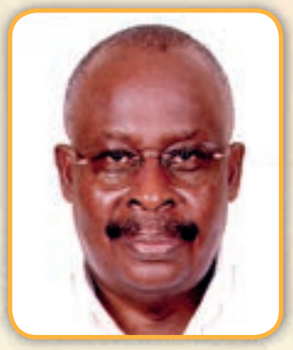
Dr. Katebalirwe Amooti Wa Irumba
MEMBER



Ms Violet Akurut Adome
MEMBER



Mr. Stephen Basaliza (Col.)
MEMBER



Mr. Gordon T. Mwesigye
SECRETARY

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TECHNICAL MANAGEMENT IN 2012



Ms. Roselyn Karugonjo-Segawa
Director, Monitoring and Inspections



Ms. Ruth Ssekindi
Director, Complaints, Investigations & Legal Services



Ms. Dorah B. Kabuye
Director, Research, Education & Documentation



Ms. Margaret Ejang
Director, Finance and Administration



Mr. George P. Ufoyuru
Director, Regional Services



Ms. Patricia Nduru
Head, Right to Health Unit



Mr. Charles Mukasa
Planner



Ms. Florence M. Munyirwa
Public Affairs Manager



Ms. Priscilla Nyarugoye
Head, Vulnerable Persons Unit



Mr. Sulaiman Omitta
Systems Manager



Mr. Godfrey A.M.K. Ssenyange
Human Resource Manager



Ms. Rose Mary Kemigisha
Editor



Ms. Melody Ginamia Ngwatu
Registrar



Mr. Wilfred Asiimwe Muganga
Head, Central Regional Office



Mr. Anthony Androa
Head, Arua Regional Office



Mr. Kamadi Byonabye
Head, Gulu Regional Office



Ms. Rebecca Tino
Head, Soroti Regional Office



Mr. Paul Otim
Head Moroto Regional Office



Ms. Rose Atim
Head, Fort Portal Regional Office



Ms. Theopista Twembi
Acting Head, Mbarara Regional Office



Mr. Agirembabazi Willy
Head, Masaka Regional Office



Ms. Sarah Nakhumitsa
Head, Jinja Regional Office

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ABBREVIATIONS

%	Percent
% AGE	Percentage
4GC	For God and My Country
A4C	Activists for Change
ACHPR	African Charter on Human and Peoples Rights
ACODE	Advocates Coalition for Development and Enviornment
ACRWC	African Charter on the Rights and Welfare of the Child
ACTV	African Centre for Treatment and Rehabilitation of Torture Victims
ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
AIP	Assistant Inspector of Police
ALREP	Agriculture Livelihoods Recovery Programme
ANC	Ante Natal Care
App.	Approximately
APT	Association for the Prevention of Torture
ART	Anti-Retroviral Therapy
ARU	Arua
ARVs	Anti-Retroviral Drugs
ASP	Assistant Superintendent of Police
AU	African Union
BCG	Bacillus Calmette-Guerin (vaccine against tuberculosis)
BoGs	Board of Governors
BTVET	Business, Technical and Vocational Education and Training
CAAC	Child and Armed Conflict
Cap	Chapter
CAT	Coalition Against Torture
CAT	Convention Against Torture

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CBO	Community Based Organisations
CCTs	Coordinating Centre Tutors
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEHURD	Centre for Health Human Rights and Development
CERD	Convention on Elimination of All Forms of Racial Discrimination
CFPU	Child and Family Protection Unit
CID	Criminal Investigations Department
CMI	Chieftaincy of Military Intelligence
CPRD	Committee on the Rights of Persons with Disabilities
CPRD	Convention on the Protection of All Persons from enforced Disappearance
CPS	Central Police Station
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
CTRL	Central
DDMCs	District Disaster Management Committees
DDT	Dichloro-diphenyl-trichloroethane
DES	District Education Standard
DGF	Democratic Governance Facility
DHO	District Health Officer
DHRDs/Cs	District Human Rights Desks/Committees
DISO	District Internal Security Officer
DISs	District Inspector of Schools
DPP	Director of Public Prosecutions
DPT	Diphtheria Pertussis and Tetanus
Dr	Doctor
DRC	Democratic Republic of Congo
DREF	Disaster Relief Emergency Fund
DRR	Disaster Risk Reduction

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EAC	East Africa Community
ECD	Early Child Development
EDP	Education Development Partners
EFA	Education For All
EIAs	Environmental Impacts Assessments
EMIS	Education Management Information System
ESCR	Economic, Social and Cultural Rights
ESS	Education and Sports Sector
F	Female
F/Y	Financial Year
FAO	Food and Agriculture Organization
FDC	Forum for Democratic Change
FIDA (U)	The Uganda Association of Women Lawyers
FIEFOC	Farm Income Enhancement and Forestry Conservation
FM	Frequency modulation
FPT	Fort-Portal
GBV	Gender Based Violence
GER	Gross Enrolment Rate
GISO	Gombolola Internal Security Officer
GIZ	German Agency for International Cooperation
GLU	Gulu
GOU	Government of Uganda
HCII	Health Centre Two
HCIII	Health Centre Three
HCIVs	Health Centre Fours
HCs	Health Centres
HIV	Human Immune Virus
HIV/AIDS	Human Immune Virus/ Acquired Immune Deficiency Syndrome
HRBA	Human Rights Based Approach

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HRBAD	Human Rights Based Approach for Development
HRE	Human Rights Education
HSSIP	Health Sector Strategic Investment Plan
HUGGO	Human Rights and Good Governance
HURINET (U)	Human Rights Network Uganda
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic Social and Cultural Rights
ICRMW	International Convention on the Rights of Migrant Workers and Members of their Families
ICT	Information Communication Technology
IDP	Internally Displaced Persons
IEC	Information, Education and Communication
IFMS	Integrated Finance Management System
IGP	Inspector General of Police
ILO	International Labour Organization
ISOs	Internal Security Organisations
IT	Information Technology
JJA	Jinja
JLOS	Justice, Law and Order Sector
JSC	Judicial Service Commission
KALIP	Karamoja Livelihoods Recovery Programme
KCCA	Kampala Capital City Authority
KDMP	Kampala Drainage Master Plan
LC1	Local Council One
LRA	Lord's Resistance Army
M & E	Monitoring and Evaluation
M & I	Monitoring and Inspection

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M	Male
MAAIF	Ministry of Agriculture Animal Industry and Fisheries
MBR	Mbarara
MDGs	Millennium Development Goals
MIA	Ministry of Internal Affairs
MoES	Ministry of Education and Sports
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoH	Ministry of Health
MoING	Ministry of Information and National Guidance
MoJCA	Ministry of Justice and Constitutional Affairs
MoLG	Ministry of Local Government
MoU	Memorandum of Understanding
MRT	Moroto
MSK	Masaka
MTEF	Medium Term Expenditure Framework
MTIC	Ministry of Trade Industry and Cooperatives
MUBS	Metropolitan Universal Business School
NAADS	National Agriculture Advisory Services
NASSHU	National Associations of Head Teachers in Uganda
NCDC	National Curriculum Development Centre
NCIB	National Citizenship and Immigration Board
NDP	National Development Plan
NECOC	National Emergency and Coordination Centre
NEMA	National Environment Management Authority
NEMACY	Network for Empowerment of Marginalized Children & Youth
NESRI	National Economic and Social Rights
NFE	Non-formal Education

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NGOs	Non-Governmental Organisations
NHRIs	National Human Rights Institutions
NOTU	National Organisations of Trade Unions
NSSF	National Social Security Fund
NTD	Neglected Tropical Diseases
NUDIPU	National Union of Disabled Persons in Uganda
NUSAF	Northern Uganda Social Action Fund
O/C	Officer-in-charge
OAU	Organization of African Union
OHCHR	Office of the High Commissioner for Human Rights
OPAC	Optional Protocol to the Convention on the Rights of the Child
OPCAT	Optional Protocol on the Prevention Against torture and Other Cruel, Inhuman or Degrading Treatment
OPD	Out Patient Department
OPM	Office of the Prime Minister
PLWHAs	Person Living With HIV/AIDS
PMTCT	Prevention of Mother to Child Transmission
PPP	Public Private Partnership
PRDP	Peace Revocery Development Plan
PRDP	Personal Review and Development Plan
PROs	Public Relation Officers
PSPS	Public Service Pension Scheme
PTA	Parents Teachers Assocation
PTCs	Primary Teachers Colleges
PWDs	Persons with Disabilities
RDCs	Resident District Commissioners
RED	Research Education and Documentation
RFI	Radio France International
RSA	Resident State Attorney
RTD	Retired

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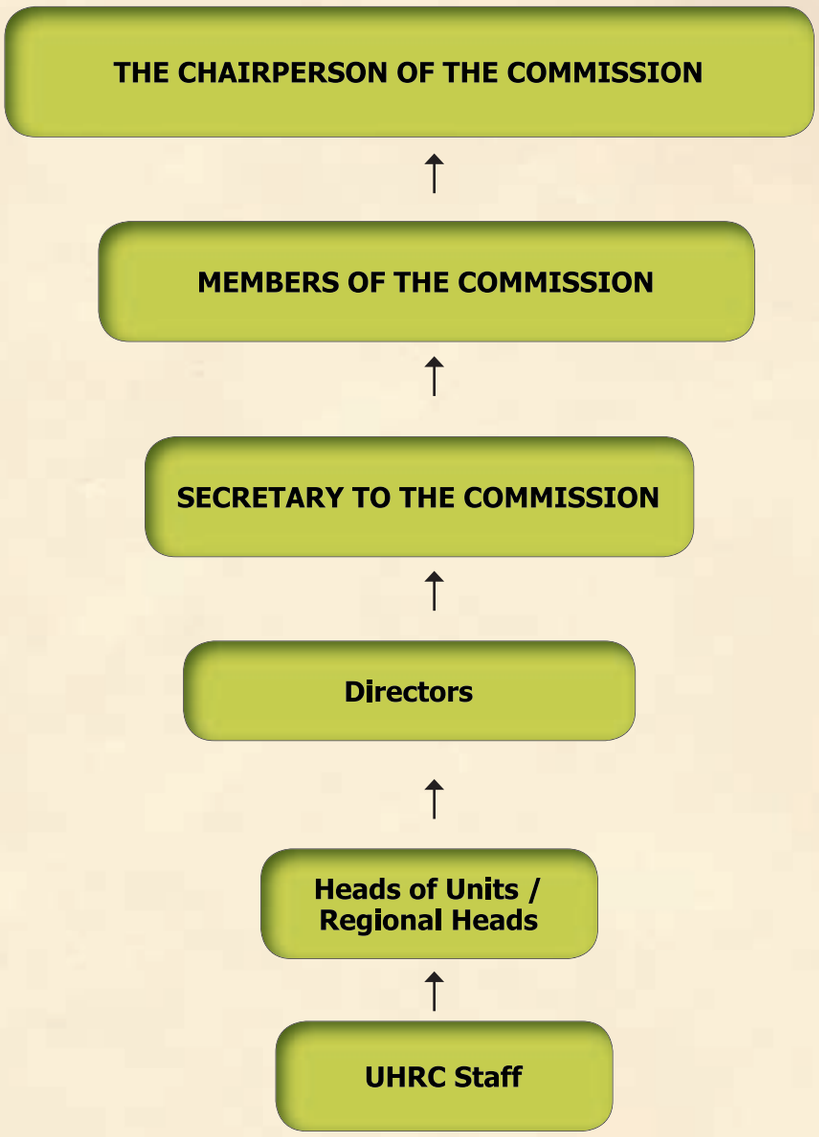
SCR	Student Classroom Ratio
SDA	Skills Development Authority
SDMC	Sub-County Disaster Management Committee
SESEMAT	Secondary Science and Mathematics Teachers
SGBV	Sexual Gender Based Violence
SIP	Strategic Investment Plan
S/N	Serial Number
S/NE	Special Needs Education
SPCs	Special Police Constables
SRSG	Special Representative of Secretary General
SRT	Soroti
SWAP	Sector Wide Approach
TB	Tuberculosis
TRIPS	Trade Related Aspects of Intellectual Property Rights
TV	Television
UACE	Uganda Advanced Certificate of Education
UBC	Uganda Broadcasting Corporation
UCC	Uganda Communication Commission
UCDA	Uganda Coffee Development Authority
UDHR	Universal Declaration of Human Rights
UG.X	Uganda shillings
UHRC	Uganda Human Rights Commission
UJA	Uganda Journalists Association
ULRC	Uganda Law Reform Commission
ULTU	Uganda Liberal Teachers Union
UN CAT	United Nations Convention Against Torture
UN CRPD	United Nations Convention on the Rights of Persons with Disabilities
UN OHCHR	United Nations Office of the High Commission for Human
UN OPCAT	United Nations Optional Protocol to the Convention Against Torture

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UN	United Nations
UNAIDS	United Nation Joint Programme on Aids
UNATU	Uganda National Teachers Union
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Education, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children Fund
UNSC	United Nations Security Council
UPDF	Uganda People's Defence Forces
UPE	Universal Primary Education
UPF	Uganda Police Force
UPIK	Uganda Petroleum Institute Kigumba
UPOLET	Universal Post '0' Level Education and Training
UPPA	Uganda Parliamentary Press Association
UPR	Universal Periodic Review
UPS	Uganda Prisons Services
URCS	Uganda Red Cross Society
USD	United States Dollar
USE	Universal Secondary Education
UWA	Uganda Wild Life Authority
VAGs	Voluntary Action Groups
VDMC	Village Disaster Management Committee
WHO	World Health Organization
WRS	Warehouse Receipt System

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UHRC ORGANOGRAM



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ABOUT THE UGANDA HUMAN RIGHTS COMMISSION

Vision

A society that respects human rights and fulfils civic obligations.

Mission Statement

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

Corporate Values

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

Mandate

The functions of the Commission as per Article 51 (1) are listed as follows: -

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

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

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

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

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

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

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

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

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

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

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

(a) Establish its operational guidelines and rules of procedure;

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

(c) Observe the rules of natural justice.

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

Powers of the UHRC

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

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

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

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

d) To commit persons for contempt of its orders.

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

(a) The release of a detained or restricted person;

(b) Payment of compensation; or

(c) Any other legal remedy or redress

Independence of the commission

Under Article 54 of the Constitution, 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 commission

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

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

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Removal of commissioners

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 UHRC

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

Laws governing the functions of the UHRC

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

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The UHRC appreciates the Chairperson, Members, Secretary, Directors, Heads of Units, Regional Human Rights Officers and all staff for their contribution: in implementing the mandate of the UHRC; and to the report.

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EXECUTIVE SUMMARY

This is the fifteenth annual report of the Uganda Human Rights Commission (UHRC) to Parliament. The first four chapters (chapters 1-4) cover the specific functions of the Commission under Article 52(1) and strategic interventions to promote and protect human rights. The subsequent chapters (chapters 5-12) are an assessment of the state of human rights in the country.

SECTION 1

CHAPTER 1: COMPLAINTS MANAGEMENT IN 2012

This Chapter discusses the UHRC's function of investigation and resolution of complaints in 2012. The Chapter examines the trends of the human rights complaints received, disaggregating them into those mediated or referred, and those which were investigated and resolved through the UHRC Tribunal. In 2012, the UHRC received a total of 2,725 complaints and registered 706 new complaints on human rights violations, a 31% decrease from the 1021 complaints registered in 2011. Of the 706 complaints, the UHRC registered and investigated 12 complaints on its own initiative.

Complaints on the violation of freedom from torture and cruel, inhuman or degrading treatment or punishment, were 35.3% of the total number of complaints followed by complaints regarding the alleged violation of the right to personal liberty / detention beyond 48 hours at 27.16% and the violation of the right to child maintenance at 17.13%. Though there was a a reduction of 24.3% in the complaints lodged against the Uganda Police Force (UPF) from 457 in 2011 to 346 in 2012, the UPF still had the highest number of complaints lodged at 346 out of 706 complaints, followed by the private individuals at 190, Uganda Peoples' Defence Forces (UPDF) at 85, Uganda Prisons Services (UPS) at 34, Local Governments at 20, and others. As was the case in 2011, male complainants lodged more complaints constituting 73% of the complaints. Complaints reported by male complainants decreased by 29% from 854 in 2011 to 611 in 2012 while complaints reported by female complainants reduced by 26.5% from 313 in 2011 to 230 in 2012. In 2012, the Commission offered advice and/or referred 2,020 complaints of which 482 complaints constituted land disputes. This was an increase of 30.6% from 369 in 2011 to 482 in 2012.

The UHRC investigated 2,195 complaints, of which 839 complaints were fully investigated while 1,356 complaints were partially investigated. The challenges faced by the Commission in carrying out speedy investigations included: inadequate capacity in terms of logistics that would facilitate faster investigations; failure by complainants and witnesses to provide timely updates to the Commission when they changed addresses or places of abode; and delayed responses from respondents.

Resolution of complaints was mainly through mediation and by tribunal hearings. The UHRC mediated 139 complaints, many of which related to child maintenance. Other cases mediated related to the rights to education, remuneration, and property, among others.

In 2012, the UHRC Tribunal heard and concluded 96 complaints of which 25 were decided in favour of the complainants, 10 were settled amicably by the Tribunal while 61 matters were dismissed for want of prosecution. Out of the matters decided in the favour of the complainants and those amicably settled, the Tribunal awarded a sum of UG.X. 329,880,000/= (Three Hundred Twenty Nine Million, Eight Hundred and Eighty Thousand shillings) to the victims. Some of the challenges faced by the Commission in the tribunal process in 2012 included: having only four members out of six members of the UHRC available to hear cases and lack of adequate co-operation from complainants, witnesses and respondents leading to frequent tribunal adjournments.

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Recommendations

1. As recommended in the previous annual reports:

    - The Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlements in a timely manner and should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the Uganda Human Rights Commission;

    - The Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills. The Uganda Police Force in particular should avail itself with modern investigation techniques and equipment to avoid use of torture in obtaining information;

    - The Uganda Police Force and the Directorate of Public Prosecutions should be equipped with the necessary facilities to enable them to fulfil the constitutional obligation to bring suspects to court within 48 hours and to efficiently perform their duties;

    - Government should, ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment;

    - Government should conclude the development of a Legal Aid Policy to ensure access to justice for all and the Ministry of Gender, Labour and Social Development should operationalise the Industrial Court;

    - State agencies and institutions indicated as respondents, should co-operate with the Uganda Human Right Commission to enable it effectively implement its mandate and fight impunity in the country;

2. Government should strengthen the institutions dealing with child related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court, and the Local Council courts.

CHAPTER 2: ASSESSMENT OF CONDITIONS IN PLACES OF DETENTION

In 2012, the UHRC continued to monitor conditions of suspects and inmates in places of detention in the various parts of the country. The UHRC inspected 896 places of detention compared to 900 places in 2011. This comprised of 181 police stations, 520 police posts, 156 prisons, 33 military detention facilities, 4 Remand homes and 2 Refugee reception centers.

The UHRC noted positive developments including: human rights awareness, phasing out use of the buckets for toilets, maintaining updated registers, respect for freedom of worship, acquisition of new skills by inmates, reduced number of inmates on remand, and establishment and strengthening of human rights committees. However, the UHRC still observed a trend of recurrent challenges including: the high prison population, detention of children with adults or their mothers, lack of special protection for inmates with disabilities, incarceration of civil debtors, inadequate mechanism for handling cases pending Minister's Orders, incidences of torture and solitary confinement, inadequate health and HIV/AIDS services, long and arbitrary detention, sharing of facilities by male and female inmates and the poor welfare of prison and police staff.

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Recommendations

1. As recommended in the previous annual reports:
    - The Uganda Police Force and Uganda Prisons Service should urgently construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects;
    - The Justice Law and Order Sector should strengthen the District Coordinating Committees to fast track cases of long detentions;
    - The Minister of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders;
    - The Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prison Service should ensure that children in conflict with the law are separated from adults in all places of detention and children who have been incarcerated with their mothers are catered for; and
    - The Justice, Law and Order Sector should strengthen the mechanisms for diversion of children away from the criminal justice system using the alternative dispute resolution through mediation and arbitration;
2. The Uganda Police Force, Uganda Prison Service and Uganda Peoples' Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and ensure detainees living with HIV and AIDs access ARVs;
3. The Uganda Police Force and the Uganda Prisons Services should be provided with adequate resources for them to perform their functions and improve their working conditions;
4. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the ICCPR.
5. The Office of the Prime Minister and Ministry of Internal Affairs need to facilitate the Refugee Welfare Committees to address the needs of refugees at reception centers.

CHAPTER 3: HUMAN RIGHTS EDUCATION AND OUTREACH

This Chapter provides an assessment of the human rights education and outreach activities conducted by the UHRC in accordance with its constitutional mandate to implement education and information programmes to enhance the respect of human rights. Focus is placed on specific human rights education and outreach activities implemented by the UHRC which were aimed at strengthening accountability in institutions.

In 2012, UHRC sensitised 19,274 people which included 1998 law enforcement and security agencies, 262 district officials, 203 local council officials, 86 health workers and 167 teachers. The chapter further makes an assessment of the UHRC's grass root interventions to 13,959 members of the grass root communities through community meetings (barazas) and kraal outreach activities. Focus was also placed on other outreach activities such as media programmes implemented through 115 live phone-in radio talk shows, 3383 radio spot messages and 19 television adverts and infomercials, commemoration of human rights days and publication and documentation of human rights issues. The UHRC faced persistent challenges in the provision of human rights education which included inadequate funding for civic education, non functional district human rights committees due to lack of funding from the Ministry of Local Government and non-prioritisation of human rights issues at the districts.

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Recommendations

1. As recommended in the previous annual reports:
    - Government should designate a programme for continuous civic education to support the Uganda Human Right Commission fulfil its constitutional mandate in the area of human rights education;
    - The Uganda Law Reform Commission should translate the Constitution into more local languages in order to ensure that more people are aware of the provisions of the Constitution;
    - The Ministry of Local Government should urgently operationalize its initiative to form and facilitate existing District Human Rights Committee Furthermore, Ministry of Local Government should develop guidelines for the effective operations of District Human Rights Desks /Committees;
    - Ministry of Local Government should monitor and ensure the enforcement of the human rights based approach to planning and development by districts in order to achieve enhanced service delivery and ultimately the enjoyment of human rights by the people of Uganda;
2. Government should develop and implement a national civic education policy which should oblige the government to ensure that civic education is considered a priority and that all interventions and funding for civic education activities are sustained and adequate; and
3. The Government should support the Uganda Police Force Training Unit to acquire and equip all police officers with a compendium of laws relevant to police work for instance the Constitution, the Police Act Cap 303, Penal Code Act Cap and the Prevention and Prohibition of Torture Act, 2012.

CHAPTER 4: FINANCE AND ADMINISTRATION

The Chapter highlights the support and administration services rendered in the financial year (FY) 2011/ 2012 that enabled the UHRC achieve its strategic objectives. This covers the operational structure of the UHRC, capacity building initiatives, funding of the Information and Communication Technology. Specifically considered were: the acquisition of a new server, court recording equipment, development of the Client the Integrated Financial Management System .The Chapter also outlines the contribution of international, regional and national engagements to the achievements of the UHRC such as the award as the best human rights body in Africa that was given to the UHRC during the 52 Ordinary Session of the African Commission on Human and Peoples' Rights held in Yamoussoukro, Cote d'Ivoire.

In spite of the positive trends registered in the achievement of its strategic objectives, the UHRC still faced persistent challenges including inadequate funding, low staffing levels, high rental expenditure and dependency on development partners for core activities. Most of these challenges stem from inadequate funding and lack of substantial improvement of the Medium Term Expenditure Framework ceiling.

Recommendations

1. As recommended in the previous annual reports:
    - Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission being a statutory body to avoid dependency on donor funding for its major operations and core functions. Ministry of Finance, Planning and Economic Development should provide adequate funding under the Non-Wage component for operations;
    - Ministry of Finance, Planning and Economic Development should honour the unfulfilled promise of operationalisation of the Uganda Human Rights Commission's expanded structure by providing an adequate wage bill; and

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2. Ministry of Finance, Planning and Economic Development should fund the Uganda Human Rights Commission development activities in particular, to build office blocks for regional offices to avoid high rental expenditure.

SECTION 2

CHAPTER 5: EMERGING HUMAN RIGHTS CONCERNS

The chapter focuses on prevailing human rights issues that need to be addressed due to their human rights implications and negative impact on the delivery of social services to the public. The chapter highlights the plight of teachers, health workers, civil servants and delayed payment of pensions to former government civil servants in light of their important role in delivery of social services. Other human rights concerns such as freedom of assembly, expression and the media, issues relating to the operation of Non-governmental organisations, rampant corruption and the oil and gas bills are highlighted because of their implication on the promotion and protection of human rights.

The UHRC noted positive developments such as establishment of a Negotiating and Consultative Council for public service unions, increase of salaries of medical doctors in health centre IVs, increased budgetary allocution to the Ministry of Health and amendment of Police Form 3A. However the UHRC noted challenges including: inadequate remuneration, lack of effective redress mechanisms, insufficient oversight mechanisms, inadequate transparency and accountability mechanisms, threats to health workers, teachers and media practitioners' restriction of freedom of movement and operations of NGOs, lawlesS/Ness and disobedience by the public; denial of social services and an adequate standard of living due to corruption.

Recommendations to address concerns of teachers

1. Government should urgently operationalise Collective Bargaining Agreement to enable labour unions effectively represent their members;
2. Ministry of Education and Sports should facilitate District Education Officers to regularly conduct monitoring of institutions of learning within their jurisdiction. This would give them an opportunity to experience first-hand the issues affecting schools and the teachers therein;
3. There is a need for government to set a minimum wage for workers in general. The determination of the minimum wage should take into consideration the type of work done, level of qualifications of the worker, inflation rate and the cost of living. This would help curb the exploitation, oppression and underpayment of workers;
4. The Industrial Court should be fully operationalised to efficiently and effectively resolve employer-employee disputes that have been forwarded to it by the District Labour Officers;
5. Verification of teachers on the payroll should be urgently conducted and concluded to ensure that teachers that were erroneously deleted from the payroll are reinstated and 'ghost' teachers expunged;
6. There is need for government to provide adequate funding to the Directorate of Labour, Employment and Occupational Safety and Health that handles labour matters within the Ministry of Gender Labour and Social Development. This would rejuvenate its efforts in resolving matters affecting workers; and
7. There is need for frequent engagements between the union and the Ministry of Education to harmonise and agree on positions for the betterment of the teachers' conditions of service.

Recommendations to address concerns of health workers

1. Ministry of Health should ensure that the general working conditions of all health workers are improved.

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This would include the increment in salaries for all categories of health workers and provision of welfare allowances and housing, among others. Medical interns should equally be considered in the course of revising salaries of health workers as they contribute immensely to the delivery of health services;

2. The Ministry of Health should ensure that adequate protective gear is supplied to health facilities to guarantee the safety of health workers;

3. The Ministry of Health should ensure that health workers are skilled, equipped, motivated and housed within the reach of health consumers. With regard to housing of health workers, in the event of resource constraints, temporary accommodation should be made available within health facilities for health workers on call; and

4. The Ministry of Local Government should ensure that the District Health Officers should be adequately funded to enable them monitor service delivery in health facilities. Furthermore, where there are no officers, they should be urgently appointed.

Recommendations on delayed payment of salaries and pensions

1. Government should take steps to adopt a national strategy and plan of action to realize the right to social security. The plan of action should entail the review and amendment of the existing Pensions Act;

2. Pension reform strategies developed and implemented by Ministry of Public service should respect the key principles of accessibility, non-discrimination, information dissemination and participation of the beneficiaries. Furthermore, it is important to consider decentralization of pension claim and receipt service delivery to the district level;

3. The government should expeditiously implement the recommendations contained in the report of the Inter Ministerial Task Force on the Reform of the Public Service Pension Scheme; and

4. Government should ensure timely and accurate payment of salaries for public servants. In the event that the delayed payment of salaries cannot be avoided due to circumstances out of the control of the Ministry of Public Service, the Ministry should promptly inform public servants of the impending delay. This will provide public servants with sufficient time to identify alternative means to meeting their various commitments.

Recommendations on Freedom of Assembly

1. In the absence of the Public Order Management law, the police and the public are urged to utilize the Uganda Human Rights Commission Guidelines on Public Demonstration which were developed with input from all stakeholders underpinning the need for close cooperation between all the players to ensure orderly and peaceful demonstrations in Uganda;

2. The Government (Ministry Of Finance, Planning and Economic Development) of Uganda should increase Uganda Human Rights Commission funding to conduct continuous and consistent civic and human rights education so as to increase public awareness about human rights and citizens' duties; and

3. Political leaders should desist from issuing statements that incite the public and the media should also retrain itself from publishing or airing such messages given the powerful role it plays in shaping public opinion.

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Recommendations on Freedom of Expression and the media

1. Media managers and journalists should adhere to the set professional code of ethics and practices;

2. Security personnel that violate rights of journalists should be brought to book and resultant actions made public;

3. Media houses should put in place safety and protection mechanisms for journalists assigned to cover riotous or dangerous scenes. This may acquisition of specialized gadgets that can be used to capture happenings from a distance without necessarily putting their journalists' lives at risk while covering riotous and dangerous scenes; health insurance schemes for such journalists and rescue plans;

4. All public bodies should publicize the categories of information that is in their possession, highlight that they can release and that they cannot release. Public bodies should make efforts to ensure easy, timely, effective and practical access to such information;

5. Parliament and all stakeholders in the protection and promotion of human rights should review all media laws to assess their compliance to international human rights standards. Such an enabling media regulatory environment will go a long way in enhancing the media's free and independent operations in Uganda; and

6. Government should increase funding for the Uganda Human Rights Commission to undertake specialized training for media managers and practitioners on the protection and promotion of human rights and well as their duties and responsibilities that come with media freedom.

Recommendations on the Operating Environment for Non-Governmental Organisations

1. Parliament and the Uganda Law Reform Commission should review the provisions that are restrictive of the operations of Non-Governmental Organisations to create a conducive environment for their operations;

   Non-Governmental Organisations should review their strategies of engagement with government to strengthen their dialogue with government.

2. Non-Governmental Organisations that seek to organize demonstrations should, in the absence of a law governing public order management, do so in accordance with the Uganda Human Rights Commission Guidelines on Public Demonstrations.

Recommendations on corruption and human rights

1. Review and strictly implement the laws relating to corruption and misappropriation of funds;

2. Increase citizens' and public official's awareness of the dangers of corruption and its negative impact on human rights; and

3. Strengthen the anti-corruption mechanisms to effectively execute their functions.

Recommendations on the Oil and Gas Bills

The Bills should be reviewed with the aim of:

1. incorporating human rights safeguards

2. strengthening oversight mechanisms

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3. promoting transparency and accountability
4. providing for more adjudication mechanisms
5. enhancing environmental protection.

CHAPTER 6: HUMAN RIGHTS CONCERNS ARISING OUT OF FLOODS AND THE BUDUDA LANDSLIDES

This chapter analyses the impact on human rights of floods and the Bududa landslide because of their reoccurrence in 2012, focusing on the right to life, property, health, education and housing. The chapter assesses the resettlement interventions following the initial Bududa landslide in 2010.

The UHRC observed improvement in interventions of the districts, coordination in delivery of food and non-food items for the victims of the floods and the Bududa landslide but noted challenges such as delayed response, inadequate funding and inadequate provision of social services. With regard to the survivors in Kiryandongo the UHRC noted the improvement in safety and security, enjoyment of freedom of worship and non-discrimination in participation in public affairs. However, the UHRC noted challenges in the enjoyment of an adequate standard of living such as shelter, food, water and sanitation.

Recommendations

1. As recommended in the previous annual reports:

- Government should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1)
- The Office of the Prime Minister should strengthen the Disaster Preparedness and Management Institutions at the national and local government levels by equipping them with human, logistic and financial resources for effective response and management
- The Office of the Prime Minister should strengthen coordination with national and international partners in order to have an effective emergency response.
- Government and other stakeholders should apply the Human Rights Based Approach which emphasises the principle of non-discrimination with special attention to vulnerable groups such as women, children, persons with disabilities and the elderly in disaster preparedness and management.

2. The Office of the Prime Minister should strengthen interventions such as resettlement of survivors in landslide prone areas in order to achieve durable solutions;
3. Government should clarify the status of the Kiryandongo camp for purposes of funding and service delivery; and
4. Ministry of Water and Environment should develop and implement a flood management strategy for all districts prone to floods.

chapter 7: Access to Justice for vulnerable persons

This Chapter focuses on access to justice for selected vulnerable persons in Uganda specifically children, victims of Sexual and Gender Based Violence, Persons with Disabilities, refugees and immigrants because of the nature of marginalisation that they face due to their less privileged position in society.

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The UHRC noted positive developments in the administration of justice for vulnerable persons including: the Justice, Law and Order Sector initiatives to improve availability and accessibility of its services through construction of courts and offices of the Directorate of Public Prosecution, initiatives to reduce the average stay on remand; establishment of A Sexual and Gender Based Violence Unit under the Uganda Police Force; and ratification of the Convention on the Rights of Persons with Disabilities. The UHRC noted challenges including: detention of juveniles with adults; limited diversion of children such as street children from the formal justice system, barriers in accessing justice, backlog of Sexual and Gender Based Violence and lack of Witness Protection law.

Recommendations

1. Government should finalise the process of developing a legal Aid Policy to enable vulnerable person's for example refugees, women, Persons With Disabilities and Immigrants access legal aid;

2. Uganda Law Reform Commission should expeditiously amend the Children's Act to provide for, among other things, the diversion of children from the formal justice system as well as the handling of children at risk, including drug abusers and street children;

3. Parliament should expeditiously enact the Witness Protection Bill, to among others regulate conditions and procedures for providing out-of-court protection and assistance to a witness; especially for children and victims of Sexual and Gender Based Violence;

4. Government should make all courts physically accessible to Persons With Disabilities or relocate sessions to areas within the court structure that can be accessed by Persons With Disabilities; and

5. The Ministry of Internal Affairs should establish custody centres for illegal immigrants and provide adequate funding for their timely deportation whenever necessary.

CHAPTER 8: TRANSITIONAL JUSTICE: RIGHT TO REMEDY AND REPARATION IN NORTHERN UGANDA

The insurgency in Northern Uganda from 1986 to 2006 was the most prolonged war ever witnessed in the country's history. This caused massive destruction in the entire region with large numbers of civilians suffering serious violations. This included: systemic and widespread massacres, abduction and forced recruitment into the Lord's Resistance Army (LRA), slavery, and mutilation of victims and psychological harm, torture and cruel treatment, sexual and gender based violence, forced displacement, impoverishment and humiliation, pillaging, looting and destruction of property, among other harms.

It is from this background that the victims expect some form of remedy of reparations for the harm suffered. Even after the war ended, victims continued to live with the aftermath of the violence, affecting their physical, emotional and psychological health, with people having permanent physical deformities. This situation has required the design and implementation in the region of transitional justice measures. Although steps have been taken towards transitional justice measures, there are a number of challenges hampering the process. The key challenges facing the transitional justice process include: the lack of a transitional justice policy to direct programme implementation including reparations, limited resources for post conflict programmes; limited access to justice; uncertainty on the future of amnesty; rampant land disputes; post conflict gender based violence; and stigma for children who were born in captivity and the inadequate documentation of the conflict.

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Recommendations

1. The Justice Law and Order Sector should expedite the process of developing a transitional justice policy. The Policy should cover reparations, truth telling, traditional justice and formal justice, among other things;

2. Reparation should include assistance even financial, to help victims gain access to their homes and land and be provided with start-up capital for income generation and livelihoods support programmes;

3. Reparation should include access to education, legal and social services, public acknowledgement of harm and apologies, inquiries into the whereabouts and fate of the disappeared, and assistance with identification and burial of the dead. It should also include compensation to land owners who hosted Internally Displaced People's camps and military establishments;

4. In the interim, Government should incorporate transitional justice mechanisms in the implementation of the Peace, Recovery and Development Plan and other existing Government programmes. In relation to reparations, there is need to establish well structured interim measures to address reparation needs of victims who are in a deplorable state';

5. Government should prioritise and coordinate its post-conflict recovery programmes as well as those supported by development partners. This requires among others to effectively curb the corruption and diversion of resources for the implementation of post conflict programmes;

6. Justice Law and Order Sector should put in place special measures to improve access to justice in the post conflict region and to promote alternative justice mechanisms to complement formal justice mechanisms. Furthermore, ustice Law and Order Sector should ensure victim participation and protection and build the capacity of the Sector to deal with post conflict justice;

7. The President should appoint Supreme Court Judges in order to facilitate the disposal of pending Appeals including the case of Uganda vs. Kwoyello;

8. Parliament and the Ministry of Justice and Constitutional Affairs should resolve the future of Amnesty in post conflict Uganda;

9. The government should establish an effective land adjudication system as a mechanism to deal with the problems of land grabbing and resolve all land conflicts which have resulted from the prolonged conflict in Northern Uganda;

10. The Ministry of Gender, Labour and Social Development and its partners should put in place special measures to handle post conflict gender based violence and family justice and reduce the stigma for children who were born in captivity; and

11. The Justice, Law and Order Sector should enhance the capacity of the UHRC to effectively document the conflict and contribute to the transitional justice process.

CHAPTER 9: ASSESSMENT OF ACCESS TO QUALITY HEALTH CARE SERVICES

This Chapter makes an assessment of access to quality health care in light of the various interventions made by the UHRC to enhance the respect of the right to health including inspection of health facilities and reviewing of reports of the health sector. The assessment also makes an appraisal of the health performance indicators including the maternal mortality rate, under five mortality rate, immunisation coverage and the HIV/AIDS prevalence rate. The Chapter highlights the legal framework, identifies developments and challenges in accessing quality health care and services and makes relevant recommendations.

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Recommendations

1. As recommended in the previous annual reports:
    - The Government should increase the budget allocation to the health sector in line with the Abuja Declaration requiring 15% of the budget in order to address the poor quality of health care services and to revise the salary rate of health professionals;
    - The Ministry of Local Government should recruit to fill the vacancies in health facilities as per the demands of the health standards based on the grading system with special consideration given to post conflict situations;
    - The Ministry of Health should prioritise Neglected Tropical Diseases control as a development program and allocate it adequate funding;
    - The Ministry of Health should strengthen the accountability system within the Health Sector including the supervisory and monitoring systems; and
    - Parliament should enact legislation in accordance with Article 8 A(1) of the Constitution;
2. The Ministry of Health should put in place a mechanism to popularise the Patients Charter in health facilities.

CHAPTER 10: ASSESSMENT OF ACCESS TO QUALITY EDUCATION

One of the key priorities of the Education Sector in 2012 was ensuring access to quality education. This chapter assesses the developments towards the realisation of this objective, which included the implementation of the Universal Post Level and Training Programme; launching of the Skilling Uganda Programme, initiating reform of the lower secondary education curriculum and the enactment of the Special Needs Education and Non-Formal Education policies. The chapter further identifies a number of challenges, including: inadequate budget allocation, high dropout rates, absenteeism and poor working conditions of teaching staff among others, which affected access to quality of education service delivery and concludes with recommendations.

Recommendations

1. As recommended in the previous annual reports:

- The Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports in order to carry out its function of quality education service delivery and meet the minimum core obligations under the International Covenant on Economic, Social and Cultural Rights and the objectives of the National Development Plan;
- The Ministry of Education and Sports should implement the Special Needs Education Policy and provide sufficient funding towards this subsector to cater for the increased number of children with special needs;
- Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports to implement a salary scale that attracts and retains adequate and qualified teaching professionals within the sector; and
- Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports to cater for indirect costs such as lunch in order to retain children in schools;

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2. Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports for Universal Primary Education and Universal Secondary Education schools for the construction of more schools, classrooms and staff housing in all counties and for the procurement of educational materials;

3. Ministry of Education and Sports should step up continuous monitoring, inspection and support supervision to all private and Government aided primary and secondary schools including Early Childhood Development Centres;

4. Ministry of Education and Sports and the National Curriculum Development Centre should review and reform the current education curriculum at all levels from academic-based forms of learning to life skills education; and

5. Parents and guardians should fulfil their obligation to provide for the education and training of their children by meeting the costs of scholastic materials, uniforms, basic necessities, feeding and extra charges.

CHAPTER 11: COMPLIANCE WITH INTERNATIONAL AND REGIONAL REPORTING OBLIGATIONS

In line with its mandate, the UHRC monitored Government's compliance with international treaty and convention obligations on human rights at the regional and international level. The prompt submission of state reports to the international and regional mechanisms is a reflection of the commitment of the Government to promote and protect human rights as a member of the UN Human Rights Council. It also provides an opportunity for the Government to seek financial and technical assistance in the event that the specific rights cannot be effectively implemented. This Chapter highlights Uganda's reporting status, notes some concluding observations from previous reports, points out challenges and makes recommendations.

Recommendations

1. The Ministry of Foreign Affairs should strengthen the Inter-Ministerial Technical Committee which provides technical support to the Cabinet Sub–Committee that provides policy oversight and guidance on human rights issues. Stakeholders under each treaty should be identified and their roles defined. This includes line ministries, coordinating ministries, the Uganda Human Right Commission, civil society and international agencies. In addition, the role of the Uganda National Bureau of Statics should be strengthened as a source of data collection and analysis.

2. The Ministry of Foreign Affairs should ensure that the process of compiling the State reports should be open and as inclusive as possible to ensure objective and analytical reports. Such a process would help Government fulfil its obligations under the treaties it has ratified and assess the effectiveness of mechanisms it has put in place.

3. The Ministry of Foreign Affairs should strengthen the reporting and monitoring role of the Inter-Ministerial Technical Committee among others through training and the learning from best practices. In addition, financial and technical assistance from treaty bodies or specialised agencies should be accessed for purposes of sustainability.

4. Parliament should ensure that laws that are passed do not violate human rights standards which the Government has committed to. In addition, Parliament should request Ministries to include in their policy statements a status of implementation of treaty obligations under their mandate.

5. The Minister of Foreign Affairs should extend an invitation to the Special Rapporteurs including those that focus on economic, social and cultural rights thematic mandates in order for them to provide their expertise on the effective promotion and protection of economic, social and cultural rights.

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CHAPTER 12: GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

The UHRC has over the years made recommendations to Government and other stakeholders aimed at improving the human rights situation in the country. In fulfilling its mandate, the UHRC tracked progress made in 2012 in respect to the recommendations made in its fourteen annual reports to Parliament. This Chapter tracks all outstanding recommendations that the UHRC has made since its inception which are classified as: (a) recommendations fully complied with, (b) recommendations partially complied with, and (c) recommendations not complied with.

In 2012, 81.8% of the recommendations were either fully or partially implemented compared to the 77.5% which was documented in 2011. Full compliance was registered in 2012 in the appointment of two new members to the commission, establishment of the Parliamentary Standing Committee on Human Rights, submission of the state report to the Committee on Economic, Social and Cultural Rights as well as the enactment of laws, namely; the Prevention and Prohibition of Torture Act 2012 and the National Council for Older Persons Act 2010.

Recommendations that were implemented partially included payment of the UHRC Tribunal awards, establishment of a Victim's Compensation Fund, phasing out the use of buckets for toilets in detention facilities, establishment of District Human Rights Desks, increasing funding to the UHRC, developing of the anti corruption strategy, reduction in cost of ARVs, elimination of safe houses, and producing a simplified version of the Constitution among others.

In 2012, 18.1% of the recommendations were not complied with at all compared to 22.5% recorded in 2011. Recommendations which the Government did not act at all included: providing funding for civic education, issuing the report on findings by a Commission of inquiry into burning of Kasubi Tombs, operationalisation of the Industrial Court, setting a minimum wage, establishing a Disaster Management Commission and ,ratification of the Optional Protocol of the UN Convention Against Torture.

Recommendation

1. The UHRC urges Government and other specified stakeholders to ensure timely and comprehensive implementation of its recommendations in order to improve the human rights situation in the country.

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CHAPTER 1

ASSESSMENT OF COMPLAINTS MANAGEMENT IN 2012

1.0. INTRODUCTION

Article 52 (1) (a) of the 1995 Constitution of the Republic 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) further gives the UHRC powers of a court, which includes the power 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. This is in addition to the power 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. In its implementation of the above mandate, the UHRC has continued to receive complaints on human rights violations, conduct investigations, mediations, offer counselling services, give advice, make referrals and hear/decide complaints through the Human Rights Tribunal. This Chapter provides an analysis of the complaints received, investigated, mediated and resolved through the UHRC's process.

1.1. PROCESS OF RECEIVING COMPLAINTS

1.1.1. Who may Lodge a Complaint?

Any person claiming a violation of a fundamental right may bring a complaint before the UHRC for redress. Complainants may include victims of human rights violations, relatives, friends, legal representatives, Organisations, institutions, concerned parties or anyone authorised by the victim. Persons lodging complaints before the UHRC may not only complain on their own behalf but also on behalf of others similarly affected by the alleged violation. This is known as Representative Complaint. In addition to the above, the UHRC may also open a complaint on its own initiative where a violation is identified.

1.1.2. Mode of Receiving Complaints

Complaints may be received by the UHRC when lodged in person (complainants walks into any of the UHRC offices to tell their stories), by letter, email, fax or phone call, toll-free line for the Gulu office, through mobile complaints handling, community barazas or where referrals are made to the Commission. No fees are charged for lodging a complaint since all UHRC services are free of charge.

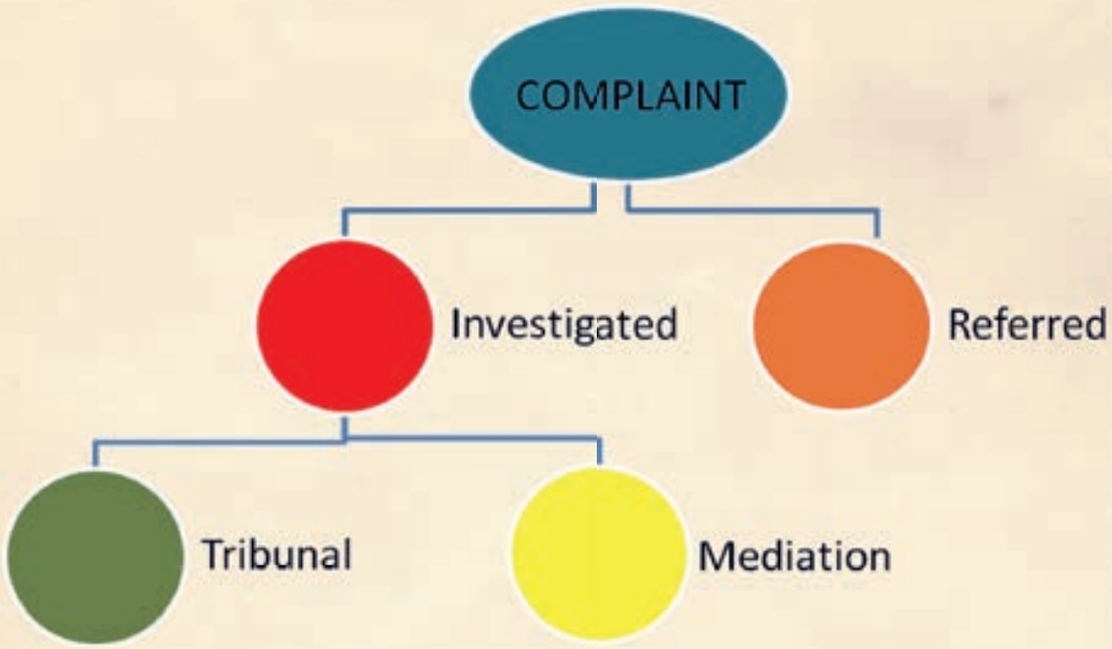
The UHRC attends to all people who contact the institution for its intervention into their matters. The UHRC's policy is never to turn away any person without listening to him or her. As such, where a complainant brings a complaint that the UHRC cannot handle, the person is either given advice on how to go about the matter or may be referred to another appropriate institution that can handle the particular complaint. In fulfilment of its mandate to protect and promote human rights, the UHRC also works closely with various national institutions and Civil Society Organisations (CSOs) where it refers matters that do not fall within its mandate or matters that these bodies are best placed to appropriately handle.

All persons who approach the UHRC are attended to, whether victims or witnesses. They are interviewed by the UHRC staff in a language they understand. It is a requirement for the UHRC staff to ensure that the victims or witnesses are not intimidated or re-traumatised.

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Where it is clear that a matter would best be dealt with by another institution, agency or organisation, a referral is made. Where a matter falls within the UHRC's mandate, such complaint is registered and either mediated or investigated to establish whether the allegations constitute a human rights violation.

Figure 1.1: Illustrates the Various Stages of the Complaints Handling Process



1.1.3. Mobile Complaints Handling

The UHRC has established a mobile complaints handling mechanism where the staff move from district to district or village to village, sensitising people on their rights and thereafter registering complaints on human rights violations that may be raised. The mobile complaints mechanism has been effective in creating awareness about the UHRC and targeting rural communities who are sometimes intimidated by the legal system or are not keen on travelling long distances to urban centres or official offices to lodge their complaints due to financial constraints. Through mobile complaints handling, the UHRC is also able to reach more people in a short, time with limited resources.

1.2. COMPLAINTS RECEIVED AND REGISTERED IN 2012

In 2012, the UHRC received a total of 2,725 complaints and registered 706 new complaints on human rights violations, making a 31% decrease from the 1021 complaints registered in 2011.The decrease in the number of complaints received is attributed to the reforms made by different government institutions to ensure the respect for human rights, the increased awareness on human rights by security personnel, the strict adherence to the admissibility criteria and the fact that the UHRC is working closely with other institutions where some matters may be referred for appropriate handling. It should be noted though that the UHRC on its own initiative registered and investigated 12 complaints, which also formed part of the 706 complaints registered in 2012. Some of these complaints were taken-on following newspaper reports, inspections by the UHRC, anonymous phone calls and information from partners.

Table 1.1 shows the number of complaints received in 2012, while Table 1.2 shows the number of complaints registered from the various regional offices of the UHRC in 2012. One should note that the complaints received represent all matters reported to the UHRC whether admissible or not.

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Table 1.1: Number of Complaints Received by the UHRC Regional Offices in 2012

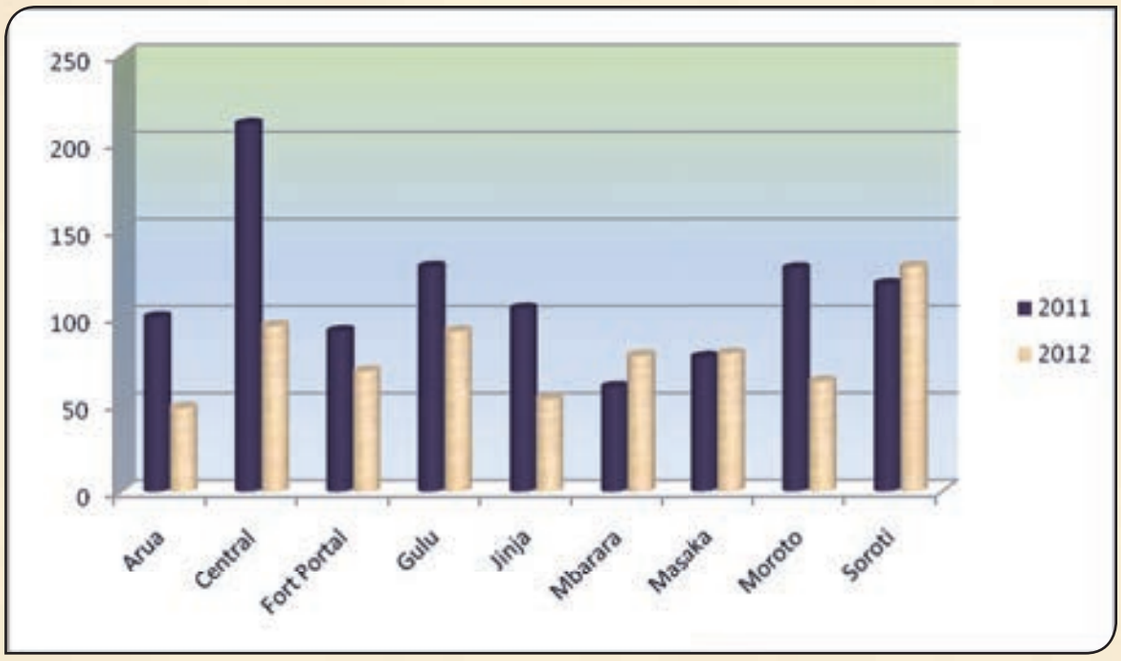
Arua	Central	Fort portal	Gulu	Jinja	Mbarara	Masaka	Moroto	Soroti	Total
54	181	295	324	326	931	286	91	237	**2725**

Table 1.2: Number of Complaints Registered by the UHRC Regional Offices in 2012

Arua	Central	Fort portal	Gulu	Jinja	Mbarara	Masaka	Moroto	Soroti	Total
48	95	69	92	53	78	79	63	129	**706**

As indicated in Table 1.2 above, Soroti Regional Office registered the highest number of complaints in 2012 totalling 129 (18.27%). This was followed by the Central Regional Office with 95 (13.46%), Gulu Regional Office with 92 (13.03%), Masaka Regional Office with 79 (11.19%), Mbarara Regional Office with 78 (11.05%), Fort Portal Regional Office with 69 (9.77%), Moroto Regional Office with 63 (8.92%), Jinja Regional Office with 53 (7.51%), and Arua Regional Office with 48 (6.8%).

Figure 1.2: Complaints registered per regional office in 2011 and 2012



Despite the general decrease of complaints registered in most regional offices, there was an increase in the number of complaints registered by Soroti Regional Office from 119 in 2011 to 129 in 2012. This was attributed to the mobile complaints handling and community sensitisation activities conducted in the region during the year. Masaka regional office also registered a minimal increase of complaints from 77 in 2011 to 79 in 2012, while Mbarara had an increase from 60 registered in 2011 to 78 in 2012.

Other than the Soroti, Masaka and Mbarara regional offices, all the other regions had a reduction in the number of complaints registered. The Central Regional Office had a decrease of complaints registered from 211 in 2011 to 95 in 2012, which was attributed to the change of office location and the strict adherence to the admissibility criteria.

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Arua's complaints reduced from 100 in 2011 to 48 in 2012, while Gulu registered a decrease from 129 in 2011 to 92 in 2012. Moroto regional office registered a decrease from 128 in 2011 to 63 in 2012, Jinja's complaints decreased from 105 in 2011 to 53 in 2012 and Fort Portal had a decrease from 92 in 2011 to 69 in 2012. Other than the positive reasons stated above, the reduction in the number of complaints registered by majority of the regional offices was also attributed to the limited human rights sensitization activities in 2012, due to financial constraints and late releases of funds.

1.3. NATURE OF ALLEGED HUMAN RIGHTS VIOLATIONS REGISTERED IN 2012

In 2012, there was a notable 29.2% decrease in the number of complaints registered against the violation on the freedom from torture and ill-treatment from 428 in 2011to 303 complaints in 2012.[1] Despite the decrease of complaints registered, torture, cruel, inhuman or degrading treatment or punishment remained the highest violation registered in all the regional offices. The complaints received on the violation against the freedom from torture and ill-treatment mainly arose out of the 2011 presidential elections aftermaths, which involved A4C pressure group activities and walk-to-work demonstrations where civilians and security agencies were engaged in running battles. Complaints of torture and ill-treatment were closely followed by complaints on detention beyond 48 hours and complaints concerning the rights of children to maintenance.

Table 1.3 shows the nature of complaints registered at the UHRC's regional offices in 2012. One should note though that the totals in Table 1.2 above vary from those in Table 1.3. This is because a single complaint registered may contain two or more alleged human rights violations.

Table 1.3: Violations Registered at UHRC Regional Offices in 2012

	Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MSK	MRT	SRT	TOTAL	%AGE
1	Torture and cruel, inhuman or degrading treatment or punishment	10	55	21	55	27	31	30	38	36	303	35.31
2	Detention beyond 48 hours[1]	1	25	17	49	13	47	13	7	61	233	27.16
3	Denial of child maintenance	14	14	35	7	7	9	33	8	20	147	17.13
4	Deprivation of property	7	7	-	8	3	4	5	5	18	57	6.64
5	Denial of basic education	10	-	-	-	-	1	1	2	9	23	2.68
6	Deprivation of life	1	4	2	6	-	-	3	10	1	27	3.15
7	Violation of right to a fair and speedy trial	3	1	-	-	1	-	-	1	5	11	1.28
8	Unlawful arrest or detention	3	-	1	-	-	-	3	3	-	10	1.17
9	Denial of remuneration and pension	-	4	-	-	-	-	4	-	-	8	0.93
10	Detention in un-gazetted place	-	-	1	1	-	-	-	-	1	3	0.35
11	Denial of just and fair treatment in administrative decisions	-	-	-	-	2	1	1	-	-	4	0.47
12	Discrimination on grounds of sex, religion, HIV/AIDS, disability	1		-	-	-	-	1	-	-	2	0.23
13	Violation of privacy of person, home, property and correspondence	1	-	-	-	-	-	-	-	-	1	0.12

1 Torture and ill-treatment in this context means the freedom from torture, cruel, inhuman or degrading treatment or punishment

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	Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MSK	MRT	SRT	TOTAL	%AGE
14	Denial of child to know and live with parent (access to child)	3	2	-	-	-	1	-	-	-	6	0.70
15	Violation of right to health	-	1	-	-	-	-	1	-	1	3	0.35
16	Denial of clean and healthy environment	-	-	-	-	1	-	-	-	-	1	0.12
17	Denial of right to work or practice one's profession and rights at work	-	-	-	-	-	-	1	-	-	1	0.12
18	Sexual harassment	-	-	-	-	-	-	-	-	-	-	0.00
19	Security of person	-	-	-	-	-	-	1	-	-	1	0.12
20	Forced labour	-	-	1	-		-	-	-	-	1	0.12
21	Enforced disappearance	-	-	1	-	-	-	-	-	-	1	0.12
22	Child marriage	-	-	-	-	-	-	-	-	-	-	0.00
23	Freedom of movement	-	-	-	-		-	-	-	-	-	0.00
24	Unlawful eviction	-	-	-	-	-	-	-	-		-	0.00
25	Unreasonable delayed investigation by police		-	-	-	5	-	3	2	2	12	1.40
26	Violation of the right to culture	-	-	-	-	-	-	-	-		-	0.00
27	Denial of special protection to orphans		-	-	-	-	-	-	-	-	-	0.00
28	Right to settle and reside in any part of Uganda	-		-	-	-	-	-	-	-	-	0.00
29	Denial of access to prisoner	-	-	-	-	-	-	1	-	-	1	0.12
30	Denial of access to justice	-	-	-	-	-	-	-	-	-	-	0.00
31	Denial of access to information	-	1	-	-	-	-	-	-	-	1	0.12
32	Press Freedom	-	1	-	-	-	-	-		-	1	0.12
	Total	**54**	**115**	**79**	**126**	**59**	**94**	**101**	**76**	**154**	858	

1.3.1. Analysis of the Nature of Complaints Registered in 2011 and 2012

In 2012, the highest number of complaints registered involved the violation of freedom from torture, cruel, inhuman or degrading treatment or punishment which constituted 35.3% of the total complaints registered. This was followed by complaints on the detention beyond 48 hours at 27.16%, denial of child maintenance at 17.13%, and deprivation of property at 6.6%. The UHRC also noted a 54% increase in complaints on the right to basic education which increased from 15 in 2011 to 23 in 2012, while those on the right to a fair and speedy trial remained at same level as reported in 2011.

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Complaints related to the denial of child maintenance reduced by 34% from 224 in 2011 to 147 in 2012, and complaints against the deprivation of property which reduced by 49% from 112 in 2011, to 57 in 2012. There was also a notable decrease in complaints against the deprivation of the right to life from 60 in 2011 to 27 in 2012, making a 123% decrease. In addition to the above, the UHRC noted a 125% decrease in complaints regarding the right to remuneration and pension which reduced from 18 in 2011 to 8 in 2012.

Figure 1.3: Comparison of the top five alleged violations in 2010, 2011 and 2012

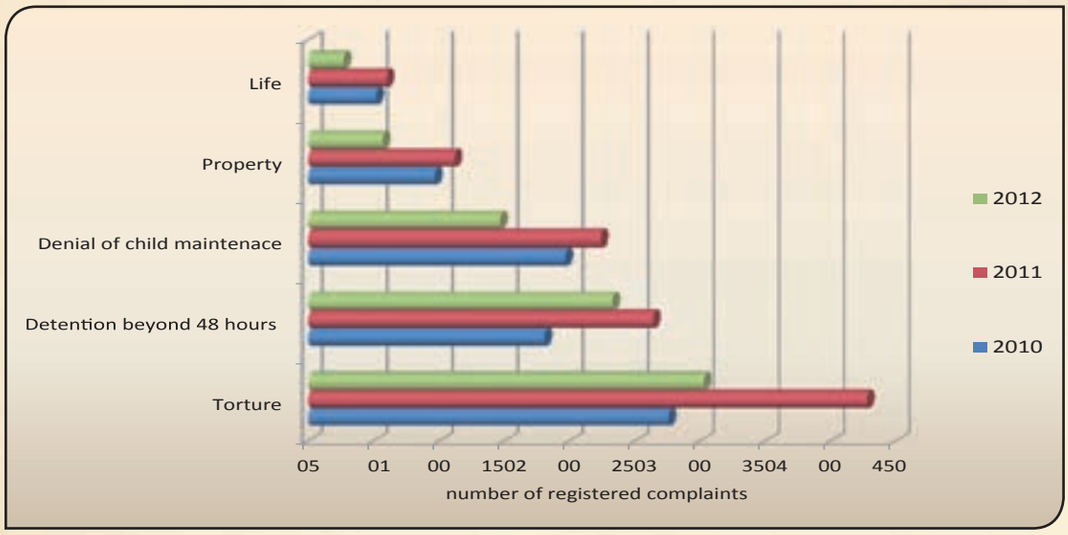


Table 1.4: Trends of the Top Seven Complaints Registered since 2007 to 2012

Violation	2007		2008		2009		2010		2011		2012	
	Total	%	Total	%	Total	%	Total	%	Total	%	Total	%
Torture and ill-treatment	254	23.7	314	29.6	314	31.0	276	28.3	428	34.77	303	35.31
Rights of children maintenance	256	23.8	234	22.1	173	17.1	197	20.2	224	18.20	147	17.13
Right to Personal liberty/ detention beyond 48 hours	147	13.7	178	16.8	196	19.4	181	18.6	264	21.45	233	27.16
Right to Property	160	14.9	102	9.0	105	10.4	97	10.0	112	9.10	57	6.64
Right Life	28	2.6	63	5.9	28	2.8	52	5.3	60	4.87	27	3.15
Right to fair and speedy trial	51	4.7	35	3.3	26	2.6	29	3.0	11	0.89	11	1.28
Right to education	74	6.9	50	4.7	49	4.7	28	3.0	15	1.22	23	2.68

1.3.2. Complaints Registered by Gender in 2012

In 2012, the UHRC received 841 complainants, whose complaints were registered as raising matters of human rights violations.[2] This marked a 29% decrease compared to the previous year where 1182 complainants had their complaints registered. As was the case in 2011, the male complainants continued to lodge more complaints by 73%, compared to the female complainants.

2 Please note that the number of complainants is higher than the complaints registered, because, one complaint may be lodged by numerous victims of the violation.

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On the whole, complaints reported by the male complainants reduced by 29% from 854 in 2011 to 611in 2012, as well as complaints reported by the females which decreased by 26.5% from 313 in 2011 to 230 in 2012. Majority of the complaints (97.15%) were reported by adults, while only 2.85% were lodged by minors or persons below 18 years of age. As was the case in 2011, most of the complaints lodged by minors in 2012 were with regard to the right to education, maintenance and neglect by parents or guardians.

Figure 1.4: illustration of the Gender of Complainants as Registered in 2012

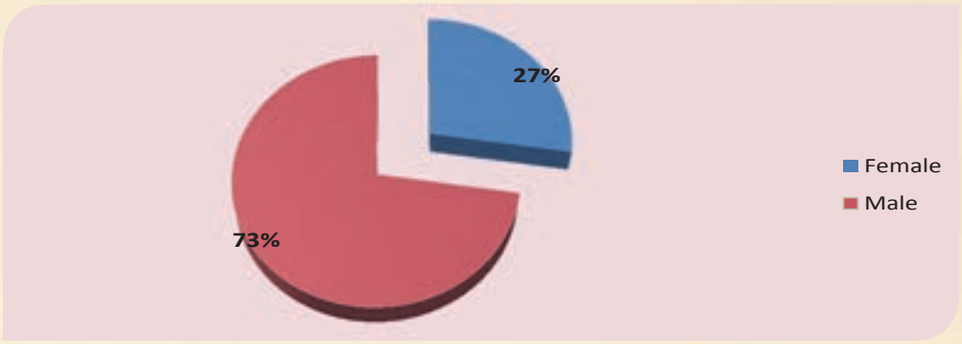


Table 1.5: Categorisation Nature of Complainants Registered in 2012

Region	Total no. of complainants	Male	Female	Institution/ organisation	No. of Adults	No. of Minors
Arua	51	25	26	-	47	4
Central	153	126	27	-	153	-
Fort Portal	69	30	39	-	64	5
Gulu	125	112	13	-	125	-
Jinja	94	65	29	-	93	1
Masaka	79	43	36	-	78	1
Mbarara	78	64	14	-	78	-
Moroto	63	47	16	-	61	2
Soroti	129	99	30	-	118	11
TOTAL	**841**	**611**	**230**	**-**	**817**	**24**

1.3.3. Respondents in Human Rights Complaints Registered in 2012

There was a general reduction of complaints against most government institutions. As was the case in 2011, majority of the complaints registered in 2012 were against the Uganda Police Force (UPF,) with a total of 346 complaints. It is however important to note that there was a notable 24.3% reduction in the complaints registered against the UPF from 457 in 2011 to 346 in 2012. The UPF was closely followed by private individuals with a total of 190 complaints, most of which concerned the denial of child maintenance. The complaints registered against the Uganda People's Defence Forces (UPDF) were 85 with the allegations on the violation of the freedom from torture and other cruel, inhuman and degrading punishment being the highest. The Uganda Prisons Service (UPS) had 34 complaints against them while those against Local Government were complaints.

The Internal Security Organ (ISO) on the other hand registered an increase in complaints registered from 0 in 2011 to 7 in 2012; while complaints against CMI increased from 5 in 2011 to 7 in 2012 making a 40% increase. There was no significant change in the number of complaints lodged against the Judiciary, Non-Governmental Organisations and private security companies.

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Table 1.6: Categorisation of Respondents by Regional Office

Respondent	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Uganda Police Force	9	37	24	62	37	60	11	79	27	346
Individuals	26	13	35	7	10	12	10	34	43	190
Uganda Peoples' Defence Forces	4	10	5	16	1	-	42	2	5	85
Local Government	6	-	2	5	-	2	-	3	2	20
Uganda Prisons Service	2	4	2	10	2	4	-	2	8	34
Education Institutions	-	-	1	-	-	1		2	4	8
Private Companies	-	-	1	-	5	2	-	0	1	9
Internal Security Organisation	1	1	2	3	-	-	-	-	-	7
Statutory Bodies (NFA, NSSF, UWA, UIRI)	1	-	-	2	-	-	-	4	2	9
Chieftaincy of Military Intelligence	-	5	-	-	2	-	-	-	-	7
Security Companies	-	-	-	-	-	-	-	-	1	1
Joint Anti-Terrorism Task Force	-	-	-	-	-	-	-	-	-	-
Hospitals	-	-	-	-	-	-	-	1	1	2
Judiciary	1	-	-	-	-	-	-	-		1
Government Ministries /departments	1	-	-	1	-	-	-	-	1	3
Non-Governmental Organisation/Civil Society Organisation	-	-	-	-	-	3	-	-	-	3
Office of the Resident District Commissioner	-	-	1	-	-	-	-	-	-	1
TOTAL	**51**	**70**	**73**	**106**	**57**	**84**	**63**	**127**	**95**	**726**

Table 1.7: Complaints against the Uganda Police Force

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture and cruel, inhuman or degrading treatment or punishment	3	35	12	36	17	27	3	28	16	177
Detention beyond 48 hours	1	18	12	42	12	47	1	60	16	209
Deprivation of property	1	4	-	5	-	3	3	3	4	23
Deprivation of life	-	3	1	2	-	-		1	-	7
Delayed investigations and the violation of right to a fair and speedy trial	1	1	-	-	6		3	6	2	19
Unlawful arrest or detention	3	-	-	-	-	-	1	-	-	4
Detention in ungazetted place	-	-	1	-	-	-	-	-	-	1
Press freedom	-	1	-	-	-	-	-	-	-	1
Right to health	-	-	-	-	2	1	-	-	-	3
Forced Labour	-	-	1	-	-	-	-	-	-	3

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Table 1.8: Complaints against the Uganda People's Defence Forces

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture and cruel, inhuman or degrading treatment or punishment	4	7	1	7	-	-	30	2	5	56
Detention beyond 48 hours	-	1	1	2	-	-	7	1	-	12
Speedy hearing	1	-	-	-	-	-	-	-	-	1
remuneration		3	-	-	-	-	-	-		3
Life	-	-	1	1	-	-	7	-	1	10
Detention in un-gazetted places	-	-	-	1	-	-	-	-	-	1
Enforced disappearances	-	-	-	1	-	-	-	-	-	1

Table 1.9: Complaints against the Uganda Prison Services

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture and cruel, inhuman or degrading treatment or punishment	1	2	1	10	2	3	-	1	6	26
Detention beyond 48 hours	-	1	1	5	-	-	-	-	-	7
Life	1	1	-	1	-	-	-	-	1	4
Access to medical services	-	1	-	-	-	1	-	-	-	2
Detention of child with adult	-	-	-	-	-	-	-	1	-	1
Unlawful detention	-	-	1	-	-	-	-	-	-	1

Table 1.10: Complaints against Local Governments

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture and cruel, inhuman or degrading treatment or punishment	2	-	1	3	-	1	3	1	1	12
Detention beyond 48 hours	-	-	1	-	-	-	-	-	-	1
property	3	-	-	1		1	-	2	-	7
Discrimination	1	-	-	-	-	-	-	-	-	1
Life	-	-	-	-	-	-	1	-	-	1

Table 1.11: Complaints against Individuals

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Property	3	-	-	-	1	-		13	-	17
Education	8	-	-	-	-	-	2	9	1	20
Maintenance	17	13	35	7	4	7	7	20	32	142
Life	-	-	-	1	-	-				1
Access to a child	-	2	-	-	-	1	-	-	-	3
Torture	-	3	-	1	1	3	1		1	10
Women's rights	-	-	-	-	-	-	-	1	-	1
remuneration	-	-	-	-	-	-	-	-	1	1

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Table 1.12: Complaints against Chieftaincy of Military Intelligence (CMI)

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture, cruel, inhuman and degrading treatment or punishment	-	3	-	-	1	-	-	-	-	4
Detention beyond 48 hours	-	1	-	-	1	-	-	-	-	2
Remuneration	-	1	-	-	-	-	-	-	-	1

Table 1.13: Complaints against Internal Security Organisation (ISO)

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Detention beyond 48 hours	-	1	1	-	-	-	-	-	-	2
Torture	-	-	1	-	-	-	-	-	-	1

Table 1.14: Complaints againstPrivate Security Companies

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture, cruel, inhuman and degrading treatment or punishment	-	1	-		4	-	-	-	-	5

Table 1.15: Complaints against Educational Institutions

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Torture, cruel, inhuman and degrading treatment or punishment	-	-	1	1	-	-	-	1	-	3
Denial of education	-	-	-	-	-	-	-	1	-	1
remuneration	-	-	-	-	-	-	-	-	3	3
Discrimination	-	-	-	-	-	-	-	-	1	1

Table 1.16: Complaints against Hospitals and Health Centres

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Right to health	-	-	-	-		-	-	1	1	2

Table 1.17: Complaints against Resident District Commissioners

Alleged Violation	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Right to health	-	-	1	-		-	-	-	-	1
Torture	-	-	1	-	-	-	-	-	-	1

1.4. INVESTIGATIONS

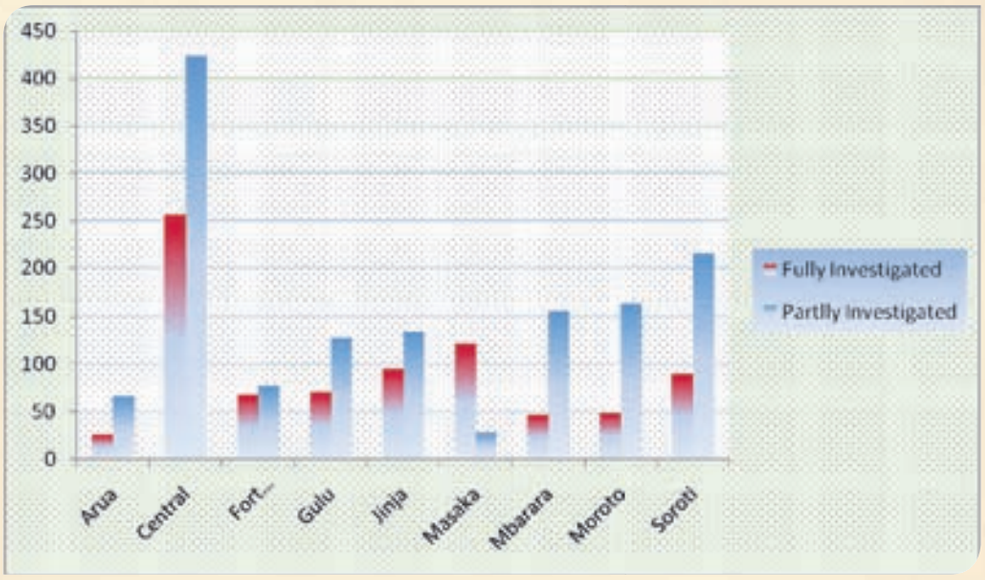
In fulfilment of its Constitutional mandate to investigate violations of human rights, the UHRC registered a 20.4% increase in the total number of complaints investigated from 1,838 complaints investigated in 2011 to 2,195 in 2012. Out of the total number of complaints investigated in 2012, 839 were investigated to completion, while 1,356 complaints were partially investigated. For the matters where investigations were concluded, some were forwarded to the UHRC Tribunal for hearing, some were referred to other institutions for appropriate handling, while others were closed for various reasons including lack of merit, insufficient evidence to sustain the allegations, false allegations and lack of jurisdiction.

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Table 1.18: Complaints Investigated per Regional Office

Regional Office	Backlog (2010 backwards)		Fresh complaints received in 2012		TOTAL
	Fully Investigated	Partially Investigated	Fully Investigated	Partially Investigated	
Arua	17	09	26	22	74
Central	239	348	19	76	682
Fort Portal	63	48	5	29	145
Gulu	63	48	7	79	197
Jinja	77	99	18	35	229
Masaka	65	5	56	23	149
Mbarara	41	83	5	73	202
Moroto	47	102	1	62	212
Soroti	71	135	19	80	305
TOTAL	683	877	156	479	2,195

Figure 1.5: Complaints investigated per Regional Office



1.5. ADVICE OFFERED AND/OR REFERRALS TO OTHER INSTITUTIONS

In 2012, the UHRC referred 2,020 complaints, with land disputes topping the list at 482 complaints. The UHRC however noted that the complaints on land disputes increased from 369 in 2011 to 482 in 2012 making a 30.6% increase. Through referrals, the UHRC is able to focus on matters it can effectively handle without being overwhelmed.

The referral system also enables the UHRC to avoid duplicity of functions and curb forum-shopping where some complainants lodge the same complaint in different institutions. Table 1.19 below shows a breakdown of complaints in which complainants were advised and/or referred to other institutions.

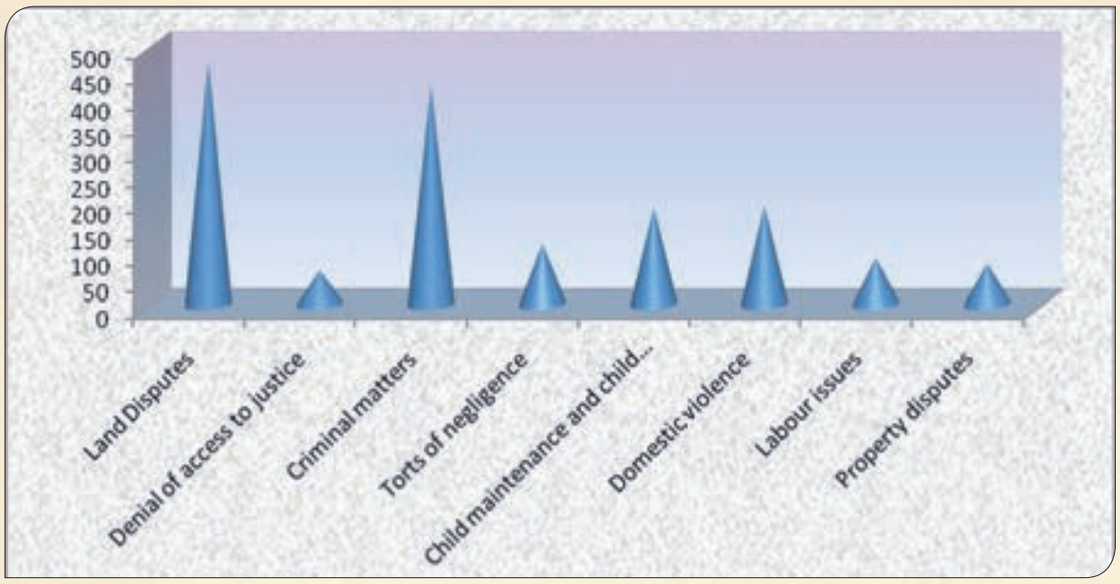
Table 1.19: Complaints Advised and/or Referred to other Institutions in 2012

Nature of Complaint	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Denial of access to justice	1	-	19	-	8	-	2	-	34	64
Denial of access to the child and Failure to provide maintenance	1	2	11	4	-	61	7	85	8	179
Child custody	-	-	9	-	11	-	7	-		27

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Nature of Complaint	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Denial of education	-	-	2	-	-	-	-	-	1	3
Denial of medical services	-	-	3	-	-	-	-	-	1	4
Contractual matters	-	1	4	3	-	55	-	-	12	75
Corruption and abuse of office	-	1	2	-	5	-	-	-		8
Criminal matters e.g. assault, threatening violence, fraud, defilement, etc.	-	1	39	2	74	188	10	115	27	456
Domestic Violence, family disputes and Divorce	-	4	15	4	8	153	2	-	3	189
Forced Marriage	-	-	1	-	-	-	-	-	1	2
Land disputes	-	1	71	2	51	192	-	121	44	482
Remuneration, Non-payment of wages, pension and workers' compensation	2	2	15	-	1	6	4	14	29	73
Termination from employment and other labour issues	-	2	6	2	54	-	-	6	10	80
Property disputes	-	-	10	-	-	32	4	10	32	88
Refugees' security	-	-	-	-	-	-	-	-		-
Succession disputes	-	-	-	-	16	25	-	-		41
Torts e.g. negligence	-	-	7	-	-		-	-	2	9
Civil matters	-	8	3	-	54	50	-	-	5	120
Political issues and post-election violence	-	-	-	-	-	-	-	-	-	-
Dissatisfied with court decisions and rulings	-	-	4	-	-	-	-	10	-	14
Environmental issues	-	-	-	-	1	-	-	-	2	3
Witchcraft	-	-	-	-	-	-	-		2	2
Emergency food supply	-								2	2
Citizenship	-	-	1	-	-	-	-	-	-	1
Missing Persons and enforced disappearance	1	-	1	-	-	-	-	-	-	2
Discrimination	1	-	1	-	-	-	-	-	-	2
Other general inquires	-	-	20	-	61	6	1	06		94
Total										**2,020**

Figure 1.6: Top 8 categories of complaints referred to other institutions



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1.6. RESOLUTION OF COMPLAINTS

1.6.1. Mediation

The possibility for complainants to have their complaints amicably settled or resolved through alternative dispute resolution (ADR) is extremely important. ADR is often a preferred option in dispute resolution because parties are in position find their own practical solutions to the dispute without being coerced. The process is also preferred because it is informal, cheaper, faster, non-adversarial, neutral with no decision making power, creates win-win solutions and allows long conflicting parties to hear each other out.

As one way of resolving complaints, the Commission uses ADR, mainly mediation, to reach amicable settlements. Complaints are most effectively mediated if the complainants and respondents have mutually agreed and are willing to come up with their own solutions to the dispute. Family disputes and matters relating to remuneration or employment are some of the areas the Commission has identified as appropriate for mediation. In 2012, the UHRC mediated 139 complaints, most of which were about child maintenance as is illustrated in tables 1.20 and 1.21 below.

Table 1.20: Complaints Resolved through Mediation in 2012

Regional Office	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Complaints Mediated	21	16	17	3	7	8	9	21	37	139

As is always the practice in the UHRC, the mediating officers provided information about human rights and the necessary legal provisions relevant to the disputes. This was done in order to ensure that parties were fully informed and aware of the legal implications related to their matters. The mediators who were neutral guided the parties on the human rights principles and legal perspectives or jurisprudence useful for the possible resolution of their matters. The outcomes achieved from the mediations often included: forgiveness, reconciliation, offering of financial assistance, increased communication between the parties, resolved misconceptions and misunderstandings, apologies, provision of accommodation and occasionally financial reimbursement. Finally, the parties always signed memorandums of understanding where they agreed on how to resolve their disputes.

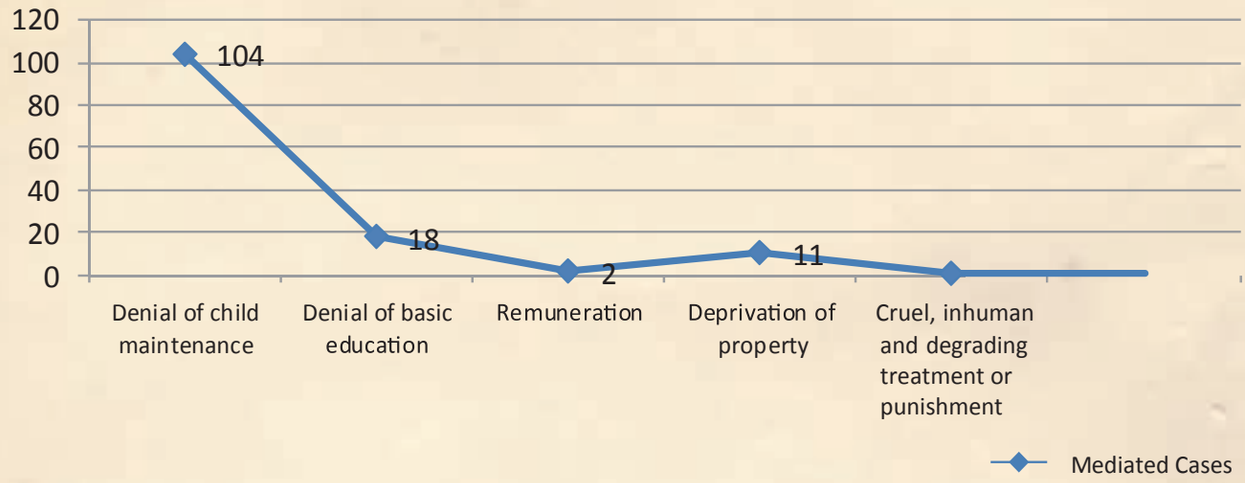
Table 1.21: Nature of Complaints Mediated in 2012[3]

Nature of complaints	ARU	CTRL	FPT	GLU	JJA	MBR	MRT	SRT	MSK	TOTAL
Denial of child maintenance	10	16	17	3	5	4	7	9	33	104
Denial of basic education	7	-	-	-	-	2	1	7	1	18
Denial of child to know and live with parent (access to child)	-	-	-	-	-	-	-	-	-	-
Deprivation of property	4	-	-	-	1	1	1	4	-	11
Remuneration	-	-	-	-	-	-	-	-	2	2
Discrimination	-	-	-	-	-	1	-	1	1	3
Unlawful eviction	-	-	-	-	-	-	-	-	-	-
Cruel, inhuman and degrading treatment or punishment	-	-	-	-	1	-	-	-	-	1
Denial of right to fair hearing	-	-	-	-	-	-	-	-	-	-

3 Note that the number of mediated matters is different from the complaints mediated. This is because a single complaint can have more than one violation involved.

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Figure 1.7: Complaints Mediated in 2012



1.7. THE COMMISSION TRIBUNAL

Under Article 53 of the Constitution, the UHRC has powers of a court in the performance of its functions of protecting and promoting Human Rights. In effectively carrying out its functions under Article 52 and 53 of the Constitution, the Commission has dual roles which include that of an administrative/advocacy body and that of a quasi-judicial institution. The effective evaluation of claims of human rights violations requires that the Commission sits as a judicial tribunal, comprised of a single hearing Commissioner, assisted by a legal counsel.

The UHRC Tribunal procedure is relatively informal compared to that of ordinary courts of law. At the hearing, the normal rules of procedure applicable in ordinary courts of law are relaxed, and legal technicalities are reduced to the barest minimum so as to enable the parties fully understand what is going on. This is however done without contravening the internationally-recognised cardinal principles of natural justice and procedural fairness which guide the conduct of administrative tribunals. The Tribunal is therefore more innovative and not limited to the conventional statutory or common law limitations, which may tie them to rigid styles of adjudications which are capable of producing correct legal decisions, but which are socially unjust. One of the cardinal aims for the establishment of the Commission was to provide a fair and expeditious redress process for human rights and administrative justice complaints. This purpose would be thwarted if the UHRC was to resort to strict adherence of formal rules of procedure and rules of evidence.

The Tribunal always complies with the rules of natural justice and procedural fairness in ensuring that miscarriage of justice does not occur. However, during the tribunal process, reference is often made to relevant national laws/statutes such as; the Uganda Human Rights Commission Act Cap 24, The Uganda Human Rights Commission (Procedure) Rules, the Civil Procedures Rules S.1 71-1, the Evidence Act, the 1995 Constitution of the Republic of Uganda, and other related statutes.

1.7.1. Remedies Awarded by the UHRC

According to Article 53 (2) of the Constitution, the Commission may, if satisfied that there has been an infringement of a human right or freedom, order;

(a) the release of a detained or restricted person;

(b) payment of compensation or

(c) any other legal remedy or redress.

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Article 53 (2) (c) of the Constitution is couched in such broad terms as to give the Commission a wide latitude to do what ordinary Courts are enjoined to do by providing that the Commission can order "any other legal remedy or redress".

1.7.2. Resolution of Complaints through the Tribunal Process

In 2012, the UHRC Tribunal heard and concluded 96 complaints of which 25 were decided in favour of the complainants, 10 were settled amicably and 61 were dismissed for want of prosecution.[4] On the whole, there was a 28% increment in the number of complaints disposed of by tribunal from 75 in 2011 to 96 in 2012. Table 1.22 below shows the number of complaints decided in each regional office while Figure 7 shows number of complaints concluded through the tribunal process from 2004 to 2012.

Table 1.22: Complaints Decided by the Tribunal in each Regional Office

ARU	CTRL	FPT	GLU	JJA	MBR	MRT	MSK	SRT	TOTAL
0	32	09	21	18	09	0	03	04	96

Figure 1.8: Complaints Concluded through the Tribunal Process from 2004 to 2012

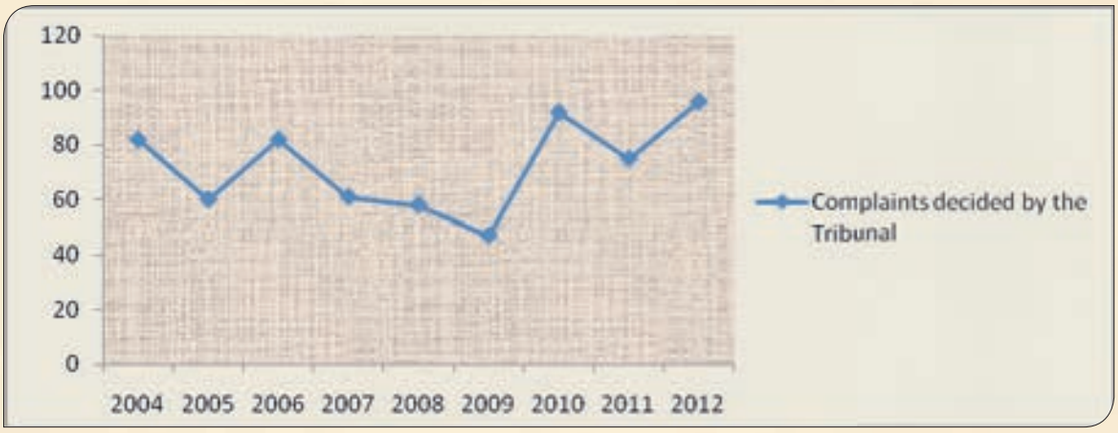


Table 1.23: Nature of Decided Complaints before the Tribunal in 2012

Nature of Violation	Number
Right to personal liberty	42
Right to freedom from torture or cruel, inhuman and degrading treatment	53
Maintenance	06
Right to life	12
Right to property	10
Freedom of speech	01
Right to education	01
Total	**125**

Please note that the numbers of the violations are more than the number of complaints decided or disposed of because a single case may have more than one violation.

1.7.3. Respondents at the Tribunal level

As was the situation in the previous year, the Attorney General represented 80.81% of all respondents in the complaints disposed of at the Tribunal level. This is because of the Attorney General is vicariously liable for violations perpetuated by public officials and other state agents acting in official capacity.

4 A case may be dismissed for want of prosecution on failure of any party seeking affirmative relief to appear for any hearing or trial, or failing to take certain specified actions of which the party had notice.

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The other respondents included private individuals at 9.09%, Local Government at 6.6.06%, Private institutions at 3.03% and Statutory institutions at 1.01%.

Table 1.24: Categories of Respondents in matters disposed of at the Tribunal in 2012

Respondent	Number of Complaints	Percentage
Government departments and agencies represented by the Attorney General	80	80.81%
Statutory Institutions (U.W.A)	01	1.01%
Local Government	06	6.06%
Private Individuals	09	9.09%
Private Institutions	03	3.03%
Total	99	100

1.7.4. Tribunal Awards

In 2012, the total amount of compensation awarded to victims of human rights violations was UG.X. 329,880,000/- (Three hundred twenty nine million, eight hundred and eighty thousand shillings). The awards made by the Tribunal were mainly for violations of the right to freedom from torture and cruel, inhuman or degrading treatment or punishment and the right to personal liberty. Table 1.25 below shows the complaints in which victims were awarded compensation by the Tribunal in 2012, while Table 1.26 shows the status of complaint files currently before the tribunal:-

Table 1.25: Complaints where Awards were made

S/N	FILE NO.	PARTIES	VIOLATION	AMOUNT AWARDED
CENTRAL REGIONAL OFFICE				
	UHRC/900/2000	Ddamulira Abubaker. Et al -and-Attorney General	Torture	UG.X. 22,000,000
	UHRC/278/2004	Fred Semanda -and- Attorney General	Torture	UG.X.30,700,000
	UHRC/145/2005	Kyalimpa Godfrey–and-Attorney General	Liberty Torture	UG.X.16,500,000
	UHRC/48/2003	Onziga Joseph-and-Attorney General	Liberty	UG.X. 4,550,000
	UHRC/402/2003	Ariko Moses-and-Attorney General	Liberty	UG.X.3,150,000
	UHRC/569/2004	Kwezi Pascal-and-Attorney General	Torture	UG.X. 3,000,000
	UHRC/607/2004	Jackson Tumusiime-and-Attorney General	Torture Property	UG.X. 10,000,000
	UHRC/175/2007	Bigirwenkya Godfrey-and-Attorney General	Torture	UG.X. 1, 000, 000
GULU REGIONAL OFFICE				
	GLU/210/2004	William Anolitho(Nyitho Alex Gelu)-and-Attorney General	Liberty Torture	UG.X. 5,000,000
	GLU/313/2003	Adong Madelena-and-Attorney General	Life Property	UG.X. 21,500,000
	GLU/1/2007	Otim Vincent Akoda-and-Attorney General	Life	UG.X. 16,000,000
	GLU/22/2006	Okello Martin Et Al-and-Attorney General	Liberty Torture	UG.X. 7,000,000
	GLU/110/2001	John Otto-and-Odong Ceasario & Attorney General	Life	UG.X. 15,000,000

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	GLU/159/2004	Ogwang Ezebio Et Al-and-Apac District Administration & Anor	Liberty Property	UG.X. 10, 000, 000 1st complainant (Ogwang Ezebio): 3,500,000/= 2nd complainant (Elem Martia): 3,500,000/= 3rd complainant (OkoriCizerino): 3,000,000/=
JINJA REGIONAL OFFICE				
	JJA/120/2006	Ndimukika Sanon–and-Attorney General	Torture Liberty	UG.X. 2,000,000
	JJA/72/2003	Rose N. Bukenya Edward-and-Attorney General	Torture	UG.X. 100,000
	JJA/66/2006	Irene Nakimera-and-Attorney General	Life	UG.X. 26, 000, 000
	JJA/69/2003	Salima Akia Atan-and-Attorney General	Life	UG.X. 25, 000, 000
	JJA/44/2008	Wambi Akram Henry– and-Attorney General	Inhuman Treatment	UG.X. 15, 100, 000
	JJA/49/2006	Atia Nakayima-and-Attorney General	Life	UG.X. 18, 000, 000
	JJA/107/2003	Kitimbo Fred-and-Attorney General	Torture	UG.X. 2, 000, 000
MBARARA REGIONAL OFFICE				
	MBR/84/2005	Barekye James-and-Attorney General	Torture	UG.X. 6, 000, 000
SOROTI REGIONAL OFFICE				
	SRT /244/2001	Sichangi George & 2 Ors-and-Attorney General	Torture Liberty	UG.X. 6,000,000
FORT PORTAL REGIONAL OFFICE				
	FPT/24/2008	Kaligirwa Jacquiline-and-Attorney General	Life	UG.X. 26,000,000
	FPT/55/2005	Otungi John & 4 Ors-and-U. W. A	Torture Liberty	UG.X. 1,500,000
TOTAL				**UG.X.293,100,000**

Table 1.26: Status of files before the Tribunal

Stage of Complaint File	Total number of files
Part-heard	331
Pending Hearing	252
Pending decision	77
Pending Allocation	-
Pending Re-allocation	-
TOTAL	660

As seen from the table above, there are still 660 files pending disposal by the UHRC Tribunal. The part-heard complaints are those where evidence is still being adduced by the respective parties, while those pending hearing are those that are yet to be heard for the first time. Files pending allocation are those yet to be allocated to a specific Commissioner, while those pending re-allocation are files previously allocated to a Commissioner, but due to a number of factors such as expiry of Commissioners' terms of office, resignation or disqualification, the matter is then re-allocated to another Commissioner.

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Figure 1.9: Comparison of the status of Tribunal Performance in 2010, 2011 and 2012

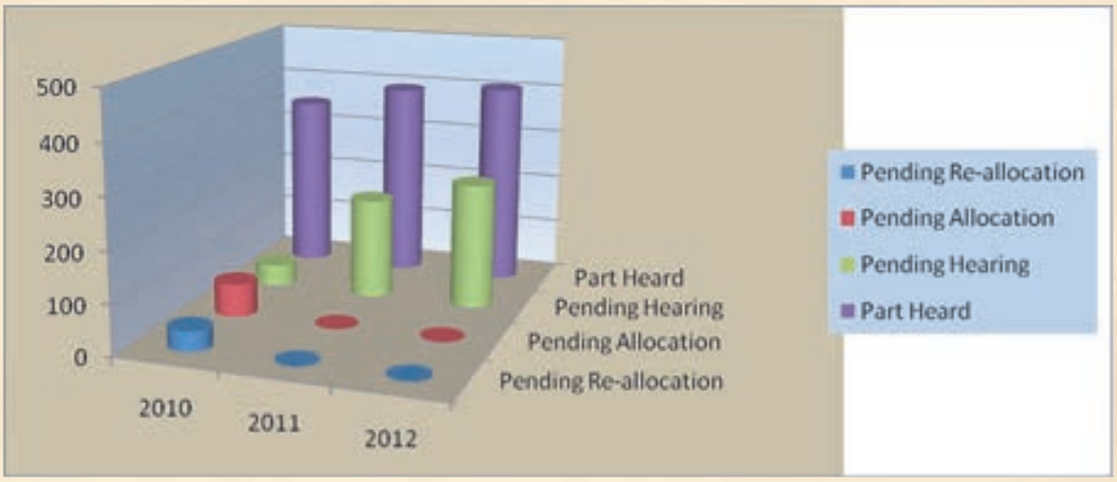


Table 1.27: Complaints Amicably Settled by the Tribunal in 2012

S/N	FILE NO.	PARTIES	VIOLATION	AMOUNT SETTLED
CENTRAL REGIONAL OFFICE				
	UHRC/286/2004	Binega Denis -and- Attorney General	Liberty	UG.X. 5, 000, 000
	UHRC/39/2005	Umar Byamugenzi -and- Nabweru Sub – County Chief	Torture Property	UG.X. 5, 000, 000
GULU				
	GLU/87/2006	Okori Charles -and- Attorney General	Torture	UG.X. 2, 000, 000
	GLU/968/2000	Adoli Richard -and- Lira District Administration	Liberty	UG.X. 500, 000
	GLU/140/2005	Akwany Teddy -and- Attorney General	Liberty	UG.X. 800, 000
	GLU/643/1998	John B. Bongomin -and- Attorney General &Board of Governors Y.Y Okot Memorial	Torture	UG.X. 5, 000, 000
	GLU/83/2004	Ayella Sam & 2 Ors -and- Attorney General	Torture	UG.X. 1, 500, 000Ayella Sam UG.X. 700, 000 Anena Hellen UG.X. 400, 000 Ojok Vincent UG.X. 400, 000
	GLU/121/2005	Auma Middy -and- Attorney General	Property	UG.X. 15, 000, 000
SOROTI				
	SRT/10/2009	Asio Felly -and- Otim Jimmy	Maintenance	UG.X.5,000/= per month to be paid to complainant. - Respondent to pay full educational fees for the child Respondent to plough the complainant's fields as he had always done.
	SRT/252/2007	Umar Mujahid -and- Attorney General	Liberty	UG.X. 1, 980, 000
TOTAL				**UG.X. 36,780,000**

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1.8. CHALLENGES FACED BY THE UHRC IN THE COMPLAINTS HANDLING PROCESS

a) The UHRC continued to face a challenge of locating victims and witnesses due to lack of physical addresses, change of location without return addresses and use of different names. This made it difficult to physically trace complainants and their witnesses for purposes of conducting investigations and serving of tribunal summons.

b) The absence of a witness protection law makes witnesses reluctant to have their statements recorded or testify before the Tribunal. Witnesses are often wary of reprisals from respondents against whom complaints are lodged.

c) The lack of co-operation from respondents continues to affect the timely resolution of complaints.

d) Insufficient medical records to support complaints related to torture is still a challenge.

e) Inadequate resources, both human and financial, to facilitate timely investigation and resolution of complaints.

f) The absence of toll free lines in most regional offices on which complainants can contact the UHRC often affects the poor.

g) With limited Legal Aid service providers and a big population unable to afford legal fees, the UHRC continues to receive complainants which were purely criminal or civil in nature and outside its mandate.

h) The reluctance of some complainants and respondent to appreciate ADR mechanisms and settle their matters amicably, often lead to the lengthy litigation process of having full-hearings.

i) The failure to operationalise the industrial court has denied complainants an effective remedy for labour related cases.

j) The UHRC was without two members of the Commission for two years, which affected the disposal of complaints.

1.9. RECOMMENDATIONS

1. As recommended in the previous annual reports:

- The Ministry of Justice and Constitutional Affairs should handle matters proposed for amicable settlements in a timely manner and should ensure that the victims of human rights violations are promptly compensated by allocating a specific percentage of its quarterly allocations towards the settlement of awards made by the Uganda Human Rights Commission;

- The Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills. The Uganda Police Force in particular should avail itself with modern investigation techniques and equipment to avoid use of torture in obtaining information;

- The Uganda Police Force and the Directorate of Public Prosecutions should be equipped with the necessary facilities to enable them to fulfil the constitutional obligation to bring suspects to court within 48 hours and to efficiently perform their duties;

- Government should, ratify and domesticate the Optional Protocol to the Convention Against Torture, which provides for additional preventive mechanisms in the prevention of torture and ill treatment;

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- Government should conclude the development of a Legal Aid Policy to ensure access to justice for all and the Ministry of Gender, Labour and Social Development should operationalise the Industrial Court;
- State agencies and institutions indicated as respondents, should co-operate with the Uganda Human Rights Commission to enable it effectively implement its mandate and fight impunity in the country;

2. Government should strengthen the institutions dealing with child related issues such as the Family and Child Protection Unit of Police, the Family and Children's Court, and the Local Council courts.

1.10. CONCLUSION

The Complaints management process is an integral part of the UHRC's mandate and its interface with the general public. While the UHRC has registered a number of achievements in handling complaints of human rights violations, there is still much to be done in ensuring timely and effective resolution of matters through investigations, mediations and the tribunal processes. It is therefore important that Government, CSOs, the media, academia, donors and other partners work in close collaboration with the UHRC to ensure the protection and promotion of human rights in the country.

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CHAPTER 2

ASSESSMENT OF CONDITIONS IN PLACES OF DETENTION

2.0. INTRODUCTION

In line with its constitutional mandate, the UHRC continued to monitor the human rights situation in the various places of detention to assess the conditions of suspects and inmates. In assessing the conditions in the detention places, the UHRC examined aspects such as torture and solitary confinement, incarceration of children with adults, incarceration of children with their mothers, long and arbitrary detention, congestion, sanitation (including the use of buckets for toilets), prison population, categories of inmates, maintenance of registers and acquisition of skills by inmates in prison. The UHRC also focused on the categories of detention facilities, construction and renovation of buildings, construction of female and juvenile wings and freedom of worship. This is in addition to the welfare of inmates in terms of access to food, water, information, clothing and bedding, personal hygiene and health care services was also examined, as well as working and living conditions of Police and prison staff. The monitoring and inspection of the places of detention was done to assess compliance with national, regional and international Human Rights Standards as discussed in this chapter.

2.1. LEGAL FRAMEWORK

The fact that people deprived of their personal liberty are cut off from the outside world makes them vulnerable. They become solely dependent on the detaining authorities for most basic needs and rights. This among others has formed the basis for the adoption and implementation of a number of international, regional and national legal instruments protecting the rights of people deprived of their liberty.

2.1.1. International Legal Framework

At the international level, as discussed in the previous Annual Reports,[5] Uganda is a party to a number of international instruments that do 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 (ICCPR)[6], the UN Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment (CAT)[7], the UN Convention on the Rights of the Child (CRC)[8] all provide for and guarantee treatment of detainees with humaneness and respect for their inherent dignity as human beings; and their freedom from torture and other cruel, inhuman or degrading treatment or punishment among other things.

Children who have committed offences, described as juvenile offenders, enjoy special protection measures in their interaction with the justice systems. The Convention on the Elimination of All Forms Discrimination Against Women (CEDAW) and the Convention of the Rights of People with Disabilities (CRPD)[9] also guarantee women and PWDs in detention protection and treatment in accordance with their vulnerabilities.

5 Uganda Human Rights Commission, 14th Annual Report (2011), 16. See also the Uganda Human Rights Commission, 13th Annual Report (2010), 31. See also Uganda Human Rights Commission, 12th Annual Report (2009), 25. See also the Uganda Human Rights Commission, 11th Annual Report (2008), 37-38.

6 Article 7 and Article 9-11, of the International Covenant on Civil and Political Rights.

7 Article 4, Article 10 and Article 13 of the United Nations Convention Against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment .

8 Article 20 and Article 37 of the United Nations Convention on the Rights of a Child.

9 Articles 14-15 of the Convention on the Rights of People with Disabilities.

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The CRPD for instance among other guided by the principles of reasonable accommodation. Other international instruments include the United Nations Standard Minimum Rules on Treatment of Prisoners[10], and the Declaration on the Elimination of Violence Against Women, among others.

2.1.2. Regional Legal Framework

At the African regional level, the African Charter on Human and Peoples' Rights (ACHPR) guarantees the rights of detainees in more less the same manner as the international instruments[11]. The African system also imposes obligations on States to extend special protection to women and children in places of detention consistent with the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Women, and the African Charter on the Rights and Welfare of the Child respectively. Equally important are The Robben Island Guidelines[12] which provide for the prohibition and prevention of torture, cruel, inhuman or degrading treatment in Africa.

2.1.3. National Legal Framework

At the national level, the 1995 Constitution guarantees to all, respect for human dignity, protection from inhuman treatment[13] including people in places of detention. The Constitution also provides for the protection of persons deprived of their personal liberty and circumstances under which one's personal liberty may be suspended.[14] 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(Cap307), 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.

2.2. PLACES OF DETENTION INSPECTED BY UHRC IN 2012

The UHRC inspected 896 places of detention in 2012; out of these, 181 were police stations, 520 police posts, 156 prisons, 33 military detention facilities, 4 remand homes and 2 refugee reception centers. Table 2.1 below indicates the places of detention inspected by the UHRC desegregated by type of facility and region.

Table 2.1: Places of detention inspected in 2012 by UHRC

UHRC Regional Office	Police Stations	Police Posts	Prisons	Military Detention Facilities	Remand Homes	Refugee Reception Centres	Total
Moroto	11	20	3	29	-	-	63
Arua	26	116	10	2	1	-	155
Gulu	6	33	6	-	-		45
Mbarara	12	55	4	1	-	2	74
Soroti	25	55	12	-	1	-	93
Fort Portal	21	86	20	-	1	-	128
Jinja	38	75	39	-	-	-	152
Masaka	17	39	34	1	-	-	91
Central	25	41	28	-	1	-	95
Total	181	520	156	33	4	2	896

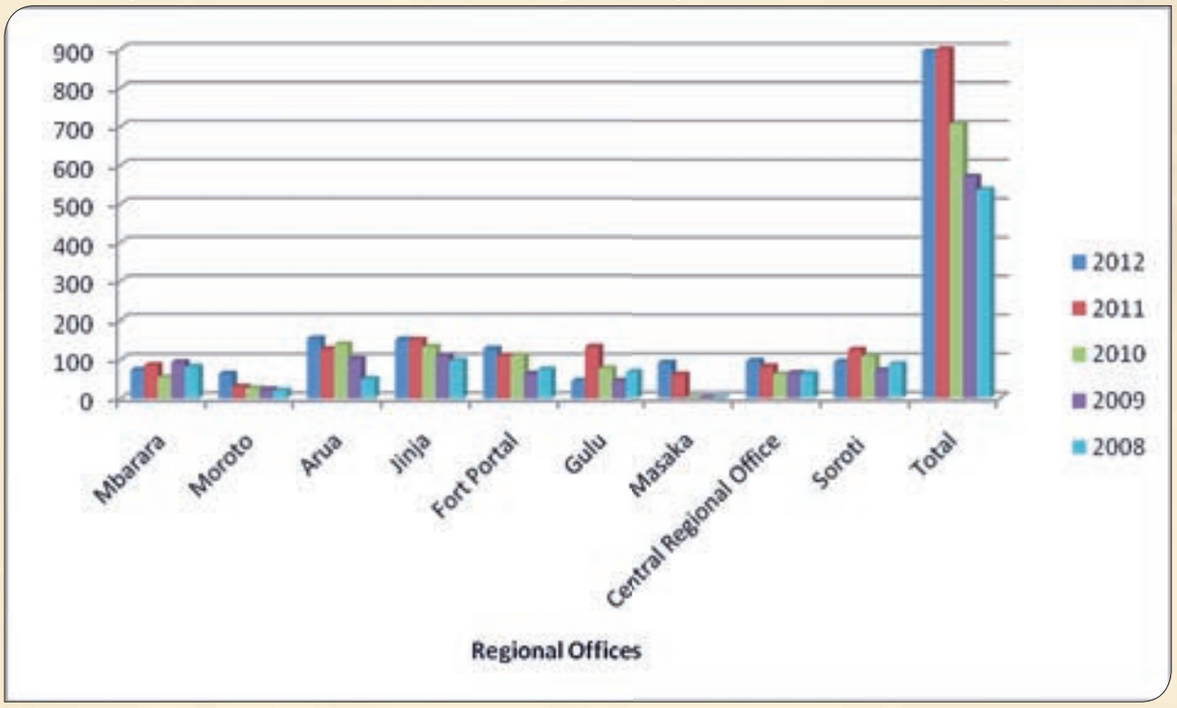
Source: UHRC

10 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).
11 Articles 3-7 of the African Charter on Human and Peoples' Rights.
12 The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment.
13 Article 23-24 and Article 28 of the Constitution of the Republic of Uganda (1995).
14 As above (n13)

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The number of places the UHRC inspected in 2012 at 896 was less than the 900 places inspected in 2011. The decrease is explained by the late release of funds in the second and third quarter of the financial year 2012/13. This affected a number of UHRC activities including inspection of places of detention. Nonetheless, as seen in the figure 2.1 below there is a steady increase in the places inspected by the UHRC in the last five years.

Figure 2.1: Places of detention inspected by the UHRC in the last 5 years



2.3. KEY FINDINGS IN PLACES OF DETENTION INSPECTED

The UHRC noted a number of human rights issues in the places inspected. There was progress in some areas. At the same time, however, some areas registered regression and while in some case the conditions remained the same as before.

2.3.1. Positive Developments

The UHRC commends the UPS and the UPF for the continued efforts to improve conditions in detention places. The most commendable developments in 2012 noted by the UHRC included: increased human rights awareness trainings, maintaining of updated registers, skills training for inmates, reduced number of inmates on remand, new and rehabilitated buildings. There was also continued phasing out of the use of buckets for toilets, respect for freedom of worship, revitalisation of human rights committees as well as construction of female wings and juvenile cells. These positive developments are discussed in detail below.

a) Human Rights Awareness

The UPS conducted human right awareness activities for staff and prisoners, which reached a total of 834 staff attending the Prisons Training School compared to the 744 staff trained in 2011.[15] Out of 834 staff, 704 were former local administration staff, 100 principal officers from the prison supreintendants and 30 trainers of trainers. Human rights education was also conducted at staff assemblies and prisoners' parades by the prison authorities, human rights committees as well as prisoner receptionists.

15 See The Uganda Prisons Services Baseline Survey Report conducted by Winsor Consult (Development Consultants).

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b) Continued establishment and revitalisation of Human Rights Committees

The UHRC noted the continued effort not only to establish more human rights committees but also revitalise those already in existence. The number of prison with human rights committees increased from 80% in 2011 to 87% in 2012[16]. Out of the 156 prisons inspected, 76 (48%) had functional Human Rights Committees. The committees were established for staff and prisoners in places such as Bubukwanga Prison, Masindi Male Prison, Mubuku Prison, Kyakasengura Prison, Kakumiro Prison, Hoima Prison, Bugambe Prison and Uganda Government Prison Adjumani, Ivuka Remand Home, Kamuge Prison and Kabula Prison.

The Human Rights Committees in places such as Nakasongola Prison, Kigo Prison (male section), and Muinaina Prison handled complaints on human rights issues including those on welfare, mistreatment by staff or fellow prisoners, unfair punishment and long remand. Staff and inmates participated in the revitalisation of the human rights committees through human rights awareness, lodging complaints, discussing human rights problems affecting staff and inmates as well as laying down strategies to address them, in addition to monitoring, supervising and evaluating human rights observance and violations.

However, the UHRC also found some prisons with human rights committees for staff but not for inmates. This was the case in places such as Nyabirongo Prison, Isimba Prison, Masindi Female Prison, Maiha Prison, Kibaale prison and Kyakasengura Prison. Yet other prisons did not have any committees for both staff and inmates as was the case in Rusese Prison, Kagadi Prison, Buseruka Prison, Lwebitakuli Prison and Lwabenge Prison.

c) Continued Phasing out the use of Buckets for toilets

The UHRC noted the efforts to continue phasing out the use of buckets for toilets in the detention places. Out of the 156 prisons inspected, 25 (16%) had completely phased out the use of buckets both during day and at night. A total of 31 (21%) prisons had phased out the use of buckets for toilets during the day while, 8 (5%) still used the buckets during day and at night. Water borne toilets had been constructed in prisons where the bucket system had been stopped as was the case in Kitalya Prison, Mityana Prison, Kigo Prison (male and female), Nakasongola Prison, Kaweri Prison (female section only), Mubuku Prison (only male wards were self contained), Butiti Prison, Masindi Male Prison, Masindi Female Prison, Maiha Prison, Isimba Prison, Kakumiro Prison and Rukoki Prison, Kitgum Prison, Erute Prison, Namalu Prison and Kamuli prison. Jinja main prison, Bugungu young offenders and young prisoners, Tororo main (Morukatipe) have always had waterborne toilets in the wards.



An un-emptied bucket at Adjumani Police Station surrounded by rubbish

It should be noted that the on-going progress gained in eliminating the use of buckets in Prisons can be attributed to the continued UHRC interface in the inspected detention places.

16 Mr. Victor Aloka, Assistant Commissioner of Prisons, Presentation on 'Conditions in Prisons in 2012: Achievements, Challenges and Recommendations' at the UHRC 15th Annual Report Consultative Meeting on 7th -11th January 2013 at Speke Resort Munyonyo.

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This notwithstanding, the problem still remains in some places of detention and is worse in Police cells as many still used the buckets for toilets both during day and at night. Some of the police cells had no water to even clean the buckets as was observed in Adjumani Police station as well as police out posts in the districts of Kyenjojo, Buliisa`, Kibaale, Kasese, Hoima, Ntoroko, Bindibugyo, and Masindi. The exception was at Kibaale Police Station and Jinja road Police Station that had completely phased out the use of buckets.




The OC Namalu Government Prison Farm, Nakapiripirit district explaining to the inspection team how the improvised toilet in the female ward works in Karamoja

d) Updated Registers

The UHRC noted a number of registers for different purposes at the places of detention. The UHRC commends the UPS and UPF for maintaining a system of updated registers on aspects such as lock-up, admission, punishment, treatment, property, complaints, death and earnings that were observed in the inspected places of detention. Updated registers were found in places such as Kitalya Prison, Kigo Prison (Both male and female), Mityana Prison, Nakasongola Prison, Kaweri Prison, Muinaina Prison, Kiboga prison, Ntwetwe Prison, Butuntumula Prison, Sentema Prison and Kitalya Prison. Table 2.2 below shows the status of registers in selected places of detention that the UHRC inspected.

Table 2.2: Registers in selected inspected detention places

	Registers available & remarks							
Name of detention facility	**Admission books**	**Punishment book**	**Treatment book**	**Earning scheme**	**Property book**	**Complaint book**	**Death Register**	**Others**
Mukungwe prison	Updated	Updated	Updated	Updated	Updated	Updated	Updated	Discharge book, Inspection book, Visitors book.
Ssaza prison	Updated	Updated	Updated	Updated	Updated	Updated	Updated	Escape diary
Buwunga prison	Updated	Updated	Updated	Not updated.	Not updated. Just paper slips available	Updated	Updated	Escape diary
Bukulula prison	Updated	Updated	Updated	Updated	Updated	Updated	Updated	Ration ledger, gate book
Lukaya prison	Updated	Updated	Updated	Updated	Updated	Updated	Not seen	

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Name of detention facility	Admission books	Punishment book	Treatment book	Earning scheme	Property book	Complaint book	Death Register	Others
Lwabenge prison	Not seen	Updated	Updated	Updated	Not updated. Annual entries included: 2005 – 4, 2006 – 1, 2007 – 4, 2008 – 9, 2009 – 0, 2010 – 1, 2011 – 0, 2012 – 5 (entered on 25/1/12).	Not updated, only two entries since March 2009. (i.e. 15/3/2009 & 04/05/2009)	Not seen	Updated Gate book, Ration book, staff punishment book and drug ledger; Discharge diary not updated – last entry 23/4/2011.
Kyamulibwa prison	Updated	Not updated, last entry made on 08/02/11	Updated	Updated (Earning scheme cash pay updated but lacks prisoners' acknowledgment of receipt of payment)	Not seen	Updated	Updated	
Kalungu prison	Updated	Not updated, the only entries were made on 13/2/05, 27/7/05, 23/3/09, 10/7/09, 10/7/09 & 13/6/10	Updated	Updated	Not seen (O/C explained that an officer had gone with it to court)	Not updated, the only entries were made on 11/12/08, 8/5/09, 19/7/09, and 3/1/10.	Updated	Gate book, Prisoner visitors' book.
Bigasa prison	Books not seen as there was no officer at the prison							
Kitanda prison	Updated	Updated	Updated	Updated	Updated	Updated	Updated	
Butenga Prison	Updated	Updated	Updated	Updated	Updated	Updated	Updated	
Lwengo prison	Updated	New book	Updated though not signed	Updated	Updated	Not seen	Updated.	Store ledger, gate book, escape register,
Ndagwe prison	Not seen, Receptionist not at station							
Kalisizo prison	Updated	Updated	Updated	Not seen	Updated	Updated	Not seen	
Kakuto prison	Updated		Updated		Updated	Updated	Not seen	
Mutukula prison	Updated	Updated	Updated	Not seen	Updated	Not seen	Updated	
Kabira prison	Updated	Updated	Updated	Updated	Updated	Updated	Not seen	
Kasaali prison	Updated	Updated	Updated	Updated	Updated	Updated	Not seen	
Rakai Prison	Updated	Updated	Updated	Updated	Updated	Updated	Not seen	

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Name of detention facility	Admission books	Punishment book	Treatment book	Earning scheme	Property book	Complaint book	Death Register	Others
Kabula prison	Updated	Updated	Updated	Updated	Updated		Not seen	
Kiseka prison	Updated	Other books not seen as the O/C was not in office.					Not seen	
Kabonera prison	Not seen as the O/C was not in office.						Not seen	
Kyanamukaka prison	Updated	Updated	Updated	Updated	Updated		Not seen	

Source: UHRC

Although it was commendable that some places of detention had updated registers, the UHRC noted with concern that others had registers that were not up to date and in some instances were not available. This was the case in Kalisizo prison, Mutukula prison, Kyamulibwa prison, Buwunga prison and Kalungu prison.

e) Freedom of worship

Freedom of worship was respected in the places of detention inspected. In many of the prisons, each religious denomination was allowed to practise and worship freely. Interviews with inmates revealed that religious leaders were allowed into the prisons to conduct and lead prayers. The UHRC commends the prisons authorities for their efforts to establish proper places of worship to address the existing challenges of conducting prayers under tree shades or in prison wards. For instance, at Adjumani Prison moslem inmates had mosque designated within the prison for prayers. While at Amita, Kotido and Namalu prisons inmates worshipped on Fridays, Saturdays or Sundays respectively but usually under trees or in various rooms as the prison authorities would provide from time to time. Whereas there was respect for freedom of worship in most places of detention, there were instances where inmates complained of violation of this right. A case in point was at Butaleja prison where inmates complained of working on Sunday without regard to the time of worship.

f) Acquisition of new skills by Inmates in prison

The UHRC noted that approximately 1,024 inmates were trained in industrial works such as carpentry, tailoring, crafts and bricking making.[17] These skills trainings were done in Adjumani, Amaler, Alebtong, Jinja main, Bufulubi, Lugazi, Ngogwe, Maluku and Soroti prisons. Table 2.3 below shows the various vocational training skills applied by inmates in selected inspected places of detention.



An inmate at Alebtong prison making furniture

17 See above (n 16) 25.

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Table 2.3: Training Skills in selected inspected prisons at a glance

Name of the facility	Training Skill	Purpose for the training skill
Buwunga prison	Brick Making	For the construction of staff houses
Bukulula prison		
Kyamulibwa prison		
Kiseka prison		
Kyanamukaka prison		
Kalungu		Construction of staff house, latrine and the prison store
Kakuuto prison		Bricks made and sold
Kasaali prison		About 40000 bricks made, OC wanted to put up new prison wards as the old structure built in 1949 was dilapidated
Ndagwe prison		Construction of a new ward and staff house.
Mugoye Prison, Kalangala District		Had made about 3000 bricks for the construction of staff houses
Lugazi Prison		
Ngogwe Prison		
Mityana Prison	building	
Kiboga Prison		
Kigo Prison (male section)	carpentry	
Kitalya Prison		
Adjumani prison		acquired workshop equipment for carpentry and was advocating for stakeholders to establish a workshop at the prison for inmates to begin learning carpentry
Kigo female section	Art and Craft Making	
Women inmates at Masaka Prison		
Masaka Prison	Functional Adult Literacy programmes	To be able to read and write
Kalangala Prison		
Mugoye Prison		

Source: UHRC

In addition, an approximated 3,800 inmates were trained in agricultural skills and modern farming practices.[18] For instance, in prisons like Bufulubi farm prison and Bugungu, young offenders and inmates were taught new farming practices such as fish farming and horticulture. The UHRC also observed progress in formal education at primary, secondary and tertiary levels. In prisons such as Amaler Government Prison Farm, interested inmates were encouraged to attend school and those who were professional teachers were allowed to practice their profession in the nearby schools.

g) New and rehabilitated buildings

The UHRC noted that construction and rehabilitation of buildings continued in various prisons and police stations inspected by the UHRC. Accommodation space for inmates increased from 14,493 carrying capacity in 2011 to 14,799 carrying capacity in 2012, due to construction and renovations.[19] Such efforts were observed in prisons such as Kumi, Amuria, Paidha, Mbarara, Dokolo, Pader, Ruimi, Koboko, Amuru, Patiko and Oyam. The UHRC found that in Kapchorwa Government Prisons new wards for both male and female inmates were under construction; Maiha Prison was renovated with self contained bathrooms and toilets in the wards, Kibaale Prison was in the process of renovating male wards to make them self contained; and Butuntumula Prison and Kitalya Prison had on-going renovations. Newly constructed buildings were also noted at Kiruhura, Bushenyi prisons while offices and staff quarters accommodating 10 staff and their families were constructed at Kabonera and Ssaza Prisons respectively.

18 The Justice Law and Order Sector, "Annual Performance Report 2011/2012", P.53.
19 See above (n12).

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On-going Construction work on 2 new wards for male and female inmates at Kapchorwa



A toilet in one of the wards under renovation at Kibaale Prison

Renovation and construction of new buildings was also observed at various police stations. Bundibugyo Police Station had new houses (with 26 units) that were to be used for staff accommodation and more than 26 staff members were to benefit from the accomodation. Nyero Police Station in Kumi district got a new building for both office and cells.

While Kobulubulu Police Station in Kaberamaido district had new uniports erected for both office and staff accommodation. Other renovations were also on-going at Dokolo, Kisoro and Kanungu police stations. Whereas commendable construction and renovation of buildings was witnessed in both prisons and police stations, the inspected places of detention continued to have unplanned as well as old structures.



Newly constructed staff buildings at Bundibugyo Police station

h) Construction of Juvenile cells/wards

The UHRC noted that construction was on-going of cells or wards to accommodate young persons in conflict with the law. Places of detention that had juvenile cells included Kitgum Central Police Station, Otuke Police station, Kibaale Police Station, Bundibugyo Police Station, Masaka Police Station, Kalangala Police Station and Bushenyi Police Station. A reception centre donated by PLAN (U) for child offenders was found at Kamuli CPS. Another centre was at Busia CPS. The UHRC also noted a good practise whereby, the majority of the prison authorities declined to admit juvenile suspects sent to them by magistrates. The juveniles would then be transported to remand homes. Those suspected to be young offenders were taken for medical tests to establish their age. However, the UHRC observed that the continued absence of juvenile cells in the various places of detention increased the likelihood of detaining juveniles with adults.

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i) Construction of female wings/wards

Whereas there was on-going construction of wings to accommodate female inmates in some of the places inspected such as Kalungu, Butenga Prison, Masaka Prison, Lukaya Prison, Kisoro, Kanungu and Bushenyi police stations, the UHRC observed that they still very few. In some places they had female wings in poor condition. At Kalungu Prison a male warder was found to be the sole in-charge of the only female inmate at the time of inspection. This was not only illegal but also made the female inmate more vulnerable. Table 2.4 below shows detention facilities with constructed female wings.

Table 2.4: Detention facilities with constructed female wings

Name of the facility	Availability and status of the female wing
Kalungu Prison	A female ward on a shared building, manned by a male warder
Butenga prison	A female ward on a shared building
Ssaza	The female wing is inhabitable and hence they no longer admit females.
Lukaya prison	A small female ward on a shared building
Kyamulibwa prison	A small female ward on a shared building
Lwengo prison	A small room which can accommodate only 3 inmates on the same building with the male wards
Ndagwe prison	Only an emergence room for females
Kasaali prison	A small female ward
Kalisizo	A small ward on the same building with the male wards.
Masaka Prison	Female wards

Source: UHRC

j) Reduced number of inmates on Remand

The UHRC observed that efforts had been made to reduce the number of inmates on remand. These efforts included such steps as increasing the number of judicial officers and Regular Court sessions, increased sensitisation of people about their rights, particularly the right to bail and empowering them to be able demand it as well as increased community service orders which greatly reduced not only inmates on remand but also the congestion in prisons.

However, although there has been progressive reduction in the number of inmates on remand, this was not the case in all prisons inspected. In some prisons, there were still cases of prolonged remand periods, for example at Masindi Male Prison, while in Mubende and Kiboga prisons the UHRC found 11 inmates who had been remanded since 2009 and 12 inmates since 2010 respectively.

Tables 2.5 and 2.6 in annex 1 and 2 respectively show the prison population and categories of inmates in different detention facilities. Analysis of the figures shows that the number of prisoners on remand (18,808) was proportionately higher than that of convicts (15,960). This has greatly contributed not only to the persistent congestion but also to the associated health hazards noticed in many places of detention visited by the UHRC. Despite the efforts so far, more needs to be done to reduce the number of inmates on remand.

k) Provision of food

The UHRC found that there were continued efforts to provide food in the form of two- three meals a day in detention facilities. There were prisons that supplemented the posho and beans with vegetables such as, cabbages, sweet potatoes, cassava which was common with prison farms. This made it possible to supplement the dietary requirements for not only inmates with HIV/AIDS but as well as mothers incarcerated with their children.

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This was the case for Buwunga, Bukulula, Butenga, Lwengo, Rakai and Kabira prisons. At Adjumani Government prison, inmates informed the UHRC that they were served sufficient quantity of food (250-500 gms) and at times being allowed to prepare their own meals.

l) Disciplinary measures in detention facilities

The UHRC noted the continued efforts to have in place disciplinary measures to address errant inmates, police and prison staff. According to the UPS, 140 staff (2%) in 2012 were disciplined for misconduct, compared to 6% in 2011.[20] Comprehensive disciplinary procedures that allowed the errant individual to put up a defence and testimonies by witnesses among other things, were found at Nakasongola Prison, Kigo Prison, Mityana Prison, Muinanina Prison, Kaweri Prison and Buntutumula Prison. The disciplinary measures included warning, counselling and cautioning. The different types of punishment given to errant inmates included fresh charges, demotion in case of a Katikiro (leadership among inmates), cleaning wards, buckets and pit latrines for a specified period, reduction of days of remission for the convicts, writing their names in punishment books as well as denial of access to visitors. In the case of errant prison staff, they were either warned, counselled or cautioned.

m) Access to information

The UHRC found that there were detention facilities that provided inmates with television sets, radios and newspapers. This was the case with Masindi Male Prison, Hioma Prison, Kitgum Prison and Isimba Prison. In other prisons, inmates were allowed to own small radios and access newspapers for those who could afford them, while in other prisons, inmates could receive weekly reviews of news. However, some facilities still followed a practice direction passed during the 2011 national elections that had all radios removed from inmates.

2.3.2. Areas of Concern in Places of Detention

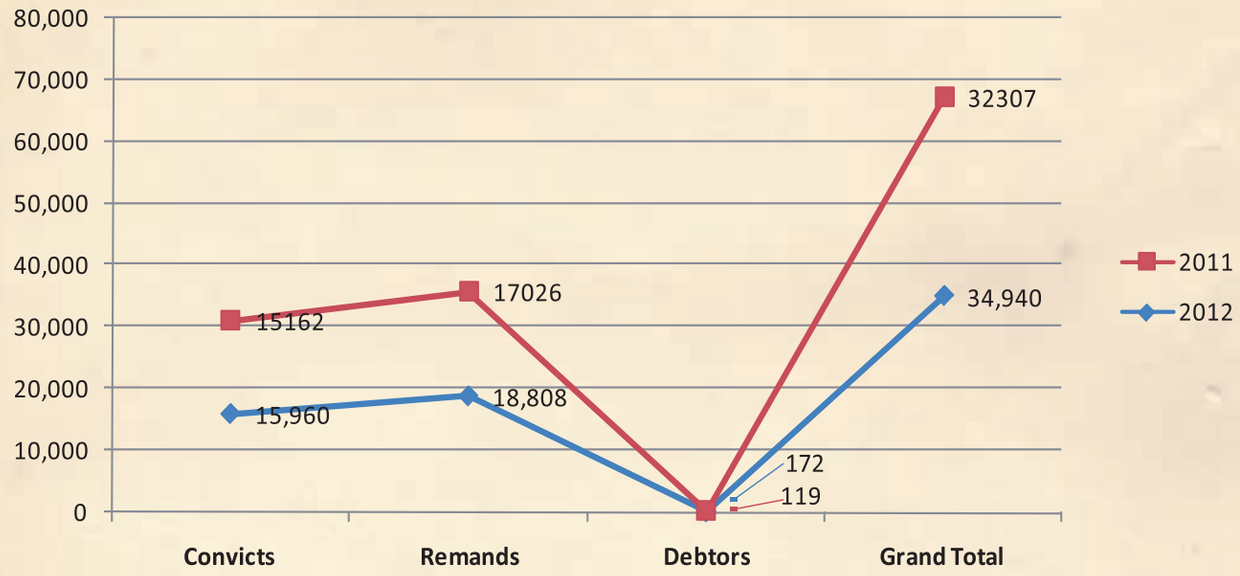
i) Prison Population

The UHRC found various categories of detainees in the different places of detention visited and inspected. The UHRC found inmates on remand, convicts, civil debtors and lodgers. Amongst these, were people with disabilities (PWDs), mothers incarcerated with their children, inmates with mental impairments as well as children detained with adults. The suspects found in the police cells were a combination of both adults and juveniles on various charges. In the prisons inspected, a high number of the inmates were on remand awaiting trial or undergoing trial and others were serving their sentences. Figure 2.2 below shows the prison population as at 31st December 2011 and 2012.

20 See (n12).

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Figure 2.2: Prison Population as at 31st December



Source: UHRC

As shown above the prison population of 34,940 as at 31st December 2012 was higher than it was at 31st December 2011.

ii) Cases of long and arbitrary detention

Cases of prolonged and arbitrary detention were documented by the UHRC during inspection. There were 34 documented cases of long and arbitrary detention in 2012 compared to the 99 cases in 2011 and 89 in 2010. The cases of long and arbitrary detention were found both in police cells and prisons. For instance, at Masaka Police Station, there were suspects who had been detained for 45 days, while 2 suspects at Kalisizo Prison had been remanded on charges of obtaining money by false pretence yet the charges were different. At Kabula Prison the suspects were remanded on a non-existent offence of being idle and disorderly, one of whom was mentally impaired. Table 2.8 below shows documented cases of long and arbitrary detention.[21]

The UHRC was informed that the long detention of suspects could be attributed to factors such as: effecting arrests before conclusion of investigations; delays in sanctioning files by the state attorneys; irregular court sittings, poor staffing (both judicial and non judicial court personnel); lack of means to transport suspects to court, lack of logistics for work. It was also established that cases that required medical examinations at times took long to investigate; the challenge with access to police bond absence of judicial officers particularly at the High Court, and irregular court sessions for capital offences were contributory factors. There were persistent cases of adjournments, denial of bail for bailable offences, as well as lack of state attorneys in the majority of districts. Even where state attorneys existed; they were overwhelmed by the volume of work.

21 Uganda v Tibemanzi Deus (Criminal Revision No. HCT-00-CR-CV-CO-02-2006.

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Table 2.8: Documented cases of long and arbitrary detentions (for both Prisons & Police)

Name of the inmate	Name of the detention facility	Duration in detention	Reason for long/arbitrary detention
Byakatonda Patrick	Sentema Prison	1 year and 1 month	Fell sick and was taken to Luzira for treatment. By the time of the team's visit, his matter had been scheduled for hearing.
Not availed	Kigo Prison	Range from 1 to 8 years	Not given
Jamal	Jinja Road Police Station	From 6th March 2012. Was eventually released on bond in 2012 after the Commission's intervention	Not given
Nyantiro (No. 706)	Jinja Road Police Station	since 23rd March 2012 (team visited on 16th April)	Not given
Kapisto	Jinja Road Police Station	since 23rd March2012 (team visited on 16th April)	Not given
Bakiti Ali	Kitintale Police Station	since 6th April 2012 (team visited on 16th April)	Not given
Tumusiime	Kinawataka Police Post	since 12th April 2012 (team visited on 16th April)	Not given
Waiswa	Bweyogerere Police Station	since 9th April 2012 (team visited on 16th April)	Not given
Rashid Kamya	Kireka Police Post	since 9th April 2012 (team visited on 16th April)	Not given
Kizito Baker	Wakiso Police Post	1 month	The team was informed that the Resident State Attorney concluded working on the file but the file was called for by the DPP.
Kabanda Fred	Mityana Police Station	2 weeks	File was with State Attorney for sanctioning.
Kisaka Derick	Mityana Police Station	2 weeks	File was with State Attorney for sanctioning.
Sekyanzi	Kiwoko Police Station	9days	Justification was the irregular court sitting
Manga S	Kiwoko Police Station	9days	Justification was the irregular court sitting
Murambe Geofey	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Sentubi Jimmy	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Bihabwa David	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Mbonyitwale	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Senjuyunva Steven	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Katazokula Peter	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Selugendo Festo	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Katura Gurika	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Sange Luke	Masindi Male Prison	5 years	That the case has never been cause listed for hearing
Sakil Ibrahim	Adjumani Government prison farm	Since 2011	Irregular high court session
Adebasiku	Adjumani Police station	5th December 2012	Resident State Attorney out of station
Vukoni	Adjumani Police station	6th December 2012	Resident State Attorney out of station
Draparako Lazeros	Adjumani Police station	4 Days	Delay in concluding investigations by OC CID
Edoa Peter	Adjumani Police station	4 Days	Delay in concluding investigations by OC CID

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Name of the inmate	Name of the detention facility	Duration in detention	Reason for long/arbitrary detention
Ambayo Benson	Adjumani Police station	4 Days	Delay in concluding investigations by OC CID
Onzima Patrick	Adjumani Police station	4 Days	Delay in concluding investigations by OC CID
Lagu Patrick	Adjumani Police station	3 Days	Delay in concluding investigations by OC CID
Amacha Dominic	Adjumani Police station	3 Days	Delay in concluding investigations by OC CID
Erwaga Emmanuel	Adjumani Police station	3 Days	Delay in concluding investigations by OC CID
Tralagati Alex	Adjumani Police station	3 Days	Delay in concluding investigations by OC CID
Moluma Richard	Adjumani Police station	4 Days	Delay in concluding investigations by OC CID
Benard Kyoita	Masaka police station	3 days.	A juvenile aged 17 detained beyond 48 hours.
Kityo Francis	Masaka police station	5 days	A juvenile aged 16 detained beyond 48 hours.
Makumbi Steven	Masaka Police Station	46 days	Long detention allegedly due to the delay to get advice from the RSA
Munyaneeza Fred	Masaka Police Station	33 days	Not given
Agaba Vincent	Masaka Police Station	15 days	Delayed investigations
Bageya Henry	Masaka Police Station	11 days	Delayed sanctioning of the file by the RSA
Kiwewa A	Lukaya police station	3 days	Not given
Hadijah Mutimucyeye	Lukaya police station	4 days	Not given
Sempija Yuda	Bigasa police post	7 days	Not given
SD04/31/01/12 Lwakasana G	Kitanda police post	2 days	Upon an interview, the facts revealed a land dispute, not to be handled by police. Suspect released on police bond.
CRB 025/12 Ssemusu Wahab	Bukomansimbi police station	14 days	A male juvenile aged 16 found detained with adult men. Informed that the file was with the RSA Masaka for legal advice.
Bukulula police post	SD 02/29/01/12 Tabuswere & Namubiru	Not indicated in the lockup register	Though not found in custody, these suspects had been arrested and detained for a non existing offence since the crime of adultery in the penal code was declared unconstitutional.
SD15/04/03/12Mugenyi, Bwegeya (Kulegeya), Ssekatanza, Semiyingo and Kiiza Bob	Mbirizi police station	9 days	It was alleged that the suspects had been rescued from a mob that threatened to lynch them and therefore police was waiting for the community to calm down. That other suspects were still at large and the ones in custody were helping in investigations.
CRB16/12 Mayanja		6 days	Had spent more than 48 hours in police custody.
CRB25/12 Sebuya		5 days	Had spent more than 48 hours in police custody.
CRB/05/12 Senkumba		5 days	Had spent more than 48 hours in police custody.

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Name of the inmate	Name of the detention facility	Duration in detention	Reason for long/arbitrary detention
SD2/9/3/12 Sewaje and Kibanda		4 days	Had spent more than 48 hours in police custody.
SD22/9/03/12 Muwonge		4 days	Had spent more than 48 hours in police custody.
SD2/09/03/12 Katongole		3 days	Had spent more than 48 hours in police custody.
SD 16/10/3/12 Kanani		3 days	Had spent more than 48 hours in police custody.
Sekyanzi S	Kalisizo police station	7 days	The detention was due to failure of the court to sit.
Lubega Micheal	Ndagwe police post	3 days	The suspect was not registered in the lockup. Detained beyond 48 hours and yet the facts revealed a civil matter that did not require detention at police. Released at the intervention of the Commission.
SD 03/15/03/2012Kimbogwe Adbul	Kabonera police post – Masaka	3 days	Detained in a room at Kabonera prison beyond 48 hours. Police also doubted commission of the alleged crimes but detained him for fear of mob justice and spoiling the reputation of police. The inspection team made a phone call to the Kyajubiira Village chairperson about the rights of the suspects and he was released on police bond with his uncle as surety.
Serugo Daniel and Murangi George	Kabonera Police Post	2 days	In police cells without their names being entered in the lockup register and had not made any statements. Released on bond at the intervention of the UHRC
Sekamanya	Rakai Police Station	10 days	Had spent six days at Lwamaggwa police post before he was transferred to Rakai Police Station where he had spent 4 days. Granted Police bond at UHRC's intervention.
Kyeyune Leornard	Kakuuto Police Post	2 days	Had been invited as a witness but detained as a suspect. After listening to him, it was actually established that he was in illegal detention. Released after UHRC's intervention
SD 07/21/04/12 Lwebaga Benard	Matete police station	2 days	Not given
CRB 392/12 Steven Sewant	Sembabule Police Station	13 days, since 10/4/2012	Not given
SD 03/16/04/12 Charles Kasumba		8 days, since 16/4/2012	Not given
Katwe 07/17/04/12 Yosamu Byaruhanga		6 days, since 18/04/2012	Not given
SD 22/19/04/12 Fred Muhozi		5 days since 19/04/2012	Not given
SD 40/19/04/12 Baby Singirumu Kiiza		5 days since 19/04/2012	Not given
SD 18/20/04/12 Ismail Mugabi		4 days since 20/04/2012	Police alleged that he was being detained for safe custody.
CRB 443/12 Seguya Yuda		4 days since 20/04/2012	Detained beyond 48 hours but given police bond at the UHRC's intervention

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Name of the inmate	Name of the detention facility	Duration in detention	Reason for long/arbitrary detention
CRB 071/12 Uzfindi Kamadi		3 days since 21/04/2012	At the intervention of the team, he was released on police bond; but was rear-rested and produced in court the next day.
SD 09/21/04/12 Gayo	Lwemiyaga police station	3 days since 21/04/2012	Not given
CRB 69/12 Bashaija		11 days, since 13/04/2012	The complaint revealed a civil/land mat-ter between the suspect, his father and relatives. O/C station, CID and the sub county chairperson promised to mediate in the matter and release the suspect. Police promised to release the suspect.
SD14/23/04/12 Gena Silver	Kalangala police station	3 days	Not given
SD 17/24/4/12 Byansi Yubu	Lyantonde police station	3 days since 24/04/2012	Not given
SD 31/24/04/12 Said Kambugu		3 days since 24/04/2012	Detained beyond 48 hours but released after the UHRC's intervention
CRB 665/12 Philipo Mwongyera		3 days since 24/04/2012	Not given
Kalema Gerald and Lukyamuzi John	Kalisizo police station	3hours	They were released upon our interven-tion. Since at their previous held station, Bukunda, they had compensated the complainant three hundred thousand shillings in cash in the presence of the O/C Station of Bukunda who himself took 100,000.
Ndyamuba Enoch	Lwamaggwa Police Post	1 hour	He was also released upon intervention since the case is civil in nature.
Lyantonde Police Station	Ndyanaba Yasin Ahimbisibwe Ivan	4 days	They were en route to Court because the Magistrate sits only once a week.
Mohammed Edson Willy Katongole Mugenyi Swaibu	Buyoga Police post		All were released upon receiving a cau-tion to attend school and avoid gangs.
Niwagaba Alex	Kanungu Police Station	Had been detained for a week at the time of the visit.	The administration explained that it is because investigations have taken quite long yet they do not consider it wise to release him on bond due to the seriouS/ Ness of the crime he is suspected to have committed
Tumukunde Eli	Kanungu Police Station	Had been detained for a week at the time of the visit.	The administration explained that it is because investigations have taken quite long yet they do not consider it wise to release him on bond due to the seriouS/ Ness of the crime he is suspected to have committed
Longole Mary	Kaabong Central Police Station, Kaabong district	3 &1/2 days	Distance of Court
Lokiru Philiph	Kaabong Central Police Station, Kaabong district	3 days	Distance to Court
Mawadri Bosco	Kaabong Central Police Station, Kaabong district	3 days	Distance to Court
Oday sam	Karenga Police Station	04 days	Distance to Court
Lotyang Joseph	Karenga Police Station	05 days	Distance to Court
Oryem A	Karenga Police Station	09 days	Distance to Court

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Name of the inmate	Name of the detention facility	Duration in detention	Reason for long/arbitrary detention
Lojore Mariko	61 Batallion Kalapata, Kalapata Sub County, Kaabong district	05 days	Pending recovery of an illegal gun.
Lokong Lemun	61 Batallion Kalapata, Kalapata Sub County, Kaabong district	05 days	Pending recovery of an illegal gun.
Alinga Lunya	61 Batallion Kalapata, Kalapata Sub County, Kaabong district	05 days	Pending recovery of an illegal gun.
Ngorok Lokwamale	61 Batallion Kalapata, Kalapata Sub County, Kaabong district	05 days	Pending recovery of an illegal gun.
Lochiokio Loa	61 Batallion Kalapata, Kalapata Sub County, Kaabong district	05 days	Pending recovery of an illegal gun.
Siloi Lonyia	503 Brigade Head quarters, Kaabong district	1 and ½ month	Ongoing investigations.
Lonya Achuka	503 Brigade Head quarters, Kaabong district	4 month	Pending recovery of an illegal gun
Lomusu Pasquale	503 Brigade Head quarters, Kaabong district	37 day	Pending recovery of an illegal gun
Koryang Timothy	503 Brigade Head quarters, Kaabong district	18 days	Pending recovery of an illegal gun
Siloi Lonyiwan	503 Brigade Head quarters, Kaabong district	2 weeks	Pending recovery of an illegal gun
Meri Atucho	503 Brigade Head quarters, Kaabong district	3 weeks	Pending recovery of an illegal gun
Lemu Luka	503 Brigade Head quarters, Kaabong district	3 weeks	Pending recovery of an illegal gun
Namakio Logwee	503 Brigade Head quarters, Kaabong district	1 week	Pending recovery of an illegal gun
Ilukol Longoli	503 Brigade Head quarters, Kaabong district	9 days	Not certain
Muria esa	503 Brigade Head quarters, Kaabong district	9 days	Pending recovery of an illegal gun
Moding Apawuchio	503 Brigade Head quarters, Kaabong district	1 week	Pending recovery of an illegal gun
Lonyia Paul	503 Brigade Head quarters, Kaabong district	1 week	Not given
Owiny David Okoda	Amita Government Prison Farm	72 days	remand
Ogwang Cosmas	do	62 days	remand
Owilli Sam	do	92 days	remand
Apaja Boniface	do	63 days	remand
Awor Betty	do	173 days	Not yet committed
Emelda Lochom	do	70 days	remand
Dodoi Apamoyo	Kotido Police Station	33 days	remand
PC Ogwang	do	21 days	remand
Komakech	do	08 days	remand
Koryang Timothy	do	07 days	remand
Longoli Robert	do	7 days	remand
Lotodo Lokor	do	06 days	remand
Owino B	do	05 days	remand
Loden Lomorokomoe	do	05 days	remand
Obonyo	do	03 days	remand
Kiiza Tom	Buyaga Police Post	From 28/10/2012 & by 15/11/2012, he was still in detention.	Court sits only twice a week i.e. Tuesdays & Thursdays.
Gidudu Henry	CPS Sironko	From 3/11/2012 & by 16/11/2012, he was still in detention.	Court sits only twice a week i.e. Tuesday & Thursdays.
Giwumi Joseph	CPS Sironko	From 7/11/2012 & by 16/11/2012, he was still in detention.	Court sits only twice a week i.e. Tuesdays & Thursdays.

Source: UHRC

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iii) Documented Cases of torture and solitary confinement during inspections

The UHRC noted the continued existence of cases of alleged torture or cruel or degrading treatment or punishment in both police cells and prisons. Despite efforts by the UPS to address torture, inmates continued to allege torture from both fellow inmates and prison warders. The UHRC documented 14 cases in 2012 and table 2.9 below shows them.



A suspect at Kitgum CPS with handcuff wounds on the wrist

Table 2.9: Some of the cases of torture and solitary confinement

Name of detention facility	Name of suspect/inmate allegedly tortured or in solitary confinement	Crime suspected to have been committed	Action taken any by the authorities if
Mbirizi Police station	Sekatanza Gibuliyo and Kulegeya George, allegedly tortured by a private person on orders of officers of Lwendawula police post in Rakai district.	Stealing cattle ref SD 15/04/03/2012	None. Doubted the allegations on grounds that the suspects were rescued from almost being lynched by a mob
Mutukula Prison	Nkalubo Martin Prisoner No. 55 Allegedly beaten by a Katikiro (prefect inmate), one Mugarura Richard		
Kayanja Prison	Kabugumira Michael	He was allegedly assaulted by Prison Warder Mukholi Michael upon the prisoner's failure to leave the ward for work in the morning as he was not feeling well. The marks on the body were fresh.	The OC informed the UHRC that the prison warder implicated had been given a verbal warning.
Ntusi Police Post	Agaruraho Michael found with fresh torture wounds allegedly inflicted by PC Lukoola No. 39582	Obtaining money by false pretence	Suspect released to go and get medical treatment and advised to officially lodge a complaint with the UHRC
Bushenyi Government Prison	Nayebare Bosco complained of being struck with handcuffs by a prison wader named Afande Bosco while on the way from court	Attempted Murder	None
Bushenyi Government Prison	Abel Muhairwe complained of being tortured and his ribs being broken	Theft	None
Uganda Government Prison Kiruhura	Kiiza Fred 25 complained of torture by a Katikiro	Theft	None
Uganda Government Prison Kiruhura	Begumisa Eric 35 complained of torture by a Katikiro	Threatening Violence	None

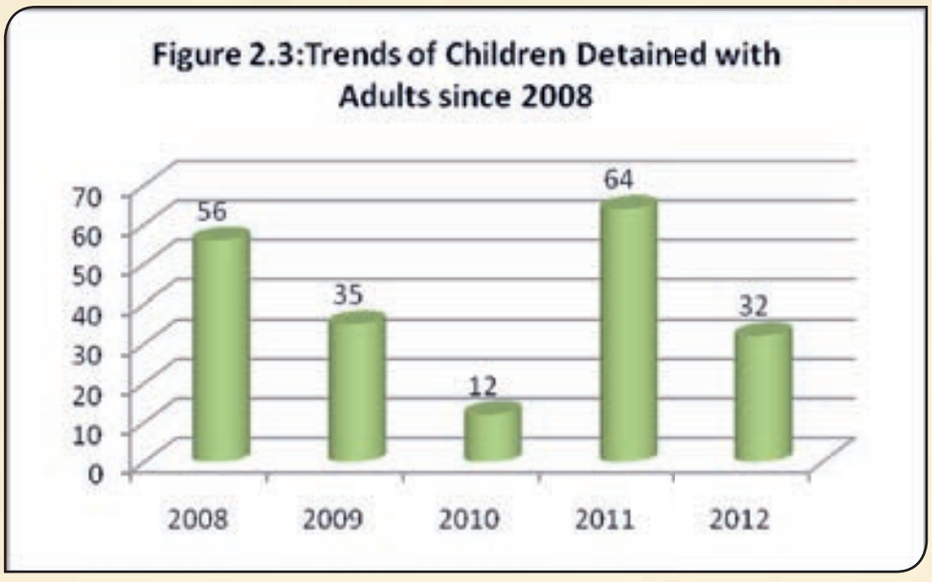
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Name of detention facility	Name of suspect/inmate allegedly tortured or in solitary confinement	Crime suspected to have been committed	Action taken any by the authorities if
Uganda Government Prison Kiruhura	Tumwesigye Ronald 37 complained of torture by a Katikiro	Theft	None
Uganda Government Prison Kiruhura	Kasheija Jamiru 23complained of torture by a Katikiro	Theft	None(the inspection team discussed the matter with the RPC and he promised to handle it)
Uganda Government Prison Kiruhura	Turinawe Alex 18 complained of torture by a Katikiro	Theft	None (the inspection tea, discussed the matter with the RPC and he promised to handle it)
Uganda Government Prison Kiruhura	Ngyenzabahizi Sulaiman 53complained of torture by a Katikiro	Illegal entry	None
Uganda Government Prison Kiruhura	Nahurira Caleb 24 complained of torture by a Katikiro	Theft	None
Tororo main prison	Baraza Patrick The inmate had allegedly been beaten by fellow inmates and was in a bad shape but had not been given any medical treatment.		UHRC team instructed management to intervene into the matter by ensuring that the perpetrators are subjected to disciplinary action and that the victim accesses medical treatment.

Source: UHRC

iv) Cases of detention of children with adults

Incarceration of children with adults is prohibited by law because it among other things it makes children vulnerable to violence, abuse and mistreatment. [22] In spite of this, detention of children with adults was noted by the UHRC at police stations and police posts. At Kagadi Police Station, were 9 juveniles were found detained with adults due to congestion in the adult male cell. Out of the 9 juveniles 4 had been remanded back to Kagadi Police Station from court since Kibaale District lacked a remand home for juveniles. At Kitgum Government Prison, 10 juveniles including a 14 year old, with a mental impairment were remanded together with Adults. Figure 2.3 below shows the trends in children who were detained with adults since 2008. Table 2.10 highlights specific cases of children incarcerated with adults in 2012.



22 Section 91(6) of the Children's Act (Cap 59).

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Table 2.10: Cases of detention of children with adults

Name of the detention facility	Name of the juvenile	Age of the juvenile (Years)	Reason for detention
Mityana Police Station	S.U	14	Defilement (had been remanded but there was no transport to take him to the remand home. Had spent more than 2 weeks)
Mityana Police Station	K.S	17	Defilement (had been remanded but there was no transport to take him to the remand home. Had spent more than 2 weeks)
Mityana Police Station	N.Y.M	15	House breaking and theft (had been remanded but there was no transport to take him to remand home.)
Mityana Police Station	L.H	16	Defilement (had spent more than 2 weeks)
Adjumani Police station	N.B	16	Theft
Obilokongo Police post	N.A	16	Child to child sex
Masaka police station	B.K	17 (male)	Theft (Found detained in punishment cell for police officers (next to the male cells) and yet the station had a juvenile centre)
Masaka police station	K.F	16 (Male)	Defilement (Found detained in punishment cell for police officers (next to the male cells) and yet the station had a juvenile center)
Masaka Police Station	K.G	17 (male)	Murder (Found detained with adults awaiting to be transferred to a remand home)
Bukomansimbi Police station	S.W	16 (male)	Defilement
Kalisizo police station	S.M	15 (male)	Assault (Suspect had also spent 3 days in custody)
Kalisizo police station	M.B.S	16 (male)	Defilement (Suspect had also spent 2 weeks in custody)
Kabonela police post – Masaka	K	16 (male)	Theft (Suspect had spent 3 days in custody in a room at Kabonera prison. His guardian could not be reached to secure his immediate release.
Kabonela Police Post	S.D	16 (male)	Theft (Suspect had spent 2 days in custody. Released at our intervention)
Rakai Police Station	S	17 (male)	Indecent (Assault Suspect had spent 10 days in detention. Released at the intervention of the UHRC
Sembabule Prison	K.E	17 (male)	Murder (The inmates were supposed to be tried in a court of competent jurisdiction at Masaka, but were rejected at Masaka prison since they were minors. Were still being detained in Sembabule not knowing their fate)
	N.S	16 (male)	Stealing cattle
	K.B	17 (male)	Robbery
Kabula Prison	N.E	16 (male)	Theft (due to lack of a remand home in the District, he was detained with adults

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Name of the detention facility	Name of the juvenile	Age of the juvenile (Years)	Reason for detention
Lyantonde Police Station	Y.S	14 (male)	Assault (He was released at UHRC intervention)
Rakai Police Station	W	14 (male)	Aggravated defilement (He had been arrested the previous day on charges of defiling a seven year old girl. At the time of UHRC's arrival at the station, the complainant's statement was just being taken, and then she was to proceed to a doctor. He was transferred to another empty cell upon UHRC intervention)
Kanungu Police Station	A.R	16	Suspected aggravated defilement
Uganda Government Prison Kiruhura	L.J	15	Suspected inhibiting burial of a dead body
Kaabong Central Police Station	N.E	15	Alleged house breaking and theft
Matany Brigade Headquarters	N.C	16	Alleged cattle rustling
Matany Brigade headquarters	L.K	12	Not clear
Kotido Central Police Station	L.J	17	Alleged defilement
Kotido Central police Station	O.B	17	Alleged robery
Kotido Central Police Station	M.P	18	Alleged cattle rustling
Arua Central prison	Not known this is because police raise the age of the juvenile offenders to 18yrs	Between 14-16	Theft
Buyaga Police Post	K.T	17	Defilement
Kaberamaido Government Prison	E.I	16	Theft

Source: UHRC

v) Cases of children detained with their incarcerated mothers

The UHRC found that the detention places had no budget to cater for the children, nor nurseries to accommodate them. Instances of detaining mothers with their children continued to occur in some of the detention places inspected. This was observed by the UHRC at Masindi Female Prison that had 3 children aged between 1month and 2 years as well as Mubuku Prison, where one child of 15 months was incarcerated with the mother. Though it was in the best interest of the children to remain with their mothers because among other things they were still breast feeding, the environment in the places of detention made them more vulnerable and susceptible to diseases. Table 2.11 below shows the documented cases of children detained with their mothers and the intervention which some prisons have undertaken to provide for the children.

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Table 2.11: Cases of children incarcerated with mothers

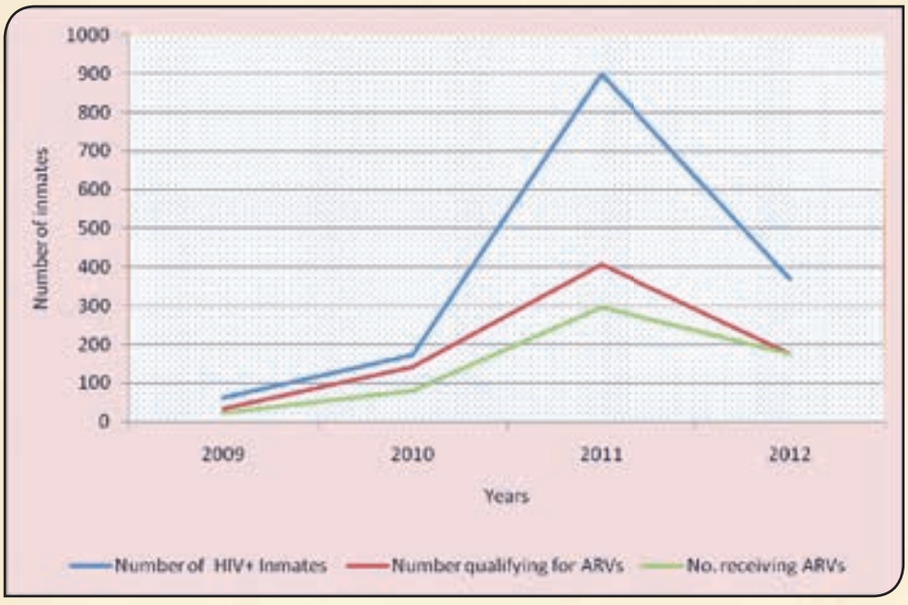
Name of facility	Age of child	Duration of child's stay in facility	Intervention taken by facility
Kigo Prison	3 months	2 months	Special diet given to mother
Kaweri Prison	3 weeks	3 weeks (Was born while mother was incarcerated)	Special diet given to the mother
Kaweri Prison	2 years	1 month	Special diet given to the child. (the prison authorities intended to take the child to relatives but the mother requested that she stays with the child since she had no one to take care of her)
Kiboga Prison	2 years	1 month	No intervention
Arua government prison	Between 1-2yrs	Depending on how long the mother's sentence is	The facility offered them other food supplements like soya porridge

Source: UHRC

vi) Health and HIV/AIDS Services in Detention Facilities

The UHRC observed that some of the detention facilities had clinics or dispensaries situated within the detention facility itself, while others did not and had to access health services at nearby government health centers. Detention facilities with clinics included Kigo Prison (that had its own Health Centre III situated in the male section), Nakasongola Prison, Sentema Prison, Kitalya Prison, Muinaina Prison, and Ssaza Prison while Mityana Prison had a dispensary but lacked qualified staff to run it. Those that accessed health services from nearby health centers within ½ or 1 kilometer away included Mukungwe prison, Buwunga Prison, Bukulula Prison Lukaya Prison, Kalungu Prison and Lwebitakuli Prison. Even though the UHRC acknowledges the steps taken to improve access to health services in detention places, there were still some noticeable challenges. Access to HIV/AIDS drugs and treatment was still a challenge. In Kasese district at Rusese prison 65 inmates had not taken for HIV testing while at Nyabirongo prison 35 inmates had not accessed HIV/AIDS services at the nearest health center.

Figure 2.4: Number of inmates accessing HIV/AIDS Treatment in selected detention places since 2009



Source: UHRC

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At Matete Prison, interviews with inmates revealed that they were not physically taken to the health center; instead it was the prisons officers that went to the health center and brought back the drugs to ward. This practice was confirmed by the Officer-in-charge. At Bubukwang Prison in Bundibugyo District, inmates complained of failure to access ARVs and 4 months had passed without receiving results from the time the tests were conducted. This made it difficult to ascertain the number of inmates with HIV/AIDS. Table 2.12 below shows the status of access to HIV/AIDS drugs and treatment by inmates in selected inspected detention facilities.

Table 2.12: Inmates Living with HIV/AIDS in selected inspected places of detention

Name of the detention facility	Total prison population	Number of HIV+ Inmates	Number qualifying for ARVs	No. receiving ARVs	No of females	No of males
Kigo Prison(male section)	1063	108	58	58	-	58
Kigo Prison (female section)	74	19	7	7	7	N/A
Kitalya Prison	90	3	-	-	-	3
Magala Prison	41	1	-	-	-	1
Mityana Prison	135	6	2	1	-	6
Mududma Prison	105	2	2	2	-	2
Kapeeka Prison	45 51	1 5	1(inmate was to be transferred to Murchison bay)		-	1 5
Bamunanika Prison	46	1	1	-	-	1
Butuntumula Prison	228	4 (these inmates were there for only the High Court session then be transferred back to Nakasongola Prison)	-	-	-	4
Bukomero Prison	37	3	1	1	-	3
Kiboga Prison	217	20	15	15	-	20
Kassanda Prison	49	1	-	-	-	1
Myanzi Prison	31	1	1	1	-	1
Kijjumba Prison	56	2	-	-	-	2
Muinaina Prison Farm	291	6	-	-	-	2
Kaweri Government Prison	118	15	2	2	2	13
Kitalya Prison	306	5	-	-	N/A	5
Mpigi Prison	83	3	3	3	-	3
Butoolo Prison	99	2	2	2	-	2
Mubuku Prison	366	16	10	10	-	16
Rukoki Prison	42	1	1	1	-	1
Isimba Prison	488	27	8	8	-	27
Masindi Female Prison	17	8	5	5	8	-
Maiha Prison	53	5	2	2	-	-
Butiti Prison	35	2	-	-	-	2
Kyenjojo Prison	57	10	10	10	-	10
Buliisa Prison	22	1	1	1	-	1
Kyakasengura Prison	38	2	2	2	-	2
Hoima Prison	227	14	2	2	-	14
Kyenjojo Prison	57	10	10	10	-	10
Adjumani Government Prison	181	10	2	2	-	-
Lwabenge	14	2	-	-	-	2
Kyamulibwa	36	1	-	-	-	1
Kalungu	33	3	1	1	-	3

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Name of the detention facility	Total prison population	Number of HIV+ Inmates	Number qualifying for ARVs	No. receiving ARVs	No of females	No of males
Mutukula prison	81	01	-	-	-	1
Kakuuto prison	16	02	01	01	-	2
Kasaali prison	37	06	06	06	-	6
Mateete prison	19	Not certain	No certain	None	-	3
Ntuusi	10	02	01	00	-	2
Ssaza Prison	152	8	Not certain	3	-	8
Amaler Government prison, Namalu Sub County, Nakapiripirit district	571	3	3	3	-	3
Kotido Government prison, Kotido district	128	7	7	7	3	4
Kamuge prison	107	5	5	5	-	5
Ivukula remand prison	12	2	-	-	-	2
Bukedea Government Prison	66	4	-	-	-	4
Kumi Government Prison	134	10	4	4	-	4

Source: UHRC

vii) Inmates with disabilities

The UHRC found some inmates with various impairments. The PWDs were mostly those with physical disabilities especially on their limbs. They were found in Masindi Prison, Maiha Prison, Adjumani Prison, Ssaza Prison of Masaka District, Kabula Prison, Kamuge Prison and Lukaya Prison. The UHRC noted that there were no special measures in place to facilitate "reasonable accommodation"[23] for PWDs in detention. The detention places lacked ramps, disability friendly toilets, wheel chairs, crutches and this made inmates with disabilities more vulnerable.

viii) Inmates detained over civil debts

The UHRC continued to encounter civil debtors in prisons. According to the UPS, as at 30th November 2012, a total of 172 debtors were in detention and they were all male.[24] The number of civil debtors in detention increased in 2012 from 119 that had been in prison by the end of 2011. Such inmates were found in Ssaza, Sembabule, Kanungu, Kisoro and Kamuge prisons. They were detained for reasons ranging from failure to pay the debts to defaulting on bank loans. The continued detention of individuals merely on the ground of inability to fulfill a contractual obligation contravenes Article 11 of the ICCPR. Unfortunately, this provision has not yet been domesticated.

ix) Congestion and old dilapidated buildings

The efforts to rehabilitate or construct buildings, notwithstanding, the UHRC noted with concern the persistent congestion in detention facilities, the accommodation of inmates and staff in dilapidated buildings. Kiryandongo prison, Olia Prison, Kaladima Prison, Barjobi Police post, Mungula police post, Okwongo Police Post, Aloi Ongom Police post, Corner Adwari Police post and Corner Aloi Police station had old unsafe buildings for human habitation. There were no proper wards for inmates and several long cracks were visible from the floor to the top of the buildings. Dilapidated structures were also found at Alebtong Prison, Maruzi Prison, Aber prison, Dokolo Prison, Loro prison, Kole prison. Weak uniports were at Arocha prison, Loro prison.

Most of the detention facilities inspected by the UHRC were found to be congested with the number of inmates way above the planned capacity of the cells.

23 Article 5 (3) of the UN Convention on the Rights of Persons with Disabilities.
24 As above (n16) 25.

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Refer to table 2.6 in annex 1 which shows the number of inmates held at the time of inspection compared to the planned capacity. An example is Erute prison with wards of a planned capacity of 100 inmates, where the UHRC found 260 inmates on 14th December 2012.



CID officer opening the cell for UHRC inspection team at the



Old and dilapidated structure at Iriiri police station in Napak district

x) Insufficient food, bedding and clothing

There were inmates who did not enjoy the 2 – 3 meals and the quantity of the food was inadequate. This was the case in prisons such as Matete, Ntusi, Lwemiyaga, Kyazanga, Kacheera, Lwamaggwa and Kitgum prison, where the ratio of food served was allegedly unrealistic.



Inmates lining for porridge during breakfast at Namalu Prison Farm in Nakapiripirit District



One of the wards at Namalu Prison with limited sleeping materials

Police Stations where only one meal was served to the suspects due the insufficient funds included: Lukaya, Bukomansimbi, Kalisizo and Kyotera. While where suspects were not served any meal at all included Lwengo, Ndagwe, Katovu, Mpumudde, Kakuto, Kabonela police posts in Masaka and Rakai districts, Kyanamukaka, Kirimya and Kyabakuza. Much as suspects were supposed to be transferred immediately, this was not feasible in police posts and the suspects needed to be fed.

The UHRC also observed that much as there were efforts to provide clothing and beddings in form of uniforms, blankets, mats and mattresses, some detention facilities had old and torn pieces of blankets and mats. In other instances inmates were found sleeping on bare floors with one pair of uniform and had no clothes to change into whenever the single pair was washed. This was the case in Kamwenge Prison, Hoima and Bugambe Prisons.

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Suspects sleep on cow hides in Iriiri police station, Napak district

xi) Sanitation and personal hygiene

Sanitation and personal hygiene in the inspected detention places was assessed by the UHRC in terms of availability of water, sanitary towels, bar soap, razor blades, liquid soap and the cleanliness of both the inmates and the cells/wards. Within a radius of less than half a km to 3km, a total of 515 inspected prisons and police facilities could access water. These comprised of facilities that had tap water, accessed water from boreholes, streams, springs, valley dams among others. However, there were detention facilities that purchased water and a jerry can of water cost between UG.X 100/= to UG.X 600/=.

Others accessed water within a radius of 4km to a mile or even farther and this was the situation at Mukungwe, Lwengo, Butenga, Mpumudde police posts; Kabule, Kakuuto, Kiruhura prisons as well as Rakai and Kanungu police stations. This situation made some inmates go for days without bathing and the facility could not provide drinking water. In 178 of the inspected prisons and police facilities female inmates were availed sanitary towels. Although most of the inspected detention facilities were fairly clean, some had dirty cells with litter and urine buckets or basins that had not been emptied thus causing a stench in the cells/wards.



Suspects at Adjumani Police station who had not bathed in days

xii) Ventilation and Lighting

the UHRC found in 209 facilities cells/wards that were poorly ventilated or had no ventilation alt all, hence the persistent foul air and poor lighting. Cells/wards with poor ventilation were found at Kiruhura Prison, Kaladima Prison, Buhimba Police Post, Kyenjojo Police Station, Bwikara Police Post, Nyamarunda Police Post, Mpeefu Police Post, Bugambe Police Post and Karugutu Police Station. Others included Ssekanyonyi Police Post cells, Bukomero Police Station, Kassanda Prison, Butuntumula Prison, Lwampanga Police Station and Adjumani Police Station. The situztion was worsened by the congestion in the cells/ wards.

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UHRC staff inside a dark UPDF detention cell at Lolachat battalion headquarters in Nakapiripirit district

xiii) Right to Work

Whereas work in detention facilities ought to be remunerated to assist in reintegration,[25] the right of inmates to access meaningful remunerated work remained abused as had been noted in the previous UHRC annual reports. Inmates continued to be hired out for hard labour all day including Sundays and would be paid between UG.X 100/- to UG.X 500/- only. For instance at Kaladima Prison, inmates complained of being overworked because they were few and therefore could not match the workload on the farm. Inmates were not spared during the dry and hot spells in the country and there were incidents, when some indisposed ones were forced to work. This was the case for 23 inmates who had been circumcised in Mutukula Prison and Kabula Prison in Lyantonde District who in spite of their ill health, were forced to work.



Inmates at Namalu prison in Nakapiripirit farm clearing the compound

xv) Prison and Police Staff Welfare

The UHRC assessed the welfare of prison and police staff in respect to: living and working conditions. UHRC noted with concern that the staff in both police and prison facilities inspected continued to live in deplorable accommodation.

25 See Article 8 (3) (a) of the ICCPR.

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a) Police

The UHRC noted the insufficient or lack of government funding which greatly constrained the of the staff. Many facilities were affected and characterised inadequate staffing, stationery for statement recording as well as transport, which was a perennial problem. In some cases there were reports of mechanical breakdowns of motorcycles, yet they had no funds for the repairs. Often, complainants met the cost of transporting suspects to the central police stations parting with between UG.X 6,000 to UG.X. 30,000. Due to the inadequate staffing in some facilities, some staff worked 24 hours without shifts.



An old tent used as accommodation by more than five police personnel at Acherer police post in Nakapiripirit district along Moroto-Nakapiripirit road

b) Prisons

Implementation of the programme to construct staff quarters remained slow and staff continued to experience inadequate accommodation. Most of the staff accommodation units were in dire need of renovation.

Those who could afford paid their rent and others continued to share the available accommodation characterised by either make-shift houses or old dilapidated structures. This was the case with staff at Mukungwe, Bukulula, Lwabenge, Kitanda, Lwengo, Kakuto and Kasaali prisons. Due to insufficient government imprest, maintaining supplies of the required items like firewood and soap remained a big challenge.

2.3.3. Conditions of inmates in places of detention at a Glance

The table below shows a summary of the status of the conditions of inmates in detention facilities.

Table 2.13: summary of conditions of inmates in detention facilities at a glance

Human Rights Issue	Progress	Slow progress	Remained the same
Human rights awareness			
Establishment of Human Rights Committees			
Phasing out the use of buckets for toilets			
Construction of new buildings			
Rehabilitation of buildings			
Updated registers			
Freedom of worship			
Acquisition of skills by inmates in prisons			
Construction of juvenile cells			
Construction of female wings			
Prison population			
Cases of long and arbitrary detention			
Cases of torture and solitary confinement			
Detention of children with adults			

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Human Rights Issue	Progress	Slow progress	Remained the same
Children detained with their mothers			
Access to health services			
Inmates with disabilities			
Inmates with civil debts			
Congestion and old dilapidated buildings			
Insufficient provision of food			
Inadequate clothing and bedding			
Inadequate sanitation and personal hygiene			
Ventilation and lighting			
Disciplinary measures in detention facilities			
Access to information			
Right to work			
Prison staff welfare			
Police staff welfare			

2.3.4. Remand Homes

The remand homes inspected by the UHRC were Ihungu Remand Home in Masindi District, Arua Remand Home in Arua District, Mbale Remand Home and Kampiringisa Remand Home in Mpigi District. Table 2.13 shows the categories of children in selected remand homes.

Table 2.14: children in Remand Homes inspected by UHRC

Remand Home	No. of males	No. of females	No. of babies below 2 yrs
Kampiringisa Remand Home	303	37	-
Arua Remand Home[26]	-	-	-
Ihungu Remand Home	29	1	-
Mbale Remand Home	37	3	-

In respect to positive developments, the children told UHRC teams that they received 3 meals a day; breakfast, lunch and supper. The Mbale Remand home had acquired a 14 seater van for transport and at Ihunga Remand Home the juveniles had sufficient mattresses and blankets. at Kampiringisa Remand Home, children with HIV/AIDS were usually taken care of by an NGO, Footsteps. The facility had a dispensary where medical tests were conducted on children and treatment administered as well as UHRC found that 19 children in primary school, that is, 8 in secondary school while 22 pursued vocational studies.

Despite the progress as stated above, the UHRC also noted some challenges in the remand homes. There were cases of prolonged remand period at Ihungu Remand Home, where two juveniles had stayed on remand for one year while 4 juveniles on minor offences had been on remand for 6 – 9 months with no beds. Although the dormitories in Ihungu Remand Home were fairly clean they had no beds and were not self contained Although Arua Remand Home was well furnished, it was not operational.

The UHRC also noted magistrates hearing juvenile cases in the open; the facilities suffered delayed food deliveries, congestion, lack of male guardians and inadequate cooperation from the probation officers. Some of the children could not attend school due to prolonged detention. Other challenges were the unfenced homes, failure to transport discharged children to their respective homes, reportedly due to lack of transport; limited drugs in the dispensaries; inadequate staff, beds and beddings.

26 The Remand Home in Arua was not operational but was well furnished.

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2.3.4. Refugee Reception Centres

The UHRC inspected 2 Refugee Reception Centers namely: Nyakabande reception centre in Kisoro District and Matanda Reception Centre in Kanungu District.

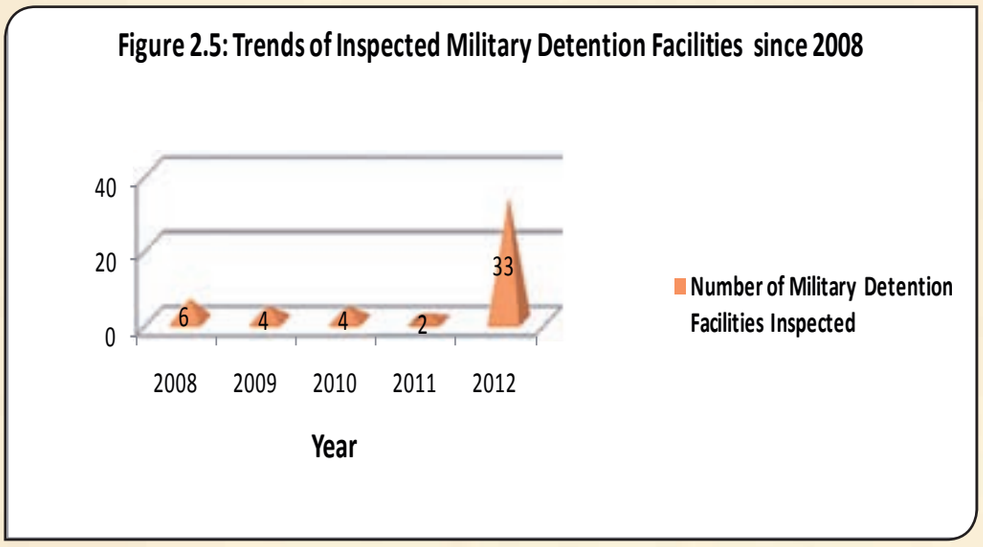
At Nyakabande Reception Centre, there were 21,255 refugees (10,318 females and 10,937 males) in April 2012 but this number did not include those who had just come and were still being counted. In December 2012, the number had drastically reduced as at the time of the second visit the UHRC found the refugees being transferred to Rwamwanja Refugee Settlement Camp in Kamwenge District. The actual statistics were not readily available as the UNHCR staff were still in the process of establishing the numbers of those that had been transferred and those that had remained behind.

Matanda Refugee Reception Centre that was inspected in November 2012 had 2006 refugees (988 females and 1018 males) who were waiting to be transferred to the settlement camp in Rwamwanja. In all these Reception centres, statistics on children were not availed as they were counted either as males or females.

Interviews with groups of refugees at the reception centers revealed a number of concerns. They complained about spending too much time at the reception centres, making it difficult for them to settle and have their children attend school; being separated from their spouses due to lack of enough shelter and beddings; and the lack of adequate food for expecting and breast feeding mothers. These conditions among others made the refugees more vulnerable.

2.3.5. Military Detention Facilities

The UHRC continued to have access to military detention facilities in 2012 and was able to inspect 33 of them. These included Arua Military Baracks 409 Brigade in Arua District, Nteko Military Detach in Kisoro District, Kasijagirwa barracks quarter guard in Masaka District, Nakapelimoru Brigade Head quarters, Matany Brigadae Headquarters, Kaabong Brigade Head quarters among others. The Figure below shows the number of military detention facilities inspected by the UHRC since 2008 while table 2.14 highlights the military detention facilities inspected in 2012.



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Table 2.15: Military Detention facilities inspected by the UHRC in 2012

NAME OF FACILITY	LOCATION
503 Brigade headquarters	Kaabong town council, Dodoth East County, Kaabong district
407 Brigade headquarters	Moruita village, Moruita parish, Moruita sub County, Chekwi county, Nakapiripirit district
403 Brigade headquarters	Lokwas parish, Matany sub county, Napak district
405 Brigade headquarters	
35 battalion headquarters	Lolachat trading center, Lolachat parish, Lolachat sub county, Pian county, Nakapiripirit district
17 battalion headquarters	Mogoth parish, Kapedo sub county, Dodoth West County, Kaabong district
49 battalion headquarters	Kalapata Trading center, Kalapata Sub County, Dodoth East County, Kaabong district
51 battalion Lookorok	Nakapelimoru sub county, Jie County, Kotido district
57 battalion Napumpum	Panyangara Sub County, Jie County, Kotido district
51 battalion Losilang	Kotido sub county, Jie county, Kotido district
61 battalion lokitelaebu	Kotido sub county, Jie county, Kotido district
Regen LDU battalion	Rengen Sub county, Jie county, Kotido district
Kacheri UPDF detach	Kacheri sub county, Jie County, Kotido district
Lopuyo UPDF detach	Rengen sub county, Jie county, Kotido district
Kotido town detach	Narikapet village, Kotido town council, Jie county, Kotido district
Sidok UPDF detach	Longaro ward, Longaro parish, Sidok Sub County, Dodoth East County, Kaabong district
Toroi UPDF detach	Toroi parish, Loyoro Sub County, Dodoth East County, Kaabong district
Kathile UPDF detach	Kathile trading center, Kathile parish, Kathile Sub County, Dodoth East County, Kaabong district
Kawalakol UPDF detach	Kawalakol trading centre, Kawalakol East parish, Kawalakol sub county, Dodoth West County, Kaabong district
Karenga UPDF detach	Loyoro parish, Karenga Sub County, Dodoth West County, Kaabong district
Maji Moto UPDF detach	Hot spring, Kidepo Valley National Game Park, Dodoth West County, Kaabong district
Lobalangit UPDF detach	Lobalangit central village, Lobalangit parish, Lobalangit Sub County, Dodoth West County, Kaabong district
Nabilatuk UPDF Tactical headquarters	Nabilatuk trading center, Nabilatuk parish, Nabilatuk sub county, Pian county, Nakapiripirit district
Local Defence Unit(LDU) headquarters	Namalu town council, Chekwi county, Nakapiripirit district
Amaler Army barracks	Namalu parish, Namalu sub county, Chekwi county, Nakapiripirit district
Iriri UPDF/LDU detach	Irir village, Irir parish, Irir sub county, Napak district
Morulinga UPDF detach	Morulinga village, Kangole parish, Ngoleriet sub county, Napak district
Nakicumet UPDF and UPF out post	Looi village, Nakicumet parish, Matany Sub County, Napak district
Lotome LDU headquarters	Naronit village, Lotome parish, Lotome sub county, Napak district
Arua Military Baracks 409 Brigade	Arua District
Nteko Military Detach	Kisoro District
Kasijagirwa barracks quarter guard	Masaka District

At Kasijagirwa barracks Quarter Guard UHRC found 8 suspects in detention. The majority were on open arrest and one complained of over detention of 4 months on remand. This was attributed to delays in reconstituting the Unit Court martial which had been affected by the transfer of its members to other units. Inmates had access to food, medical care and uniforms and each inmate occupied a small ward. They were allowed to bring in their own mattresses. Inmates living with HIV/AIDS accessed ARVs.

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Out of the 33 inspected facilities 20 had no reported case on torture. The facilities were found clean and the UHRC got maximum cooperation from the UPDF during the inspections except in Kalapata battalion headquarters and Kathile UPDF Detach where they were denied access to suspects. Detention facilities at the battalion and brigade levels had updated lock up registers and stocked drugs as well as health personnel to assist suspects and staff access health care. Suspects were also allowed visitors and given a hearing in courts such as the Unit Disciplinary Court.

There other challenges noted were long periods of detention, inadequate beddings; and the lack of television sets, radios or newspapers which limited access to information. Food for suspects was a challenge especially at the detach level as well as the long detention periods such as was the case with 503 Brigade head quarters in Kaabong, where a suspect had spent 4 months in the cell and others had been detained beyond the constitutional 48 hours.

2.4. CHALLENGES

The respect for human rights in detention facilities was constrained by a number of challenges in 2012 as highlighted below:

- The location of prisons far way from other criminal justice institutions and the inadequate means of transport led to staff and inmates trekking long distances to courts, leading to delivering of prisoners late to court
- High prison congestion was prevalent due to inadequate accommodation facilities and the ever increasing prison population
- Prisoners still overstayed on remand despite the progressive reduction in the periods. For instance the remand period for capital offences, in 2012 was 11.4 months from 15.1 months in 2011 and for petty offences 3 months in 2012 from 4.4 months in 2011.
- There was inadequate provision of basic necessities such as beddings, clothing, sanitary towels, soap, razor blades to inmates in detention facilities
- The water supply in detention facilities was inadequate as only 58% of prisons provided safe and clean water to both staff and inmates.
- The use of buckets for toilets still persisted as out of the 232 prisons, inspected by UHRC 163 still used buckets at night.
- Over 5,745 (60%) prisons staff lacked proper houses and their access to safe and clean water was limited. The rate of staff recruitment was disproportionate to the rate of construction and renovation of staff quarters and the prison staff population had increased to 7,045 in 2012 from 7,015 in 2011.
- Military detention facilities faced challenges of long periods of detention, inadequate bedding, limited access to information and absence of human rights committees especially at the detach level.
- Refugees at reception centres experienced challenges of spending too much time at centres, difficulty in settling down, children unable to attend school; spouses being separated due to lack of enough shelter and beddings; and lack of adequate food for expecting and breast feeding mothers.
- Remand homes had challenges of prolonged remand period, delayed food deliveries, congestion, inadequate cooperation from the probation officers, lack of male guardians and some homes lacked perimeter walls making it easy for the children to escape.

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2.5. RECOMMENDATIONS

1. As recommended in the previous annual reports:

    - The Uganda Police Force and Uganda Prisons Service should urgently construct new and renovate old buildings to meet the minimum standards for humane treatment of inmates and suspects;
    - The Justice Law and Order Sector should strengthen the District Coordinating Committees to fast track cases of long detentions;
    - The Minister of Justice and Constitutional Affairs should establish an efficient mechanism for handling cases which are pending Ministers Orders;
    - The Ministry of Internal Affairs, Ministry of Gender, Labour and Social Development, Uganda Police Force and the Uganda Prison Service should ensure that children in conflict with the law are separated from adults in all places of detention and children who have been incarcerated with their mothers are catered for; and
    - The Justice, Law and Order Sector should strengthen the mechanisms for diversion of children away from the criminal justice system using the alternative dispute resolution through mediation and arbitration;

2. The Uganda Police Force, Uganda Prison Service and Uganda Peoples Defence Forces should be availed with adequate resources to ensure that detainees are fed, clothed and provided with basic beddings, sanitation is improved and ensure detainees living with HIV and AIDs access ARVs;

3. The Uganda Police Force and the Uganda Prisons Services should be provided with adequate resources for them to perform their functions and improve their working conditions;

4. Parliament and the Uganda Law Reform Commission should amend the law to prohibit the detention of civil debtors in line with the ICCPR.

5. The Office of the Prime Minister and Ministry of Internal Affairs need to facilitate the Refugee Welfare Committees to address the needs of refugees at reception centers.

2.6. CONCLUSION

The assessment made by the UHRC, on the human rights situation in the detention facilities inspected reveals trends of not only steady progress in some areas such as construction and renovations of builings but also the perennial challenges that affected the observance of human rights in places of detention such as persistance of torture and ill treatment and congestion in dilapidated buildings.

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CHAPTER 3

HUMAN RIGHTS EDUCATION AND OUTREACH

3.0. INTRODUCTION

Human Rights Education (HRE) is defined as education, training and information aimed at building a universal culture of human rights.[26] It is a medium to long-term process, which seeks to develop and integrate people's cognitive, affective and attitudinal dimensions, including critical thinking, in relation to human rights.

The UN Declaration on Human Rights Education and Training underscores the importance of human rights education by providing that everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.[27] The Declaration further provides that human rights education and training is essential for the promotion of universal respect for and observance of all fundamental human rights and freedoms.[28]

On 10th December 2004, the UN General Assembly proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors.[29] The second phase of the UN World Programme for Human Rights Education (2010-2014) requires that UN member states (Uganda inclusive) should focus on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel.[30]

3.1. The LEGAL FRAMEWORK

3.1.1. The International Legal Framework

The Universal Declaration of Human Rights (UDHR) set the international standard for the importance of HRE by providing that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. This standard was re-echoed by subsequent UN international treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR),[31] Convention on the Rights of the Child (CRC)[32] and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).[33]

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26 UN,UNESCO,UNOHCHR, Plan of Action, World Programme for Human Rights Education, first phase(2006)at 1. Accessed at http://unesdoc.unesco.org/images/0014/001478/147853e.pdf on 24 January 2013

27 Adopted by the UN General Assembly in Resolution 66/137 of 16 February 2012.Article 1(1). Accessed at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/467/04/PDF/N1146704.pdf?OpenElement on 24 January 2013

28 As above (n27) Article 1(2)

29 Adopted by the UN General Assembly in Resolution 59/113 of 17 February 2005. Accessed at http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/483/04/PDF/N0448304.pdf?OpenElement on 23 January 2013

30 http://www.ohchr.org/EN/Issues/Education/Training/Pages/Programme.aspx. Accessed on 23 January 2013

31 International Covenant on Economic, Social and Cultural Rights, adopted by the UN on 16 December 1966, entered into force on 3 January 1976 and ratified by Uganda on 21 January 1987. Article 13(1). Accessed athttp://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en on 24 January 2013

32 See as above (n8) 22.

33 The International Convention on the Elimination of All Forms of Racial Discrimination, adopted on 21 December 1965, entered into force on 4 January 1965 and was ratified by Uganda on 21 November 1980. Article 7. Accessed at http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en on 23 January 2013

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3.1.2. The Regional Legal Framework

The ACHPR provides for the right to education and, in regard to human rights education, it specifically provides for the duty of states parties to ensure through teaching, education and publication, the respect of the rights and freedoms contained in the Charter.[34]

3.1.3. The National Legal Framework

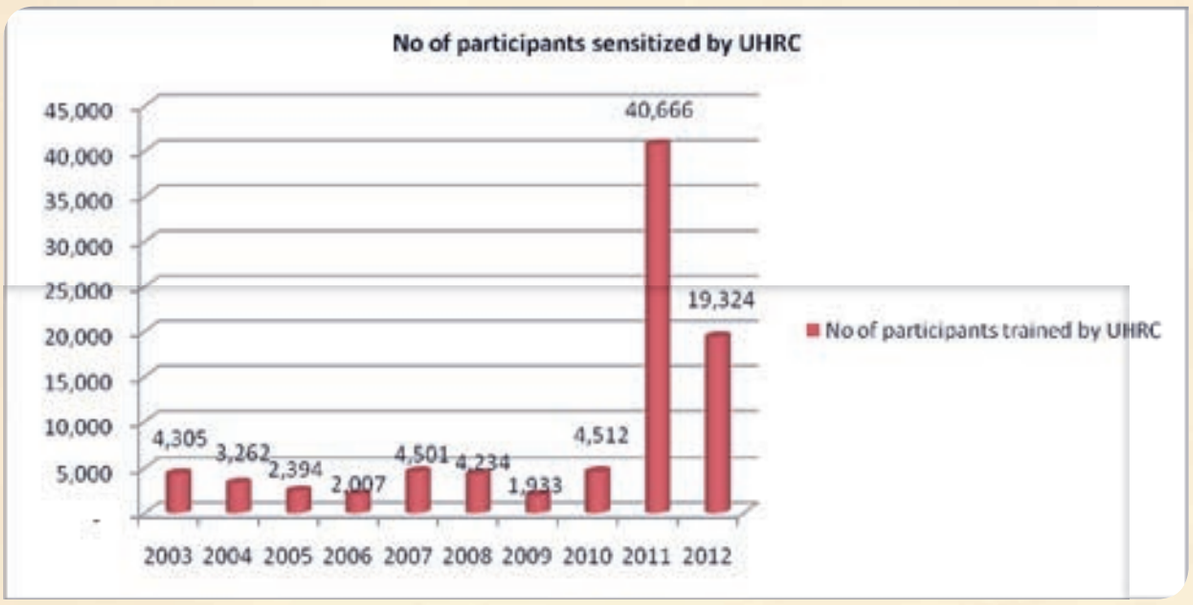
The international and regional human rights standards pertaining to human rights education were domesticated in the provisions of the 1995 Constitution. It provides for the establishment of the UHRC whose mandate includes establishing a continuing programme of research, education and information to enhance respect for human rights.[35] Under the same Constitution, Uganda has a duty to promote public awareness of the provisions of the Constitution which includes Chapter 4 on the Bill of Rights.[36]

3.2. EDUCATION AND OUTREACH ACTIVITIES

HRE activities conducted by the UHRC in 2012 comprised workshops/trainings, community outreach, media campaigns, human rights publications and commemoration of international human rights days, all of which were intended to enhance the levels of human rights awareness, nurture a culture of respect for human rights and emphasize the importance of citizens' duties and responsibilities.

UHRC sensitized a total of 19,274 participants from law enforcement and security agencies, local government, health and education sectors, persons with disabilities (PWDs) and grass root communities. Figure 3.1 shows the number of participants that the UHRC has sensitized over a ten year period (2003 to 2012). As shown by the Figure 3.1 the increase in the number of participants sensitized by UHRC between 2010 and 2011 can be attributed to the vigorous implementation of community meetings (barazas) which always involve more participants. This is especially true in Acholi sub-region where more community meetings were conducted in 2011 as a result of the implementation of the Peace building through justice and human rights project. Annex 1 shows the number of education and outreach activities conducted in 2012.

Figure 3.1: Number of participants sensitized by UHRC from 2003 – 2012



34 The African (Banjul) Charter on Human and Peoples' Rights, adopted on 27 June 1981, entered into force 21 October 1986, ratified by Uganda on 10 May 1986. Articles 17(1) and 25
35 The Constitution of the Republic of Uganda 1995, Article 52(1) (c).
36 As above (n35) Article 4

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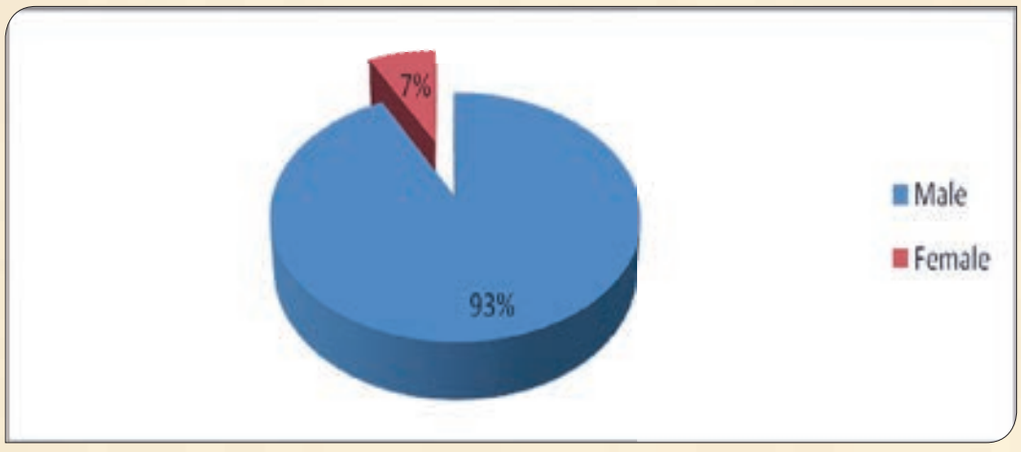
3.2.1. Human Rights Education for Law Enforcement and Security Agencies

The 1995 Constitution of Uganda obliges all law enforcement and security agencies to respect human rights in the execution of their work. Article 20(2) of the Constitution provides that all organs and agencies of government shall respect, uphold and promote the rights and freedoms of individuals and groups enshrined in Chapter 4. Article 221 of the Constitution distinctively mandates law enforcement and security agencies to respect human rights by providing that it shall be the duty of the UPDF, UPF, UPS and all Intelligence services to observe and respect human right and freedoms in the performance of their functions.

It is therefore in light of the above constitutional obligation that the UHRC conducts human rights awareness programmes with the security agencies in order to reinforce their ability to respect and promote human rights and to ensure that a culture of respect for human rights is developed and nurtured within the agencies. Furthermore, the UHRC's interventions in conducting human rights awareness programmes with law enforcement and security agencies are influenced by the nature and trend of complaints received at the UHRC against the said agencies. Previous Annual reports by the UHRC have have revealed that human rights violations are prevalent among law enforcement and security agencies.

A total of 1998 members of the UPDF, UPF were trained in 2012. The participants gained knowledge on issues such as: the Prevention and Prohibition of Torture Bill, enhancement of human rights in law enforcement, the role of the police in the protection and promotion of human rights, the right to personal liberty and security of the person, the right to life, standard operation procedures during disarmament and the role of military police in human rights protection and promotion. As a result of the trainings conducted with law enforcement and security agencies, the UHRC has nurtured a good working relationship with some of the institutions in terms of their cooperation during the Commission's inspections and investigations processes.

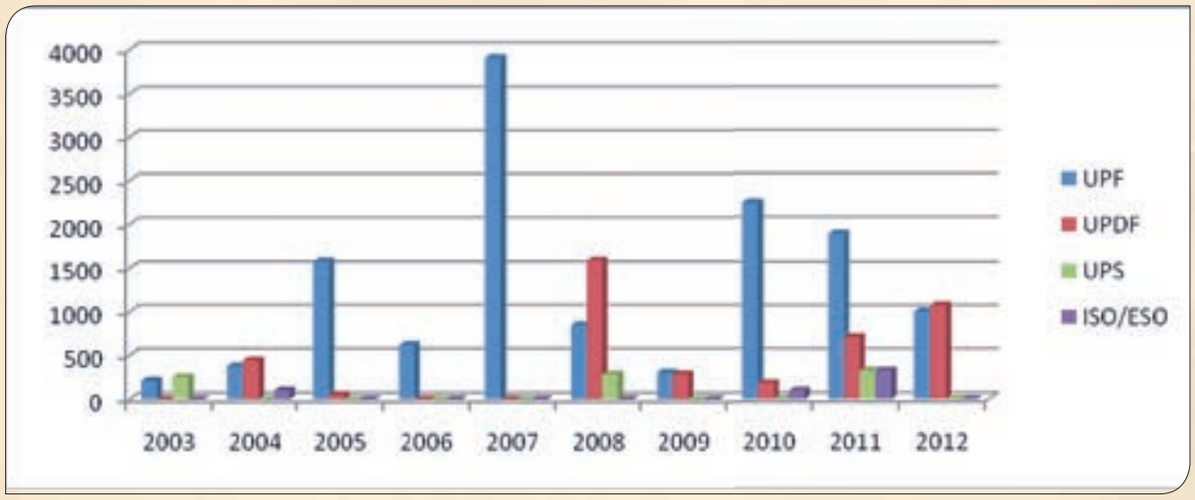
However, it was noted that male participants (1851) greatly out numbered the female participants (147) in all the trainings conducted for law enforcement and security agencies. This could be attributed to the fact that there are fewer women recruited into the UPF and UPDF. Figure 3.2 demonstrates the disparity.



Between 2005 and 2011, UHRC's interventions with law enforcement and security agencies have focused more on the UPF as demonstrated by Figure 3.3. This strategy was informed by the fact that complaints of human rights violations registered against UPF out numbered those registered against other security agencies. It was also evident that the complaints registered against UPF mostly involved Special Police Constables (SPCs), which has caused the UHRC to sensitise more SPCs over the years in order to ensure that a culture of respect for human rights is developed and nurtured.

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Figure 3.3: Number of law enforcement and security agents trained by the UHRC since 2003



(a) Human Rights education for the UPF

The UHRC held HRE programmes for 954 members of UPF of whom 822 were male and 132 female. The Police personnel trained comprised of 47 top police leadership officers, 150 police officers, 87 detectives and 670 SPCs drawn from different regions of the country.



A dialogue meeting with top police leadership organised by UHRC in Entebbe



Participants attending a dialogue with top police leadership convened by UHRC

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Participants at the human rights training workshop for the Police held at Masha Hotel in Kapchorwa district

The number of SPCs trained in 2012 out numbered the other categories of officers of the police that were trained. This is because of the nature of the work of SPCs which involves interactions with the public on a regular basis, making them prone to committing human rights violations against civilians. However, the other categories of the police like the top leadership and the detectives were trained due to their powers of direct control and supervision over the low ranking officers and the nature of work that involves interrogation of suspects. Through the dialogues, the UHRC and the UPF were able to discuss systemic issues and obtain renewed commitments to respect human rights.

Though complaints against UPF registered at UHRC continue to dominate, in some of the UHRC's regional offices where trainings were conducted for UPF officers, an improvement was noted in their conduct. In 2012, there was a notable 24.3% reduction in the complaints registered at the UHRC against UPF from 457 complaints in 2011 to 346 complaints in 2012. This is reported as a notable reduction considering that for the period 2008 to 2011, complaints registered against UPF were steadily increasing as demonstrated by Figure 3.4.

Figure 3.4: Number of complaints registered against UPF between 2008 and 2012



(b) Human Rights training for the UPDF

In 2012, 994 members of the UPDF were trained by the UHRC. They comprised of 989 males and 05 female participants. The trainings were implemented in the Karamoja region in 03 Brigade, 05 battalions and 10 detachments in the districts of Kaabong, Kotido, Nakapiripirit and Napak. Due to the detach-to-detach methodology implemented by the UHRC, more members of the UPDF were trained. The detach-to-detach methodology entails conducting of human rights awareness programmes with members of the UPDF within the detach set up.

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The effects of the sensitisation with the UPDF through trainings in the Karamoja region have been manifested through the reduction of complaints of alleged human rights violations reported against the UPDF at the UHRC's Moroto Regional office. In 2012, the Regional office received 42 complaints of human rights violations allegedly committed by the UPDF compared to the 73 complaints that were registered in 2011.



Member of staff of the UHRC engaging UPDF soldiers from Matany brigade on use of force and respect of right to life

(c) Human Rights training for the Military Police

The UHRC continued its interventions with the Military Police through training 50 military police personnel from Makindye military barracks. The trainees comprised 40 male and 10 female participants. The participants gained knowledge on issues such as, the promotion of respect for human rights and freedoms, as well as duties and responsibilities among the military police personnel as they execute their mandate. The fact that human rights concepts are essential values in the promotion and protection of human rights and nurturing a culture of respect for human rights among military police personnel was also emphasised.

It should be noted that although members of the Military Police are part of UPDF, the UHRC continues to specifically train the Military Police because they are often deployed within communities to reinforce the efforts of UPF during volatile situations. As a result of the trainings, members of the Military Police are equipped with knowledge on how to conduct themselves in a manner that is not prejudicial to human rights standards while they are executing operations within civilian communities.

3.2.2. Training in the Human Rights Based Approach for district officials

The UHRC trained 262 district officials on the Human Rights Based Approach (HRBA) to development. Participants were drawn from the districts of Iganga, Luuka, Kabale, Gulu, Kibaale, Zombo, Abim and Kaabong and comprised 192 male and 70 female participants. The participants gained knowledge on the importance of the integration of the tenets of HRBAD such as participation, empowerment, equality and non-discrimination and accountability during the planning, budgeting and program implementation processes by local governments.

Since 2008, UHRC has trained and disseminated the HRBAD Guidelines to a total of 897 district officials. Table 3.1 shows the breakdown of the participants per year. The table indicates that there were no HRBAD trainings conducted by UHRC for district officials in 2010 and this was because interventions in that year targeted capacity building of law enforcement and security agencies on democratization processes in preparation for the national elections that were scheduled for 2011.

As a result of the HRBAD trainings, the partnership of the UHRC with district authorities has been strengthened and some of the district officials that have been trained regularly seek guidance from UHRC on how to effectively integrate the HRBAD in the planning and budgeting processes. Furthermore, it was noted that

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in the Northern Uganda districts where the UHRC has conducted HRBAD trainings over the past four years, aspects of HRBAD such as participation and consultation were integrated in the planning processes of the Northern Uganda Social Action Fund (NUSAF), Peace Recovery and Development Plan (PRDP) and the National Agricultural Advisory Services (NAADS) projects. These districts included Lira, Gulu, Amuru and Pader.

Table 3.1: Number of district officials trained in HRBAD by UHRC since 2008

S/N	Year	Number of participants	Districts
1.	2008	310	Bundibugyo, Masindi, Moyo, Nebbi, Pader, Lira, Jinja, Kampala, Masaka, Soroti, Katakwi, Bushenyi, Kisoro
2.	2009	188	Adjumani, Amuru,Kamuli, Kaliro, Yumbe, Soroti, Kamwenge, Hoima
3.	2010	00	-
4.	2011	137	Kalungu, Bukomansimbi, Lwengo, Masaka, Nakasongola, Kumi
5.	2012	262	Iganga, Luuka, Kabale, Gulu, Kibaale, Zombo, Abim, Kaabong

3.2.3. Training of Local Council officials and Local Council Courts officials

The UHRC sensitized 203 local council officials under the theme 'Enhancing the respect of human rights by local council officials in executing their duties'. The trainees comprised of 134 male and 69 female participants drawn from Lyantonde Town Council, Maracha, Koboko, Nebbi, Zombo, and Arua. The primary goal of the trainings was to broaden the participants' understanding of human rights and to emphasise the importance of respect of human rights by local council officials in the execution of their work.

The UHRC also trained 406 local council courts officials comprised of 267 male and 139 females drawn from Kaberamaido district, specifically from Kakure, Aputi and Agidak sub-counties. The trainees were empowered with knowledge on human rights concepts and the importance of respect for human rights standards while executing their work. Issues discussed during the trainings also included, challenges faced by local council courts officials in executing their work considering that they have no legal mandate to do so, the surge of cases involving land disputes and lack of reference literature to be used by the local council officials while they are executing their work.

Between 2007 and 2012, UHRC has trained a total of 1967 local council officials from districts in the eastern, northern, western and central regions of Uganda. The numbers trained as per specific years are indicated in Table 3.2. Due to the important role played by local council officials in mobilising masses, their capacity in disseminating information on issues such as conflict management, property rights, women's rights, children's rights and rights of PWDs has been enhanced by the UHRC over the years. Furthermore, local council courts officials acquired knowledge on how to apply human rights standards in the administration of justice.

Table 3.2: Number of Local Council officials trained by UHRC since 2007

Year	2007	2008	2009	2010	2011	2012
Number of articipants	347	652	156	00	203	609

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UHRC officials with Local Council Officials from Koboko and Maracha at training in Koboko District

3.2.4. Training of Health workers

The UHRC trained 86 health workers in the districts of Lira and Gulu. The trainees comprised of 57 males and 29 females. Health workers were trained because of the important role they play in providing health services and ensuring the realisation of the right to health. Issues discussed during the trainings included: the role health workers play in the realisation of rights, the challenges faced by health workers, factors impeding the enjoyment of the right to health and challenges faced by PWDs in accessing health services.

3.2.5. Training of Persons with hearing impairment

In line with its obligation to empower PWDs, the UHRC conducted a two-day national human rights training workshop for 70 persons with hearing impairments. The participants comprised of 53 females and 17 males. The training was conducted under the theme 'Human Rights protection and promotion: a responsibility for us all' and its primary goal was to disseminate human rights information and to enable the participants appreciate their role in the protection and promotion of human rights. The participants gained knowledge on issues such as constitutionalism, human rights concepts and standards, and rights of vulnerable persons.

3.2.6. Human Rights Education

(a) Sensitisation workshops

The UHRC conducted sensitization workshops for 167 principals of primary teachers colleges, school administrators, head teachers and primary and secondary school teachers. Participants of the sensitization workshop for primary teachers colleges were drawn from all primary teachers training colleges in Uganda, while the participants of the other sensitization workshops were from the districts of Soroti, Tororo, Busia, Moroto, Moyo and Masaka.

A total of 2093 students from the districts of Kalungu, Kalangala, Rakai, Bukomansimbi, Masaka and Lwengo were also sensitised on rights and responsibilities, guidelines on the formation of human rights clubs and the role of human rights clubs in the protection and promotion of human rights. 19 school human rights clubs were formed during these sensitisation workshops. In an effort to enhance the visibility of human rights clubs both within their schools and in their communities, the UHRC printed and distributed 350 t-shirts to members of human rights clubs of schools in Moroto.

The sensitisation workshops were conducted to empower the participants with human rights knowledge enable the participants appreciate and play their role in the protection and promotion of human rights to encourage the participants to form human rights clubs in their respective schools, and to re-enforce the human rights clubs in order to enhance their performance.

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The trainings were also conducted as an effort to dispel the misconception among school authorities that raising human rights awareness and formation of human rights clubs in schools promotes indiscipline among pupils and students.



A member of staff from the UHRC addressing students of Nakyenyi Secondary School in Lwengo district

(b) School Human Rights clubs

UHRC monitored the schools in which teachers had been trained to ascertain the establishment of human rights clubs in their respective schools and to make an assessment of the operations of the human rights clubs.

The UHRC also shared best practices with the Human Rights clubs it monitored in order to enhance their ability to effectively execute their mandate. The schools that were monitored with functional Human Rights clubs included: Busoga Light College, Wanyange Girls' Secondary School, Mother Kevin Secondary School Walukuba and St. John Secondary School Wakitaka all in Jinja district, Bethany Girls Senior Secondary School in Soroti district, Kako Secondary School in Masaka district and Muni Girls Secondary School, Arua Public Secondary School, Wandi Progressive Secondary School, Ediofe Girls Secondary School all in Arua district.

The monitoring exercise revealed that school human rights clubs are involved in a number of activities aimed at effectively disseminating the human rights message. The activities included: music, dance and drama, debates, writing and reciting poems on human rights issues, organising human rights seminars and participation in radio talk shows. Through participation in radio talk shows the target audience of school human rights clubs was extended beyond students to the wider local communities. However, it was noted that the human rights clubs required technical, logistical and financial support to bolster efforts to execute their mandate. Technical support was in the form of capacity building in human rights, logistical support was in the form of Information Education and Communication (IEC) materials and financial support was in the form of funds to enable them conduct outreach activities in their communities. Annex 3 shows the number of schools that have functional human rights clubs



Some members of Wanyange Girls School Human Rights Club performing a skit

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(c) District Human Rights desks/Committees (DHRD/Cs)

The UHRC conducted monitoring visits to DHRD/Cs to determine how effective they were in the protection and promotion of human rights. DHRD/Cs in the districts of Luweero, Nakasongola, Nakaseke, Kiboga, Mubende, Mityana, Mpigi, Wakiso, Gulu, Amuru, Kitgum, Pader, Nwoya, Lamwo, Agago, Adjumani, Lira, Apac, Oyam, Dokolo, Busia and Butaleja were visited. Members of some of the DHRD/Cs monitored were given basic training on the concept of human rights and human rights monitoring. In some instances the UHRC conducted its activities in partnership with DHRD/Cs as was the case a human rights impact assessment of the floods in Tororo and Butaleja carried out in partnership with DHRD/C members of the said affected districts.

The reasons for the formation of DHRD/Cs include: strategy to nurture a culture of respect for human rights at the district administration level, to identify human rights concerns in their respective districts, to champion the implementation of the HRBAD in their respective districts and to refer human rights complaints that they may receive to UHRC. However, as has been reported in the previous UHRC Annual reports, majority of the DHRD/Cs are not functional due to technical, logistical and financial constraints. Technical constraints were being experienced in districts where DHRD/C members who were previously trained by UHRC have since been transferred to other districts and the new members who were appointed to replace them have never received any basic training in human rights.

Furthermore, there are no operational guidelines to guide the operations of the DHRD/Cs. Logistical and financial constraints were in the form of lack of operational funds allocated by the mother districts to the DHRD/Cs and lack of information, education and communication materials to enable the committees conduct human rights awareness activities.

In light of the above challenges, UHRC developed a Discussion Paper on the district human rights committees/desks intended to inform the consultative process that the UHRC intends to convene with the MOLG and other key stakeholders. The Discussion Paper elaborates on several issues concerning DHRD/Cs including: the genesis of the concept of DHRD/Cs, the status of establishment of the committees by districts and recommendations on how best district human rights committees can be supported in executing their work. It is hoped that the outcome of the consultative process will be a Concept Paper on DHRD/Cs that can be incorporated into policy and law.

(d) Voluntary Action Groups (VAGS)

Voluntary Action Groups (VAGS) are community based groups whose members have been trained in basic human rights. VAGS were created and supported by the UHRC as intermediaries between the UHRC and grass root communities as they are easily accessible to the communities and are a first point of contact in resolving human rights issues. VAGS facilitate access to justice in the communities through creating a link between their communities and legal and human rights bodies, and enhance human rights awareness and the spirit of volunteerism among the local population. Some of the specific activities VAGS are involved in include: receiving and mediating child neglect matters, receiving complaints involving issues such as land disputes, domestic violence and in the event that the matters are too complicated for the VAGS to handle, they refer the matters to other institutions such as the UHRC and the UPS for appropriate management.

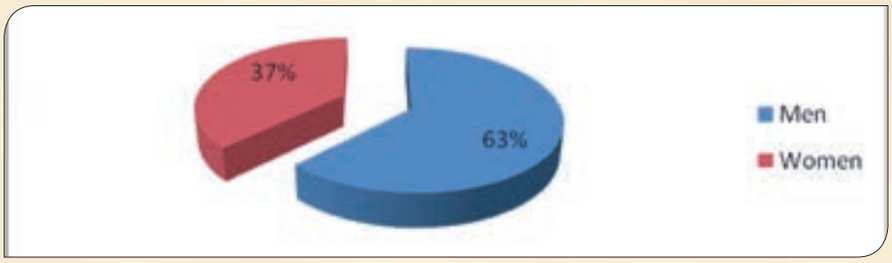
The UHRC played an advisory role and provided human rights literature to VAGS in an effort to support their activities in the districts of Amuria, Kasese, Bundibugyo, Ntoroko, Kabarole, Buliisa, Masindi, Gulu and Amuru. The UHRC also actively involved VAGS in human rights sensitisation activities that were conducted among grass root communities (community barazas).

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3.2.7. Human Rights awareness activities for grassroots communities

The UHRC conducted human rights awareness campaigns with 13,959 members of grass root communities in the form of community meetings (barazas), kraal outreach activities and training of dispensers of traditional justice. 8,736 of the participants were male while 5,223 were female. Grass root communities were empowered with human rights knowledge which was informed by the idea that a population that is aware of its human rights will be able to claim the said rights. However, as indicated by the statistics, it was noted that there were fewer female participants attending community meetings than the male participants. This could be attributed to socio-cultural factors that impede women from attending public gatherings where men and elders are present. For those women who are able to attend, they may be constrained to positively contribute to the discussions.

Figure 3.5: Male and female participants in grass root community engagements in 2012



(a) Community meetings (Barazas)

The UHRC conducted community meetings (Barazas) which were attended by 13,081 participants comprising of 8,127 male and 4,954 female. Communities were sensitised in the districts of Gomba, Entebbe, Mubende, Mpigi, Ibanda, Rukungiri, Isingiro, Nakapiripirit, Kotido, Abim, Kyenjojo, Kasese, Kibaale, Ntoroko, Buyende, Pallisa, Budaka, Kaliro, Moyo, Kaberamaido, Masaka, Kalungu, Lwengo, Sembabule, Oyam, Gulu, Kitgum, Pader, Lamwo, Apac, Kole, Alebtong, Kapchorwa, Kumi, Serere, Arua, Koboko, Bukedea, Amolatar and Kween.

The sensitisation covered a wide range of human rights issues such as: the mandate of the UHRC, the provisions of the Constitution, children's rights, women's rights, domestic violence, mob justice, land rights, mob justice and the right to health. Due to the interactive and candid nature of the discussions at the barazas, the UHRC was able to identify and document the prevailing human rights issues in the various communities visited. Some of the issues identified were: the escalation of land conflicts as was the case in Northern Uganda, the lack of access to justice, the prevalence of domestic violence, the need for constitutional awareness by among others through translation of the Constitution into local languages and the need for the UHRC to open up more offices in order to increase access to its services.

In response to the issue of escalating land disputes as was communicated by communities in Acholi sub-region during the barazas, UHRC was able to intervene in the form of facilitating mediations between warring communities. For example, in response to the clash between the Pawac and Patongweno clans in Kangole village, Lamwo district which had been sparked off by a land wrangle, the UHRC initiated the mediation process between the two clans. The cultural leaders, local council leaders and the police were involved in the mediation process and the matter was eventually successfully mediated.

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Community meeting (baraza) being conducted by the UHRC in Sipi sub-county Kapchorwa district



Participants attending a community meeting (baraza) held by the UHRC in Sembabule district

(b) Kraal outreach activities

The UHRC conducted Kraal outreach activities which were attended by 778 members of the community comprising of 524 males and 254 females. The Kraal outreach strategy is implemented by the UHRC in recognition of the nomadic lifestyle of the communities in the Karamoja region. These communities are accessed as they tend to their cattle. Kraal outreach activities were conducted in the districts of Kaabong, Abim, Amudat, Nakapiripirit and Kotido. As a result of the Kraal outreach activities members of the communities gained knowledge on wide array of issues including: human rights concepts, the mandate of the UHRC, children's rights, the role of elders in promoting human rights and the importance of reporting human rights violations.



UHRC member of staff holding discussions with members of the community during kraal outreach in Kotido district

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A kraal elder makes a contribution during UHRC kraal outreach in Kotido district

(c) Training of administrators of traditional justice

The UHRC trained 100 administrators of traditional justice in the Karamoja region districts of Nakapiripirit (at Namirisai shrine, Namirisai village, Lotaruk parish, Lolachat sub-county) and Kotido (at Rengen shrine in Regen sub-county). This was in recognition of the challenges faced in accessing formal justice mechanisms and the important role of traditional justice mechanisms in the communities. The trainees were community elders comprised of 85 males and 15 females. As a result of the trainings, community elders received technical support which enhanced their ability to understand their roles and limitations as administrators of traditional justice. Furthermore, the elders gained knowledge on human rights and the importance of integrating human rights standards as they execute their mandate and appreciated the complementary role of traditional justice to the formal justice systems.



Community elders from Rengen Shrine in Kotido district with members of staff from the UHRC

3.2.8. Media programmes

The UHRC used the media to raise human rights awareness and engage the general public on human rights issues. The media channels used included: radio talk show programmes, radio spot messages, television talk shows and adverts, media briefings and newspaper supplements. Through the media programmes, UHRC has used the feedback from the public to enhance its service delivery and interventions.

(a) Radio talk show programmes in 2012

The UHRC conducted a total of 115 live phone-in radio talk shows on 38 radio stations country wide. The talk shows were conducted in various languages which included English, Luganda, Lusoga, Runyankore/Rukiga, Runyoro/Rutoro, Ateso, Kumam, Kupsabiny, Lumasaaba, Lugbara, Kakwa, Alur, Madi and Nga'Karimojong. Annex 6 shows the details of the radio talk shows conducted in 2012.

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The topics discussed during the radio talk shows are influenced by prevalent human rights issues and the nature of complaints received at the UHRC. Topics discussed in the year included: mob justice as a human rights violation, the concept of human rights, the rights of PWDs, the rights of persons living with HIV/AIDS (PLWHAs), women's rights, children's rights, the right to personal liberty, the right to freedom from torture, rights of suspects during and after arrest and duties and responsibilities of citizens. The wide coverage of the radio stations enhanced UHRC visibility leading to an increase in the number of people seeking its services.

(b) Radio spot messages

The UHRC run a total of 3383 radio spot messages on 24 radio stations. Through the spot messages, listeners gained information on human rights issues such as the right to health, mob justice as a human rights violation, the mandate of the UHRC and the right to freedom from torture and ill treatment. The messages were aired in English, Lugbara, Luganda, Lusoga, Atesot, Runyankore/Rukiga, Lumasaaba, Rukonjo and Nga'Karimojong. The spot messages were informed by the prevalent human rights issues and the nature of complaints received at the UHRC. Refer to Annex 7 for the details of the radio spot messages.

The listeners in the North Lango region covering Lira and Apac; West Nile region covering Nebbi, Adjumani and Arua and South Western Region covering Bundibugyo, Kibale and Kases were sensitised on the right to health. Other sections of the population benefitted from the radio awareness messages against mob justice and they included those in the Ankole Sub-region covering areas such as Ntungamo, Mbarara, Kanungu, Bushenyi and Kisoro; the Mid-Eastern region of Kumi, Soroti, Katakwi, Bukedia, Abim, Serere; Mid northern region of Lira and Apac; Central Buganda region including areas such as Mukono, Kampala, Wakiso, Luweero, Kiboga, Mubende and Masaka; the South Western region covering Bundibugyo, Kibale, Kabarole and Kasese and West Nile Region covering Nebbi, Adjumani and Arua.

(c) Television adverts

During the year 2012, a total of 19 television adverts and infomercials were aired on UBC and Bukedde TV to relay important human rights related information to the public. Awareness among the population in areas of Kampala, greater Kampala and other urban places around the country on the re-location of the UHRC Central Regional office from Mengo, Kampala to Ntinda and the launch of the UHRC 14th Annual Report was created through the television infomercials. Additionally, UHRC participated in 4 television talk shows through which the urban –based population was sensitised on the provisions of the new anti-torture law and the importance of inclusion and the right for citizens to participate in public life.

(d) Newspaper supplements/adverts

Newspaper supplements, advertorials and commentaries on specific human rights themes were run in 9 local newspapers. A section of the literate population received human rights education on various themes such as inclusion and the right for citizens to participate in public life, UHRC position of government proposal to carry out forced HIV testing, constitutionalism and the effects of torture on development among other topical human rights issues in the country. Annex 8 shows the newspaper supplements and adverts run by the UHRC in 2012

(e) Media Briefings

In fulfilment of its Constitutional mandate, the UHRC has over the years endeavoured to offer advice to its stakeholders and the public in general on emerging human rights issues in the country. One of the ways of achieving this has been through periodic press briefings. During the year 2012, the UHRC held a total of 11 formal press conferences on various themes ranging from announcing its landmark achievements to calling for action by relevant stakeholders following incidents of human rights violations.

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The press conferences informed the media coverage that raised awareness on the various human rights topics discussed.

Table 3.3: UHRC Press Conferences in 2012

S/N	Theme/Topic of press conference	Date of press conference	Addressed By
1	Human Rights concerns during the demolition and eviction exercise by Kampala City Council Authourity in Luzira and a call for speedy investigations into the incident that had led to loss of lives and property	24th January 2012	UHRC
2	UHRC guidance on escalation of violent encounters between Police and the public in and around Kampala	23rd March 2012	UHRC
3	Call for respect of rights and condemnation of the violent arrest of an opposition leader Ingrid Turinawe by Police	24th April 2012	UHRC
4	UHRC position on FDC Women demonstration in Mbarara	26th April 2012	UHRC/Mbarara Office
5	Launch of the UHRC 14th Annual Report	30th April 2012	UHRC
6	Launch of the week long activities to mark the International Day in Support of Victims of Torture Week	25th June 2012	UHRC and the Coalition Against Torture (CAT)
7	Launch of the International Human Rights Day/Week activities	5th December 2012	UHRC, OHCHR, HURINET, Human Rights Center, ACTV & partners
8.	Dissemination of information on activities to mark the 6th National JLOS Open Day Forum held at Uganda Media Center	15th March 2012	PROs from JLOS institutions(including UHRC)
9.	Dissemination of information on activities to mark the 17th Constitutional Day on the theme 'Constitutionalism: A prerequisite for political, social and economic transformation.' Held at the Uganda Media Center	2nd October 2012	Minister of Justice and Constitutional Affairs Hon Kahinda Otafiire, Acting Chairperson UHRC Mr. Agaba Maguru and other JLOS officials
10.	Launch of joint activities to mark the World Press Freedom Day to the public	30th April 2012	UHRC and UJA
11.	Signing of an M.O.U between UHRC and Uganda Journalists Association	13th February 2012	UHRC and UJA

In addition to the use of formal press briefings, the UHRC issued news releases to various media houses on important or monumental occurrences pertaining to the UHRC. The table below shows details of press releases issued during the period under review:

Table 3.4: Press releases in 2012

S/N	Subject of press release	Date issued
1	Appointment of two new Commissioners to UHRC and their swearing in ceremony presided over by the Chief Justice Benjamin Odoki at the High Court of Uganda	12th July 2012
2	Launch of Acholi Sub Region Special Report on the Peace Building Project by the Deputy Inspector General of Police Martin Okoth Ochola	26th September 2012
3	Announcement of UHRC as Best National Human Rights Institution in Africa by the African Commission on Human and Peoples' Rights in Cote d' Ivoire and presentation of Award	12th October 2012

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3.2.9. Human rights education through publications

UHRC compliments its communication strategy and enhances its visibility by using IEC materials on selected human rights themes. The materials are distributed to stakeholders and the general public or displayed during public events. IEC materials developed and disseminated included: brochures on various human rights issues, police pocket handbook on basic human rights standards, a handbook on conducting community meetings and branded t-shirts. Annex 5 indicates the IEC materials produced and printed in 2012.

The themes for IEC materials included the mandate, functions and Powers of UHRC; respect for human rights and constitutionalism; the role of social media in helping to transform society; torture and its impact on development; and inclusion and the right to participate in public life.

3.2.10. Documentation of human rights

In 2012, the UHRC implemented and concluded the Peace Building through Justice and Human Rights project in Acholi sub-region together with the Uganda Law Society, Norwegian Refugee Council – Information Counselling and Legal Assistance and Human Rights Network-Uganda. The Project was aimed at enhancing the levels of enjoyment of human rights, peace and justice by the people of Acholi sub-region who are still grappling with and trying to emerge from the effects of a twenty year protracted war that ravaged the region.

The UHRC released a report that elaborated the activities of the project, the findings made as a result of activities conducted and the issues that are peculiar to Acholi sub-region in the post conflict era. Issues identified included land conflicts and lack of access to justice and the human rights situation were all documented by the UHRC in a report titled: *'Picking up the pieces in the Acholi sub-region: A special report on the Peace, Justice and Human Rights situation.'* UHRC produced guidelines on conducting community barazas in a booklet titled: *The Human Rights Baraza: A handbook on conducting Community meetings.*

3.3. UHRC Library and Documentation Services

Through its resource centres at its head office and in all its regional offices, the UHRC library and documentation services were utilised as a source of information by both the public and its UHRC staff during 2012. Information and materials sought included: the laws of Uganda, international human rights laws, thematic human rights reports, human rights textbooks and human rights annual reports. A total of 1,423 users accessed the UHRC's library and documentation services which was an increment of 15.7% from the 1,230 users registered in 2011. The users comprised 756 researchers, 551 students, 106 lawyers and 10 journalists.

The UHRC posted 45 web stories on its website www.uhrc.ug to provide information for internet users both within and outside Uganda. The stories mainly highlighted UHRC activities press releases, UHRC position statements, engagements at local, national, regional and international level, upcoming activities, achievements and human rights advisories among others. Among the materials uploaded on the website were the UHRC 14th Annual Report and cause-lists for the UHRC tribunal.

3.4. Commemoration of International, Regional and National Human Rights Days

UHRC annually carries out joint advocacy activities with other human rights partners to raise awareness of human rights themes among stakeholders and the general public on selected international, regional and national human rights days. In 2012 advocacy activities on human rights days included public processions, public dialogues, public debates, community out-reaches dialogues, human rights sports gala, human rights children's gala, exhibitions and media campaigns among others. UHRC actively participated in joint activities to commemorate the International Women's' day, World Press Freedom Day, International Day in support of Victims of Torture, Constitutional Day and the International Human Rights Day.

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3.4.1. Women's Day (8th March)

International Women's Day is marked on 8th March of every year following a proclamation by the United Nations General Assembly in 1977 to promote women's rights and as a reminder of continued vigilance and action to ensure that women's equality is gained and maintained in all aspects of life.

UHRC participated in an Exhibition to commemorate the International Women's Day organised by a local NGO Native Travel Festival in conjunction with the Italian Embassy at the National Theatre, Kampala. The Commission show-cased a number of its publications, interacted with members of the public who visited the stall and answered human rights- related queries.

3.4.2. World Press Freedom Day (3rd May)

The United Nations General Assembly declared 3rd May to be the World Press Freedom Day to raise awareness of the importance of freedom of the press and remind governments of the duty to respect and uphold the right to freedom of expression enshrined under Article 19 of the UDHR and marking the anniversary of the Declaration of Windhoek, a statement of free press principles put together by African newspaper journalists in 1991.

In 2012, UHRC in partnership with the Uganda Journalists' Association (UJA) and other CSOs, with support from the UN Office of the High Commissioner for Human Rights (Kampala), held a series of joint activities to commemorate World Press Freedom Day under the theme, *'New Voices,' Helping Media to Transform Society.* The activities included a press conference, a peaceful procession and public dialogues. The overall goal of the series of activities carried out to commemorate the year's World Press Freedom Day was to expand press freedom in Uganda, echo the role of emerging new media and promote the potential of media to transform society. UHRC and its partners advocated for the government and other stake holders' re-commitment to the ideals of press freedoms in the country.

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

On 12th December 1997, the United Nations General Assembly under Resolution 52/149 proclaimed 26th June the United nations International Day in Support of Victims of Torture with a view to achieving the total eradication of torture and the effective functioning of the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in the world.

The UHRC in collaboration with the Coalition Against Torture (a loose coalition of human rights civil society organisations) and the UN Office of the High Commissioner for Human Rights conducted joint advocacy activities under the theme 'Torture Affects Development, Stop it'. The activities to commemorate the day were also aimed at raising awareness on the provisions of the recently enacted Prevention and Prohibition of Torture Act. The activities included: press conferences, radio and television talk shows, newspaper advertorials, a community dialogue that was held at Kibuye market and a public debate that was attended by 77 participants from security agencies, development partners, civil society Organisations, political parties, PWDs and members of the media, among others. The advocacy activities were intended to emphasize the continued existence of the torture in Uganda and to invoke activism among all stakeholders including the general public to ensure the elimination of the practice of torture.

3.4.4. Constitution Day (8th October)

The current Constitution of the Republic of Uganda was promulgated on the 8th October 1995 after two years of an elaborate Constitutional Review process that involved extensive consultation of the citizens. (The Odoki Commission).

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The Uganda Human Rights Commission whose mandate under Article 52(e) and (f) of the 1995 Constitution of Uganda is to create and sustain within society the awareness of the provisions of the Constitution of Uganda as the fundamental law of the people of Uganda and to educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation, has been annually carrying out activities to commemorate the day.

In 2012, the UHRC joined other Justice, Law and Sector (JLOS) institutions to commemorate the 17th Anniversary of Constitutionalism marking the promulgation of the 1995 Constitution of the Republic of Uganda and the commemoration of Uganda's 50 years of independence. The joint activities were carried out under the theme: 'Constitutionalism: A prerequisite for Political, Social and Economic Transformation'. The activities conducted included a peaceful procession, live phone-in radio and television talk shows, road shows; a press conference and a newspaper supplement which highlighted the role of JLOS institutions (UHRC inclusive) in the promotion of Constitutionalism and Rule of Law in Uganda.

3.4.5. International Human Rights Day (10th December)

The 10th of December is observed by the international community to commemorate the day in 1948 when the United Nations General Assembly adopted the UDHR which has become a universal standard for defending and promoting human rights. Although the Declaration is not a binding document, it inspired more than 60 human rights instruments which together constitute an international standard of human rights. In Uganda, the day is commemorated annually by the UHRC as the lead agency carrying out advocacy activities with its partners such as the civil society and the United Nations Office of the High Commissioner for Human Rights, Kampala (UN OHCHR).

In 2012, the UHRC commemorated International Human Rights Day under the theme *'Inclusion and the right to participate in public life.'* The advocacy activities were conducted jointly with the UN OHCHR and human rights Organisations under their umbrella organization, the Human Rights Network, Uganda (HURINET-U) and they included a press conference to brief the media on the significance of the day, a media campaign that comprised of radio and television talk shows and newspaper advertorials, a human rights sports gala that involved human rights Organisations, policy makers and security agencies and a children human rights gala where children were engaged in painting, reciting poems and storytelling competitions.

The theme for the International Human Rights Day was premised on Articles 19, 20 and 21 of the UDHR which provide for the right to freedom of expression and opinion, the right to freedom of assembly and association, and the right to take part in government, either directly or through freely chosen representatives.

3.5. Human Rights education through partnerships

UHRC also conducts human rights education through collaboration and partnerships with other institutions and Organisations. Due to resource constraints this concerted effort ensured that the UHRC reached wider audiences and strengthened the working relationship between the UHRC and its stakeholders. In 2012, the UHRC participated in 28 human rights awareness activities organised by other stakeholders. The stakeholders included security agencies, CSOs, schools, local council leaders and international Organisations. The UHRC made presentations on selected human rights topics that included land justice, children's rights, domestic violence, rights of PLWHA and the right to freedom from torture. The Organisations and institutions the UHRC partnered with included the UPF, UPS, Network for Empowerment of Marginalized Children and Youth (NEMACY Uganda), Arua Male Community living with HIV/AIDS, Uganda Children's Rights NGO Network, JLOS, FIDA (U), International Center for Transitional Justice, Global Rights Uganda, International Refugee Rights Initiative, Uganda National Commission for UNESCO in conjunction with Ministry of Education and UN OHCHR. Annex 4 shows the human rights education activities that were conducted by UHRC through partnerships.

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3.6. CHALLENGES IN THE PROVISION OF HUMAN RIGHTS EDUCATION

a) Funding for civic education continues to be inadequate which makes the UHRC's civic education interventions are sporadic in nature. The positive impact of civic education on the populace can only be realised if civic education efforts by the UHRC and all other mandated stakeholders are sustained. A population that is not aware of its rights cannot claim the rights and cannot hold duty bearers accountable in the event of violation of the rights.

b) The provisions of the Constitution of Uganda largely remain unknown due to the fact that it has been translated into a few local languages and the translated versions have not been widely disseminated to the public. It is therefore difficult for people to appreciate the fundamental importance of protecting and promoting human rights as well as the duties expected of them as citizens of Uganda.

c) DHRD/Cs in many of the districts in Uganda still remain non-functional due to lack of logistical and financial support from their respective districts and ultimately from MOLG. Therefore, the impact of the operations of DHRD/Cs is limited since they are incapacitated to effectively perform.

d) Although the UHRC has trained district officials from various districts on the human rights based approach to development, the concept is not considered a priority and has not been comprehensively integrated in the planning, budgeting and programme implementation processes by the districts. This has led to lack of effective participation by the people at the grass root and ultimately exclusion from development processes.

e) Due to the poor road coverage, lack of availability of safe and regular transport means to the districts located on islands, the UHRC is unable to access hard to reach or remote areas to conduct civic education activities.

3.7. RECOMMENDATIONS

1. As recommended in the previous annual reports:

   - Government should designate a programme for continuous civic education to support the Uganda Human Right Commission fulfil its constitutional mandate in the area of human rights education;

   - The Uganda Law Reform Commission should translate the Constitution into more local languages in order to ensure that more people are aware of the provisions of the Constitution;

   - The Ministry of Local Government should urgently operationalize its initiative to form and facilitate existing District Human Rights Committee Furthermore, Ministry of Local Government should develop guidelines for the effective operations of District Human Rights Desks /Committees;

   - Ministry of Local Government should monitor and ensure the enforcement of the human rights based approach to planning and development by districts in order to achieve enhanced service delivery and ultimately the enjoyment of human rights by the people of Uganda;

2. Government should develop and implement a national civic education policy which should oblige the government to ensure that civic education is considered a priority and that all interventions and funding for civic education activities are sustained and adequate; and

3. The Government should support the Uganda Police Force Training Unit to acquire and equip all police officers with a compendium of laws relevant to police work for instance the Constitution, the Police Act Cap 303, Penal Code Act Cap and the Prevention and Prohibition of Torture Act, 2012.

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3.8. CONCLUSION

HRE activities conducted by UHRC which included workshops/trainings, community outreach activities and media campaigns were intended to empower citizens to know and claim their rights, to cultivate and nurture a culture of respect for human rights by government institutions and to ensure accountability in service delivery. However, despite its efforts the UHRC was constrained due to inadequate funding and other external factors as they are elaborated.

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CHAPTER 4

FINANCE AND ADMINISTRATION

4.0. INTRODUCTION

The achievements of the UHRC are a combination of the implementation of the core human rights functions and the effectiveness of its financial management and administrative systems. The latter has been characterised by establishing and implementing the UHRC administrative structures, managing the human resources, developing and operating ICT systems which are critical supportive functions for the effectiveness of the human rights mandate.

Other functions have entailed establishing control processes and systems that ensure sound planning, budgeting, financial management, reporting, asset management, procurement of goods and services and overseeing the achievement of overall strategic objectives of the UHRC. The above functions collectively support the other service delivery functions of the UHRC to deliver human rights services to the people of Uganda.

In 2012, UHRC Service delivery was supported by funding from both the Government of Uganda (GoU) and contribution from development partners. The Chapter highlights some of the major support and administrative services rendered during the FY 2011/2012.[37]

4.1. OPERATIONAL AND ADMINISTRATIVE STRUCTURE OF THE COMMISSION

The UHRC is now fully constituted with a Chairperson and six members of the Commission. At the Head Office where the Chairperson, members of the Commission, Secretary, directors, heads of units and other staff provides policy guidance and over sees implementation. The UHRC operates through regional and field offices to deliver its rights services.

Some of the functions of each directorate are replicated in the regional offices to ensure consistency. Each regional office is headed by a Regional Human Rights Officer. By the end of 2012 there were nine regional offices and seven field offices. The regional offices were: Central, Jinja, Soroti, Moroto, Gulu, Arua, Masaka, Mbarara and Fortportal. The field offices were in Acholi, Lango, Teso and Karamoja sub-regions, regions which have been targeted because they were affected by insurgency and cattle rustling. The field offices were located in Lira, Pader, Kitgum, Kapchorwa, Kaberamido, Kotido, Nakapiripirit as well as Kapchorwa which was opened in FY 2012/2013. All field offices are coordinated by the respective regional offices and each is manned by two volunteers.

The staffing level of the Commission by December 2012 was 220, including volunteers. This comprised 160 staff and members of the Commission who are on contract and 60 volunteers. Out of these, 85 are males and 135 are females. An Organogram, staff list and a list of volunteers are attached as annexes 1, 2, 3.

4.2. ALIGNMENT OF UHRC OUTCOMES TO THE JUSTICE, LAW AND ORDER SECTOR OUTCOMES

The UHRC is one of the institutions in the Justice, Law and Order Sector (JLOS). The JLOS is a sector wide approach adopted by Government to bring together institutions with closely linked mandates of administering justice, maintaining law and order and human rights into delivering a common vision, unified on a policy framework and objectives. The JLOS has three strategic outcomes in its Strategic Investment Plan (SIP) III:

37 The Chapter on Finance and Administration covers a financial year as opposed to the calendar year which is the period considered in reporting on the state of human rights in the country.

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Access to JLOS services enhanced; strengthened legal and policy framework; and promotion of the observance of human rights and accountability. The UHRC contributes to all the three outcomes of the SIP III, but mainly on promotion of observance of human rights and accountability. In view of the aforementioned, the UHRC developed and aligned its SIP to the JLOS's SIP III.

4.3. FINALISATION OF THE STRATEGIC INVESTMENT PLAN

The Two Year Corporate Plan which was developed to bridge the gap during the transition period when UHRC moved from the Public Administration Sector to JLOS expired in 2009. Thereafter, the UHRC embarked on developing its SIP, which was by the end of 2012 awaiting printing. The UHRC SIP was financed through a special release by the JLOS from the Sector Wide Approach (SWAP) funds.

4.4. DEVELOPMENT OF THE UHRC CLIENT CHARTER

In the FY 2011/2012, the UHRC developed a Client's Charter to inform the public of the services offered and the entire service delivery process. The Charter has been developed in line with the Public Service Reforms which aim at providing citizens with information to enable them make informed decisions. The Charter is also a management tool aimed at promoting accountability to the public as well as enhancing performance of the Commission.

4.5. ENGAGEMENT WITH THE HUMAN RIGHTS COMMITTEE OF PARLIAMENT

Prior to 2012, the UHRC worked closely with the Legal and Parliamentary Affairs Committee of Parliament with regard to matters of human rights. In the year 2012, a Parliamentary Standing Committee on Human Rights was established. The Committee has the mandate to review and debate reports by the UHRC and Civil Society Organisations (CSOs) on the human rights situation in the country. The UHRC participated in the orientation activities for the members of the Committee to acquaint them with the UHRC operations.

4.6. CAPACITY BUILDING INITIATIVES UNDERTAKEN DURING 2012

The UHRC undertook capacity building for staff using funds from both GoU and JLOS. One staff is pursuing a Masters degree in human rights and governance with financial support from JLOS; and another is on a post graduate diploma in management with funding from the GoU budget, and another one a diploma in transport and logistics. A total of 15 staff made up of the members of the Contracts Committee, Procurement and Disposal Unit, Internal Audit and Accounts were trained in Public Procurement and Contracts Management.

4.7. ACQUISITION OF COURT RECORDING EQUIPMENT

The UHRC procured court recording equipment which was installed in Gulu, Central and Mbarara Regional Offices with the JLOS SWAP funds. The Court recording equipment was intended to enhance management of tribunals and maintain a high level of accuracy of tribunal proceedings, as well as having an electronic record that is easily retrievable.

4.8. IMPROVED INFORMATION AND COMMUNICATIONS TECHNOLOGY(ICT) SYSTEM

The UHRC also acquired a new Server of a high capacity to support its ICT system. This eased communication and reporting between the Head Office, regional and field offices. It improved staff ability to meet reporting deadlines hence strengthening UHRC efficiency.

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4.9. FUNDING OF THE UHRC

The UHRC funding was from two sources; GoU and development partners. Amounts allocated for the Financial Year 2008/09 was UG.X 5.15 billion, UG.X 8.09 billion in FY2009/10, UG.X 11.4 billion in FY 2010/11, UG.X 11.58 billion FY 2011/12 and UG.X 11.61 billion in FY 2012/13. Although there has been an overall increase in total funding of about 125% since the FY 2008/2009, the improvement in funding has not been commensurate with the needs of the UHRC. The increase in FY 2009/10 was 57%; 40.9% in FY 2010/11, 1.58% in FY 2011/12 and 0.26% in FY 2012/13. Table 4.1 and Figures 4.1 below show the trend of total funding over a period of 5 years.

Table 4.1: Total funding of the Commission from FY 2008/09 to 2012/13

Description	FY 2008/09 (Amount in billions of shs)	FY 2009/10 (Amount in billions of shs)	FY 2010/011 (Amount in billions of shs)	FY 2011/12 (Amount in billions of shs)	FY 2012/13 (Amount in billions of shs)
GoU	3.3	4.78	7.27	7.22	8.3
Donor	1.85	3.31	4.13	4.36	3.31
Total Budget	5.15	8.09	11.4	11.58	11.61

Figure 4.1: Total funds allocated to the Commission from FY 2008/2009 to 2012/2013



4.9.1. Analysis of GoU budget estimates

There has been minimal increase in the funding for the UHRC in spite of the ever increasing demand on it to deliver human rights services to the grassroots. GoU appropriations for the UHRC in the FY 2008/09 was UG.X 3.55billion, increasing to UG.X 4.78billion in FY 2009/10; and to UG.X 7.27billion in FY 2010/11. In FY 2011/12 there was a decrease to UG.X 7.22billion which increased to UG.X 8.3billion in FY 2012/13.These appropriations showed an increase of 36.7% in FY 2009/10, 52.1% % in 2010/11, a slight decrease of 0.5% in FY 2011/12 and a minimal increase of 15% in FY 2012/13.

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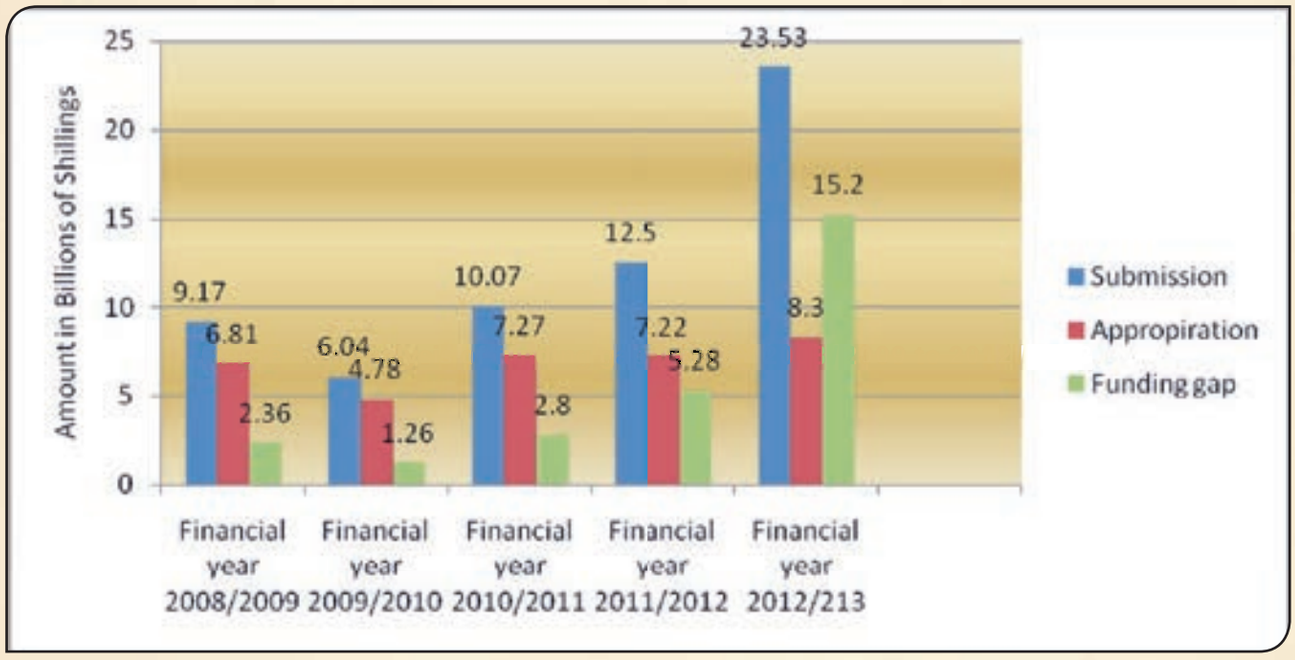
The overall movement in GoU funding from the FY 2008/2009 to FY 2012/2013 shows an increase of over 134% which is a clear indication of Government's efforts to improve its funding of the UHRC.

4.9.2. Funding gap

The UHRC prepares and submits budget estimates for both its recurrent and development expenditure every Financial Year. Budgets are prepared according to the work plans drawn from the Strategic Investment Plan to achieve the set objectives. However, appropriations are not adequate to cover all planned activities in a year. This has resulted into funding gaps. Table 4.2 and figure 4.2 below show the funding gap over a period of four years.

Table 4.2: Funding Gap from Financial Year 2008/09 to 2012/13

Description	Financial year 2009/10			Financial Year 2010/11			Financial Year 2011/12			Financial Year 2012/13		
Expenditure Head	Submission by UHRC in UG.X	Approved Estimate (Appropriated)	Funding Gap	Submission by UHRC in UG.X	Approved Estimate (Appropirated)	Funding Gap	Submission by UHRC in UG.X	Approved Estimate (Appropirated)	Funding Gap	Submission by UHRC in UG.X	Approved Estimate (Appropirated)	Funding Gap
Wage	1.91	1.82	0.03	2.06	2.14	(0.08)	4.14	2.14	1.20	6.71	2.14	4.57
Non-Wage	3.77	2.71	1.06	5.33	2.98	2.35	5.53	2.97	2.56	16.07	5.95	10.12
Domestic Dev't	0.36	0.20	0.16	2.68	2.05	0.63	2.72	2.01	0.72	0.65	0.14	0.51
Taxes	-	-	-	-	0.1	0.1	0.1	0.1	0.1	0.1	0.1	-
Total	6.04	4.78	1.26	10.07	7.27	2.8	12.50	7.22	5.28	23.53	8.30	15.2



4.9.3. Analysis of funding from Development Partners

While in the past the UHRC got a lot of support from development partners for its core activities, their priorities have been changing. This affected the flow of resources to the UHRC. In FY 2008/09 the UHRC received UG.X2.7 billion; UG.X 3.31 billion in FY 2009/10; UG.X 4.14 billion in FY 2010/11, UG.X 4.09 billion in

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FY 2011/12 and UG.X 3.53 billion in FY 2012/13. Funds allocated showed an increase of 18.43% in 2009/10, 20.04% in 2010/11, a decrease of 1.2% in 2011/12 and a further decrease of 15.7 % in 2012/13. Table 4.3 below shows the trend of donor partners' contributions to the UHRC over a period of five years from FY 2008/09 to 2012/13.

Table 4.3: Trend of funding from development partners from 2008/09 to 2012/13

Financial Year	Basket Fund[39]	UN-HCR	UNO-HCHR	UNAIDS	UNDP Country Programme Action Plan	DANI-DA	Euro-pean Union	Peace Build-ing Fund	APT	GIZ	JLOS SWAP	Total
2008/2009	1.76		0.10		0.38		0.46					2.7
2009/2010	2.27		0.13		0.28	0.48					0.15	3.31
2010/2011	3.02	0.13	0.19	0.06					0.03	0.05	0.66	4.14
2011/2012	2.20	0.20						1.08			0.61	4.09
2012/2013	2.70										0.83	3.53
Total	11.95	0.33	0.42	0.06	0.66	0.48	0.46	1.08	0.03	0.05	2.25	17.77

4.9.4. Application of funds to UHRC operations

Funds received from GoU were mainly spent on support administrative services such as employee costs, acquisition of goods and services, communications, utilities, maintenance, procurement of equipment, travel and transport. Development partners' funds were mainly supporting the core activities of the UHRC. A comparison of contributions from development partners and GoU from FY 2008/09 to FY 2012/13 shows a declining trend in donor contribution. The percentage of donor contribution has remained below 50% over the last five financial years and yet this has remained the main source of funding for core activities of the UHRC.

The total amounts appropriated by GoU have remained inadequate to support all the UHRC operations. Consequently, the UHRC relies on funding from development partners for its core activities while GoU support is for office operations. Office operations are not a priority for development partners and yet the UHRC cannot achieve its objectives without funds for office operations. Table 4.4 below shows the percentage contribution of both GoU and development partners.

Table 4.4: Percentage contributions of GoU and development partners

Financial Year	GoU Contribution	Donor Contribution	Total Funding	GoU %age	Donor % age
2008/2009	3.3	2.7	6.00	55	45
2009/2010	4.78	3.31	8.09	59	41
2010/2011	7.27	4.14	11.41	64	36
2011/2012	7.22	4.09	11.31	64	36
2012/2013	8.3	3.53	11.83	70	30

4.9.5. Peace Building Project Fund

From July 2011 to June 2012, the UHRC implemented Peace Building through the Justice for all and human rights project in Acholi sub-region aimed at supporting the national Peace, Recovery and Development Plan (PRDP) to foster peace in Northern Uganda following the twenty years of insurgency and displacement.

39 From FY 2008/09 to FY 2010/11 the Basket Fund was managed by DANIDA, HUGGO on behalf of the contributing partners: The Republic of Ireland, The Royal Kingdom of Netherlands, the Government of Denmark and the Government of Norway. From FY 2011/12 the Basket Fund was managed by the Democratic Governance Facility (DGF) for several partners.

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A total of UG.X 1.663 billion was received by the UHRC from UNDP for project implementation together with the responsible parties, which included Uganda Law Society, Norwegian Refugee Council and Human Rights Network-Uganda (HURINET-U). Out of the total amount received, UG.X 1.079 billion was allocated to the UHRC for activities which included reduction of backlog of cases, increasing human rights awareness and access to justice. The detailed achievements, challenges and recommendations were documented in a Special Project Report titled: 'Picking up the Pieces in Acholi sub-region - A Special Report on the Peace, Justice and Human Rights Situation' which the UHRC presented to Parliament.

4.9.6. Computerised financial management system

In the FY 2012/13, the UHRC was connected to the Integrated Financial Management System (IFMS), an initiative by the Ministry of Finance Planning and Economic Development to improve public financial management in the public sector. The Ministry also supplied the IT equipment to support the system which included a robust server, 2 air conditioning system, 2 printers, 16 computers and UPS. This enabled timely processing of financial information, financial reporting, as well as improved quality of information, budget monitoring and analysis.

4.10. INTERNATIONAL, REGIONAL AND NATIONAL ENGAGEMENTS

The Chairperson and some staff members participated in international and regional activities aimed at sharing experiences with other National Human Rights Institutions (NHRIs) and strengthening capacities and accountability at international, regional, sub-regional and national levels. This enhanced the UHRC presence and credibility at both international and regional levels and contributed to the UHRC maintaining membership at the International Co-coordinating Committee of National Human Rights Institutions for the Protection and Promotion of Human Rights (ICC) as well as the Network for National Human Rights Institutions in Africa.

4.10.1. Accreditation to International Coordinating Committee of Human Rights

The UHRC has since maintained "A status" as per the accreditation of the ICC. The ICC accreditation is meant to assist in establishing and strengthening independent and effective NHRIs. NHRIs are required to meet the international standards set out in the Paris Principles, which all NHRIs are supposed to comply with.



UHRC receiving award as best NHRI in Africa

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The Paris Principles in part define the level of competence and responsibilities of NHRIs. NHRIs which comply with the Paris Principles and have been granted A- status are eligible to become voting members of the ICC and to hold governance positions. They also have independent participation rights at the UN Human Rights Council and its subsidiary bodies. The UHRC being an accredited institution enjoys these privileges and such participation and cooperation with other NHRIs enhances the UHRC performance and ability to follow up matters at the national level.

4.10.2. UHRC award as best NHRI in Africa

In 2012, the UHRC was voted the best human rights body in Africa. This was in recognition of the performance and efforts in the promotion and protection of human rights. The award was given to the UHRC during the commemoration of the 25th Anniversary of the African Commission on Human and People's Rights held in Cote d' Voire's Yamoussoukro city. This was during the 52nd Ordinary Session of the African Commission on Human and People's Rights.

4.11. CHALLENGES

The UHRC has continued to experience inadequate funding for all its operations. This contributed to low staffing levels as well as failure to establish regional offices in most parts of the country. In addition, all regional offices were accommodated in rented premises resulting in high rental expenditure as property prices continued rising. The UHRC's total rental expenditure is 19.4% of the total budget and the overall effect of this is reduced funding for core activities which affects human rights services to the communities. The level of dependency on Development Partners for most activities in view of their constantly changing priorities is detrimental to the UHRC as a NHRI.

4.12. RECOMMENDATIONS

1. As recommended in the previous annual reports:

    - Ministry of Finance, Planning and Economic Development should fully fund the Uganda Human Rights Commission being a statutory body to avoid dependency on donor funding for its major operations and core functions. Ministry of Finance, Planning and Economic Development should provide adequate funding under the Non-Wage component for operations;

    - Ministry of Finance, Planning and Economic Development should honour the unfulfilled promise of operationalisation of the Uganda Human Rights Commission's expanded structure by providing an adequate wage bill; and

2. Ministry of Finance, Planning and Economic Development should fund the Uganda Human Rights Commission development activities in particular, to build office blocks for regional offices to avoid high rental expenditure.

4.13. CONCLUSION

The UHRC was able to carry out many of its activities despite the limited resources at its disposal. The growing funding gap needs to be urgently addressed so that the UHRC can implement all its activities aimed at achieving both strategic and operational objectives at Head Office and the regional offices. The UHRC needs adequate support for coordination, monitoring and provision of logistical support to ensure effective service delivery while minimising any possible interruptions.

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CHAPTER 5

EMERGING HUMAN RIGHTS CONCERNS

5.0. INTRODUCTION

In 2012, the UHRC observed pertinent human rights issues that need to be comprehensively addressed. Many of them had been recurrent human rights issues while others only emerged. These human rights concerns included the plight of teachers, health workers, civil servants and pensioners. Other issues that were noted with concern also included challenges in the realization of freedom of assembly, expression and the media; issues relating to the operations of Non-Governmental Organizations; rampant corruption; oil and gas bills and mob justice. This Chapter highlights the key concerns based on international, regional and national human rights standards and makes appropriate recommendations.

5.1. THE PLIGHT OF TEACHERS

The right to education is an enabling right which enhances the development of skills and capacity as well as the confidence to secure all other rights in order to live with dignity that is due to all human beings. Teachers are important in ensuring realisation of the right to education as they play an important role in imparting knowledge and skills. However, for teachers to effectively carry out their functions, they must work in a conducive environment and subjected to appropriate terms and conditions of service. In 2012, the teachers' low pay and the delayed payment of their salaries caused serious concerns and prompted them to strike to push Government to address their concerns. In using this strategy, the teachers were exercising their trade union related rights which are illustrated below.

This section highlights the legal framework that guarantees the formation of trade unions; the achievements of teachers in 2012 and the challenges that teachers still faced despite interventions undertaken by trade unions like Uganda National Association of Teachers' Union (UNATU). Recommendations are made for the improvement of the welfare of teachers.

5.1.1. Legal framework

The international legal framework governing the teachers' right to join trade union associations includes the UDHR which guarantees the right to freedom of peaceful assembly and association and emphasises that joining of associations should be voluntary. The UDHR also recognises, among others, the right of every person to work, free choice of employment, just and favourable conditions of work and protection against unemployment;[40] and the right to form and join trade unions for the protection of their interests. The ICCPR also contains provisions similar to the UDHR and also acknowledges that the enjoyment of the right shall have some limitations.[41] In addition, the ICESCR goes a step further to provide that the trade unions should function freely.[42]

40 Article 23(1) of the Universal Declaration of Human Rights
41 Above (n6) Article 22(1)
42 Above (n3) Article 8

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The Convention Concerning Freedom of Association and Protection of the Right to Organise (ILO Convention No. 87)[43] recognises freedom of association as a means through which conditions of work could be improved.[44] This Convention reinforces the guarantees in other human rights instruments mentioned above. The African Charter on Human and Peoples' Rights guarantees the right to free association and states that no one shall be compelled to join an association.[45]

At the national level, the right of teachers to form and join trade unions is guaranteed under the Constitution. The Constitution recognises the right of every worker to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests,[46] and collectively bargain and be represented.[47] The Constitution therefore introduces the aspect of teachers being represented in a quest to protect and promote their interests. In addition to the Constitution, teachers' unions are also regulated by other national legislations such as the Employment Act which generally governs relations between employers and employees, and the Labour Union Act which spells out the mandate of unions, recognises the need for labour unions[48] and emphasises the need for employers to desist from interfering with unions.[49]

5.1.2. Teachers' Achievements

The following are some of the achievements that teachers realised in 2012 while advocating for better conditions of work:

5.1.2.1. Successful teachers' civil action

The teachers by and large exercised their rights to freedom of association and expression. They went on strike to advocate for a 100% salary increment. They demanded for a salary increment from UGX 273, 000 to UGX 540, 000; an improvement in the welfare of teachers within the country; and increasing the capitation grant for children from UGX 10,000 to UGX 20,000. As a result government made a commitment for an increment of 15% with effect from the financial year of 2012/2013.[50] The teachers strike in 2012, unlike in 2011, was peaceful and there were no deployments of security personnel.

5.1.2.2. Establishment of a Negotiation Council:

A National Negotiating and Consultative Council was established by Government on 14th August 2012. The Negotiation Council is a forum through which public service unions negotiate on behalf of their members. The Council is mandated to handle matters between the public service and the labour unions and also act as a forum for negotiation.[51] The Council comprises representatives from most of the labour unions in the country. UNATU is represented by two members on the Council who include the General Secretary and the National Secretary for Disputes and Welfare. It is hoped that the Council will begin the implementation of its mandate in due course.

5.1.2.3 Salary increment

As a result of the industrial action, a Government commitment to increase the salaries of teachers was secured.

43 Uganda ratified the Convention Concerning Freedom of Association and Protection of the Right to Organise, on 2nd June 2005.
44 Preamble to the ILO Convention.
45 As above (n11) Article 10 (1) & (2)
46 As above (n13) Article 40(3) (a)
47 As above Article 40(3) (b)
48 Section 3 of the Labour Union Act.
49 As above Section 4
50 Rogers Sunday, 'Government assures teachers of salary increment', The New Vision of 11th June 2012
51 Noah Jagwe, 'Government promises public servants pay rise by 2013', The New Vision of 15th August 2012

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Much as a 100% increment was initially sought, a 30% increment was eventually agreed to by government. It should be noted, however, that only a 15% increment was eventually implemented.[52]

5.1.2.4. Membership growth

UNATU continued to grow and had a membership of over 86,000 teachers with a potential of about 160,000 teachers on Government pay roll.[53] It was hoped that the membership would continue to grow as more teachers appreciated the mandate of teachers' unions in advancing their rights.

Despite these developments, teachers were unable to greatly improve their working conditions and the status quo largely remained unchanged even when they were still expected to avail quality education to their students.

5.1.3. Challenges faced by teachers

The following are some of the challenges faced by teachers and that could impact on their dedication in the performance of their roles; and in effect negatively affect the quality of education.

5.1.3.1. Low pay

Teachers are paid an average of UGX 273, 000 per month which is very low. Considering the cost of living they are expected to remain motivated to impart knowledge. In addition, teachers are saddled with a heavy workload as the class sizes are quite large, especially in Universal Primart Educatin schools. Subsequnetly, there is a high likelihood of teachers not being dedicated in the performance of their duties, which could affect performance of students in such schools.

5.1.3.2. Lack of an active industrial court

The Labour Disputes (Arbitration and Settlement) Act makes provision for the creation of an Industrial Court under the Labour Disputes (Arbitration and Settlement) Act was aimed at ensuring fast resolution of labour matters.[54] However, despite the appointment of a Judge to head the Court, the Court has remained non-operational since its inception. Furthermore, Magistrates' courts are not in a position to assist in the handling of some labour matters as they do not have the jurisdiction. This, therefore, means that in instances where a Labour Officer failed to dispose of a complaint made by a teacher, the matter would stall as the Labour Officer would be unable to refer the matter to the Industrial Court as required by the Act.[55]

5.1.3.3. Lack of adequate funding for the Directorate of Labour, Employment and Occupational Safety and Health

One of the avenues for handling labour disputes is through the Directorate of Labour, Employment and Occupational Safety and Health under the Ministry of Gender, Labour and Social Development (MGLSD). However the MGLSD is one of the least funded ministries. Consequently, the Directorate of Labour, Employment and Occupational Safety and Health has not been effective in handling labour matters due to limited funding. This means that the teachers and other aggrieved workers may not benefit from this process.

52 As above (n48)
53 Presentation by the General Secretary UNATU at the 2012 UHRC Annual Report Consultative Meeting held in Kampala, 7-10 January 2013. Paper on File with the UHRC.
54 Section 8(2) of the Labour Disputes (Arbitration and Settlement) Act 2006
55 As above Sections 6 & 8(1)(a)

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5.1.3.4. Alleged politicisation of union work

There were allegations that Government has politicised UNATU demands. This was attributed to the involvement of pressure groups in teachers' strikes and allegations from some Government quarters that unions are acting and working with the opposition politicians. However, the teachers viewed these allegations as seeking to derail union members from airing their demands. It was also alleged that due to politicisation of union work, a parallel union, COUPSTA was formed to undermine UNATU's efforts in addressing teachers concerns.[56] It should, however, be noted that COUPSTA focuses on providing protection and promotion of private school teachers' rights, addressing governance deficits in the education sector and empowering of teachers to offer quality education.[57]

5.1.3.5. Delayed Operationalization of the Collective Bargaining Agreement

The Public Service Negotiation Act that was assented to in 2008 has not been operationalised. The Act allowed for round table discussions between union members and Government on matters concerning welfare. Due to the non-operationalisation of the Act, the chances of the Union being invited to discuss budgetary or other issues and policies concerning union members are slim as government resolves them on its own.

5.1.3.6. Alleged harassment and intimidation of union members

Despite the fact that UNATU is a recognised union, there were reports of union members being harassed because of their participation in union activities. This was more apparent when UNATU organised the industrial action after negotiations on the improvement of their welfare had failed. Such harrassment included union members being threatened and forced back into the classrooms and Government Officials such as Resident District Commissioners (RDCs) and Chief Administrative Officers (CAOs) writing warning letters to union members who were involved in the teachers' protest that took place between 16th and 17th June 2012.[58]

5.1.3.7. Mismanagement of the clean-up of payrolls

Due to complaints that there were ghost teachers on the payroll, a cleanup exercise was undertaken by the Ministry of Public Service. The attempt to clean up the payroll was as a result of estimation by the Ministry of Finance of an annual loss of UGX 28,000,000,000 to ghost teachers, pupils and schools.[59] The end result of the cleanup exercise was that teachers who were perceived to be 'ghosts' were deleted from the payroll in 2012. Much as the cleanup of the payrolls was well intended, it culminated into a massive deletion of teachers who were actually in existence. Not only did this deletion lead to some teachers missing out on their salaries, it also affected the subscription of the teachers as some of them were UNATU members.[60]

Others were threatened with deletion from the payroll. This threat was issued in instances where a teacher was asked by a personnel officer to pay a bribe in order to be retained on the payroll. In the event that such a teacher failed to pay the bribe, they would be deleted from the payroll. Upon complaint by such teacher, it would take a while before they were reinstated on the payroll. This delay would mean teachers spending some months without receiving their salaries; and yet they were required to continue carrying out their duties.

5.1.3.8. Inadequate monitoring and supervision

UHRC also learnt that there is no regular monitoring and supervision of schools and institutions of learning by District Education Officers.

56 Presentation Delivered By The General Secretary Of Uganda National Teachers' Union (UNATU) at The UHRC Annual Report 2012 Consultative Meeting Held In Kampala, 7th to 10th January 2013.
57 Information on the mandate of COUPSTA available at http://www.coupsta.org/.
58 As above (n56)
59 Pascal Kwesiga, '300,000 civil servants haven't received October salaries', The New Vision of 9th November 2012
60 As above (n58)

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This would provide opportunities to address issues affecting schools and the teachers therein.



Lubiri SS Teachers on a sit-down strike (Source: New Vision)

5.1.4. Recommendations

The UHRC makes the recommendations below to improve the welfare of teachers.

The recommendations specifically target Government and teachers' unions as they are the main players in the improvement of the working conditions of teachers.

I. Government should urgently operationalise Collective Bargaining Agreement to enable labour unions effectively represent their members.

II. Ministry of Education and Sports should facilitate District Education Officers to regularly conduct monitoring of institutions of learning within their jurisdiction. This would give them an opportunity to know first-hand the issues affecting schools and the teachers therein.

III. Government should set a minimum wage for workers in general. The determination of the minimum wage should take into consideration the type of work done, level of qualifications of the worker, inflation rate and the cost of living. This would help curb the exploitation, oppression and underpayment of workers.

IV. The Industrial Court should be fully operationalised to efficiently and effectively resolve employer-employee disputes that have been forwarded to it by the District Labour Officers.

V. Verification of teachers on the payroll should be expeditiously conducted and concluded to ensure that teachers that were erroneously deleted from the payroll are reinstated and 'ghost' teachers expunged.

VI. Government should provide adequate funding to the Directorate of Labour, Employment and Occupational Safety and Health that handles labour matters within the MGLSD to enable it resolve matters affecting workers.

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VII. The Ministry of Education should hold frequent enagements with the teachers' unions to harmonise positions to improve the conditions of service of teachers.

5.2. THE WORKING CONDITIONS OF HEALTH WORKERS

The right to health obliges state parties, not only to respect and protect but also to fulfil it through giving it sufficient recognition and taking positive measures to enable and assist individuals and communities to enjoy the right to health.[61] The Government of Uganda is therefore obliged to make available health care services for its citizens. The provision of health care entails having an adequate number of health workers as well as drug supplies. The provision of health facilities and drugs without the attendant medical personnel could be tantamount to a violation of the right to health. Government's fulfilment of the right to health would therefore require, among other things, the adequate facilitation of health workers. This facilitation however remains lacking; and consequently the poor performance of some health workers in the delivery of health services.

This section highlights the circumstances in which health workers operate as well as the interventions that Government has undertaken to improve them. It discusses the challenges that health workers face and makes recommendations towards the improvement of the working conditions of health workers.

5.2.1. Government interventions to improve access to health services

In order to enhance the provision of health services, the following are some of the interventions that Government has undertaken:

5.2.1.1. Salary Increase

In 2012, Government increased the salaries of some health workers. Those who benefitted from the increment were medical doctors working in health centre IVs as well as health workers working in health centre IIIs. It was reported that the allowances of Medical Doctors working in Health Centre IVs would have their allowances increased UGX 1,200, 0000 to UGX 2,500,000 effective October 2012.[62]

5.2.1.2. Increase in budgetary allocation to the Ministry of Health

An increase in budgetary allocation to the Ministry of Health (MOH) was another development that was realised in 2012. The increment was agreed upon in the course of considering the ministerial budgets for the Financial Year 2012/2013. With the intervention of Members of Parliament on the Budget Committee, Government agreed to source for additional funding to be availed to the MOH especially for the recruitment of health workers. Parliament appropriated UGX 495,000,000,000 for the recruitment of health workers.[63]

5.2.1.3. Recruitment of health workers

The Government undertook to recruit health workers to fill up existing vacancies. In light of the temporary ban by the Ministry of Public Service on the recruitment of workers, an approval was obtained to enable the MOH conduct the recruitment.[64] According to a MOH press release there were plans to recruit over 6,172 health workers to fill up vacancies in health centre IIIs and health centre IVs.[65] To this end, funds were set aside for health workers' recruitment.[66]

61 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, 'The obligations of States', available at: http://www.ohchr.org/EN/Issues/Health/Pages/SRRightHealthIndex.aspx last accessed on 22 February 2013.
62 'Government increases doctor's salaries, to recruit health workers', The Daily Monitor of 26th September 2012.
63 Mercy Nalugo, 'Government finally gives Shs3b for health', The Daily Monitor of 28th November 2012
64 Annual Report of the Health Service Commission 2011/12, 24
65 'Government increases doctor's salaries, to recruit health workers', The Daily Monitor of 26th September 2012
66 As above (n63)

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5.2.1.4. Amendment of Police of Form 3A

The amendment of Police Form 3A benefited health workers in that it widened the category of health workers that could examine victims of sexual assault. Previously, Police Form 3 allowed only medical doctors to examine victims of sexual assault which, in some instances, impeded the handling of such complaints as the availability of doctors to fill in the Form could not be guaranteed. Consequently, the amendment of the police form eases the burden that was placed on medical doctors to not only examine and fill in the Form but to also appear before courts of law and other quasi-judicial bodies like the UHRC Tribunal to testify.

These developments and many more on access to health services have been discussed in detail in Chapter 9 of this report. Despite these developments, as is indicated below, the working conditions of health workers remained dire.

5.2.2. Challenges faced by health workers in service delivery

The availability of health workers to avail healthcare services has continued to be affected by the following:

5.2.2.1. Low salary

Salaries paid to health workers were very low. An enrolled nurse was estimated to be earning UGX 270,000 while a medical doctor earned about UGX 700,000 per month.[67] The salary for health workers was not commensurate with the long hours many health workers put in. In 2012, out of the UGX 49,500,000,000 appropriated to the Ministry of Health, UGX3,500,000,000 was to be utilised to increase allowances of some medical officers at health centre IVs so that they would earn Uganda shillings 2.5 million a month.[68] It should be noted that much as the salary increment offered by the Government of Uganda was welcomed, the increment did not extend to other categories of health workers like nurses who are equally instrumental in the provision of health services. In some instances nurses working in health centres, shoulder the burden of keeping them running. Despite the proposed salary increment for doctors in 2012, the beneficiaries were yet to receive new salaries by the end of the first quarter of the financial year.

As a result of earning low salaries, some health workers were reported to have resorted to dual employment. This led to the loss of human resource hours and a reduction in the quantity and quality of health services.[69] It was reported that health workers, especially those working in urban centres, would work in two or even three jobs to make ends meet.[70] Some health workers in the Government sector holding similar positions in private clinics or hospitals informally described as 'moonlighting'. The 'moonlighting' contributed to the unexplained absences of some health workers from their duty stations. Some health workers in government were reportedly stealing drugs to sell to private clinics. Fatigue from manning two or more jobs could cause health workers to have low tolerance levels resulting in 'rude' behaviour that some patients complained of.

Low salaries could not attract or ensure retention of those willing to work, in particular, in hard to reach areas. This was further compounded by the fact that hard to reach areas offer little or no opportunity for 'side' income.

5.2.2.2. Inadequate numbers and skills of health workers

The inability of the MOH to ensure adequate numbers of health workers is impacted by the wage bill. The wage bill limits the capacity of district service commissions to fill vacant positions within the Health Sector.

67 Mary Karugaba, 'No money for health workers' salary rise—minister', The New Vision of 8th May 2012.
68 The New Vision, 'Will sh49b additional funding boost health services?', The New Vision of 3rd October 2012.
69 Annual Report of the Health Service Commission 2011/12, 33
70 'Ugandan Health Workers Speak: the Rewards and the Realities ', available at: http://www.vsointernational.org/Images/ugandan-health-workers-speak_tcm76-30142.pdf last accessed on 22 February 2013.

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The Permanent Secretary to the MOH attributed the inadequate staffing to the absence of functioning District Service Commissions to determine the number of health workers required at the existing health facilities as well as the need to speed up the recruitment process.[71] In addition, despite the agreement between Parliament and Government that UGX 49,500,000,000 be set aside for recruitment of health workers, only UGX 6,500,000,000 was released. The understanding that UGX 43,000,000,000 would later be released the in form of a supplementary budget was not acted on.[72]

As a result of the failure to recruit the required number of staff, there have been reports of some health facilities utilising the services of unqualified or even non-medical staff to beef-up the skeleton staff. At a consultative meeting for health workers conducted by the UHRC in 2011, participants noted that most district hospitals had one doctor who doubled as the Hospital Administrator.[73] Participants also admitted that in a bid to solve the challenge of inadequate number of medical doctors, they would allow midwives to perform the analysis of the patients' conditions and the medical officers would later fill in the medical forms.[74] Some hospitals that conduct internship programmes take advantage of interns to provide medical services. Though the internship programme is a good training opportunity, in some instances, the interns ended up running health facilities without adequate supervision.

The existence of unqualified staff was one of the reasons cited by the Permanent Secretary of the MOH for the poor performance of the Health Sector.[75] It is estimated that there are about 23, 000 nurses in Uganda that have not undergone adequate training.[76] Further, it was reported that 2,307 individuals that had been passed out as nurses over the previous 10 years had not received adequate training.[77]

The situation was compounded with the creation of new districts since most of them required recruitment of health workers to man the created health centres. It is estimated that Uganda has a total population of 34 million people who at one time or another require treatment and care and these are served by a total of 31,797 health workers in the filled positions.[78] This is much less than the approved required number of 55,063.[79] This means that the approved positions filled by health workers at all levels nationally stand at 58 per cent.[80]

5.2.2.3. Threats to health workers

As part of their duty to avail health services, health workers have examined victims as well as suspects of crime. Some of these crimes are sexual offences like rape and defilement, as well as others like murder. Conducting such medical examinations would require confidentiality by the medical personnel as well as any security agent involved in the investigation. The confidentiality is broken in the course of handling evidence and results in threats being made to the concerned health worker. This issue was also raised by participants at the UHRC consultative meeting with health workers some of whom admitted to being forced to alter medical reports. Such threats or harassment of health workers would discourage them from practicing their profession as ensuring their personal security becomes paramount in comparison to availing evidence to solve an alleged crime.

71 As above
72 As above (n66)
73 Consultative meeting for health workers for Acholi sub-region on their role in the investigations & tribunal process held on 27th May 2011 in Gulu district.
74 As above
75 Agatha Ayebazibwe, 'New districts still have poor health services', The Daily Monitor of 26th September 2012.
76 The New Vision, '2,300 quack nurses exposed', The New Vision of 20th August 2012.
77 As above
78 Dennis Odwe, 'Why not give health workers all the support?', The Daily Monitor of 7th October 2012.
79 As above
80 Presentation by Dr. James Mugisha, Ministry of Health on 'Analysis of Health care and services from the perspective of budgetary allocation and legislation affecting access to medicines' at the 2012 UHRC Annual Report Consultative Meeting from 7 – 10 January 2013, paper on file with the UHRC.

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5.2.2.4. Inadequate support supervision

The failure to ensure quality services can also be attributed to the inadequate supervision of health facilities. This supervisory role in every district falls within the mandate of the District Health Officer (DHO) who assesses the needs of health facilities. In some districts, there were no DHOs either because they were newly created districts or due to the high turn-over of health personnel working in rural areas. In some cases the DHOs that resigned have not yet been replaced. Further, there were some instances where the DHOs were the only doctors in the district; hence could not do self-supervision. The dual role of administration and medical workers would render such medical officer unable to carry out their oversight function. Consequently, issues affecting the performance of health facilities were not addressed.

5.2.2.5. High Patient Load

In addition to low staffing levels, health workers had to deal with a high patient load. Consequently, a single health worker would be forced to multi-task in order to attend to all the patients. As a result some Medical Doctors assigned some of their duties to nurses while some nurses also co-opted non-medical staff to assist them cope with the high patient load.

5.2.2.6. Lack of accommodation for staff

Bearing in mind that provision of health care is a 24-hour undertaking, it would be crucial that health workers reside close to health facilities. This would enable them to easily attend to emergency cases that may arise in the night. Unfortunately, some of the medical staff were housed a distance away from the health facilities to which they are attached. An incident was reported two years ago, in Apala Health Centre in Lira district, where a health worker resorted to sleeping in the ward due to lack of accommodation.[81] The lack of accommodation renders health workers unable to respond in time to emergencies especially at night. It is also a danger to the security of the health workers who would have to commute from their place of residence to the health facility at odd hours. It should however, be noted that there were reports of some health workers shunning houses that had been provided for them either because they were in deplorable conditions or they wanted to live with their families.

5.2.2.7. Inadequate opportunities for further studies

Some health workers lacked opportunities to pursue further studies. This was reflected in a MOH presentation that indicated that the presence of trained staff has been low.[82] It was reported that nursing assistants had expressed interest in upgrading to enrolled nurses or midwives while registered nurses wished to upgrade to midwifery or to pursue degrees.[83] District Service Commissions were reported to be reluctant to approve study leave for applicants going for courses of over three years due to acute staffing shortage and failure of the trained health workers to return to their stations.[84] Furthermore, health workers who upgraded could not be placed in positions commensurate with their new qualifications due to the constricted structure of the Health Sector.[85] Some health workers, however, personally bore the costs of enrolling for courses.

5.2.2.8. Inadequate protection

The general lack of protection was highlighted as a challenge for health workers. This included the non-availability of basic tools like gloves as well as the drugs that are given as a first course of treatment for health workers that may have been exposed in the course of handling a patient living with HIV/AIDS.

81 Patrick Okino, 'Absenteeism paralyses Lira health services', The New Vision of 10th March 2010.
82 As above (n80)
83 As above (n70)
84 Annual Report of the Health Service Commission 2011/12, 31
85 As above

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Post exposure prophylaxis (PEP) is supposed to be administered within the first 72 hours from the occurrence of the suspected exposure.[86] The treatment is composed of one pill of Combivir and another of Efavirenz taken by the victim every day for one month.[87]

Due to the risk of infection, some health workers were reportedly unwilling to handle certain patients, including accident victims, even when they required emergency treatment.



Some of the patients at the out patients ward at Jinja Regional Referral Hospital on December , 7 2012. Source: New Vision

5.2.3. Recommendations

The following recommendations are made to address the plight of health workers in order to enhance the realization of the right to health:

i. The MOH should ensure that the general working conditions of all health workers are improved. This would include the increment in salaries for all categories of health workers and provision of welfare allowances and housing, among others. Medical interns should also be remunerated as they contribute immensely to the delivery of health services.

ii. The MOH should ensure that adequate protective gear is supplied to health facilities to guarantee the safety of health workers.

iii. The MOH should ensure that health workers are skilled, equipped, motivated and housed within the reach of health consumers. With regard to housing of health workers, in the event of resource constraints, temporary accommodation should be made available within health facilities for health workers on call.

iv. The Ministry of Local Government should ensure that the District Health Officers are adequately funded to enable them monitor service delivery in health facilities. Furthermore, where there are no officers, they should be urgently appointed.

86 Brian Mutebi, 'How safe are health workers from on-job HIV infections?', The Daily Monitor of 20th August 2012
87 As above

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5.3. DELAYED PAYMENT OF SALARIES AND PENSION

The year 2012 was characterised by delays in payment of pension to former Government civil servants and salaries to existing public servants. This was in contranvention of the Government's commitment to its former and current employees as it is contained in the Ministry of Public Service (MoPS) Client Charter.[88] According to the Charter, the MoPS commits itself to pay pensions and salaries by the 28th of every month.[89] The Charter further provides for clients' rights to include the right to timely payment of salaries and terminal benefits.[90]

This section discusses the international, regional and national legal framework relating to the right to pension and remuneration and highlights some of the incidents of delayed payment of pension and salaries and their human rights implications. It also makes appropriate recommendations.

5.3.1. International, regional and national legal framework

The UDHR provides that everyone has the right to social security and that everyone is entitled to the realisation of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.[91] It further provides for the right to work and to just and favourable remuneration in order to ensure the workers and their families an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. The ICESCR[92] also provides for the right of everyone to social security, including social insurance, which implicitly recognises the right to old-age benefits.

The term 'social security' implicitly covers all the risks involved in the loss of means of subsistence for reasons beyond a person's control.[93] In order to give effect to the provisions of the ICESCR, States parties must guarantee the provision of survivors' and orphans' benefits upon the death of the breadwinner who was covered by social security or receiving a pension.[94] Dependents of pensioners are also entitled to claim his or her benefits at the pensioner's death. The Committee on Economic, Social and Cultural Rights in its General Comment No. 6 stated that older persons feature prominently among the most vulnerable, marginal and unprotected groups and that states are obliged,even in times of severe constraints, to protect the vulnerable members of society.[95] The African Charter on Human and Peoples Rights[96] also provides for the right to work.

Objectie VII of the National Objective and Directive Principles of State Policy under the Constitution provides that the State shall make reasonable provision for the welfare and maintenance of the aged. Objective XIV provides that the State shall endeavour to fulfil the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that all Ugandans enjoy rights, opportunities and access to pension and retirement benefits. Article 254 provides that a public officer shall on retirement receive such pension as is commensurate with his or her rank, salary and length of service and that the payment of pension shall be prompted, regular and easily accessible to pensioners. The Constitution further provides for the right to work and adequate remuneration.[97] This is expounded in the Employment Act. The Pensions Act provides for the right to pension for those who are qualified.[98] The Pension regulations provide guidance for the payment of pension.

88 The Ministry of Public Service Client Charter 2007/08-2009/10
89 As above, 2 and 3
90 As above, 6
91 As above (n40) Article 22
92 As above (n42) Article 9
93 Committee on Economic, Social and Cultural Rights, General Comment No. 6 (1995), The economic, social and cultural rights of older persons, 12/08/1995, Para. 26.
94 As above, General Comment No.6 above Para 29
95 As above, General Comment No.6 Para. 17
96 As above (n45) Article 15.
97 As above (n46) Article 40.
98 Sections 9 and 10 of the Pensions Act.

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5.3.2. Human rights concerns arising out of delayed payments of salary and pension

5.3.2.1. The right to live in dignity

The right to remuneration is an important feature of the right to work. Employers are also required to pay wages to each employee in a timely manner. It is through such remuneration that workers are able to support themselves and their families to live in dignity. The delayed payment of public servants' salaries limited the ability of the workers and their family to live with dignity.

On 31st May 2012, it was reported that public servants would have to wait until at least the first week of June 2012 to receive their May 2012 salaries. This was attributed to the fact that the MoPS had to halted payment of salaries to verify the payroll and weed out 'ghost workers'.[99] In November 2012, it was reported that about 300,000 public servants had not been paid their October 2012 salaries.[100] The delay in the payment of salaries was caused by an internal audit exercise of the payroll that was being carried out by Ministry of Finance, Planning and Economic Development. A previous audit report had revealed an estimated 7,600 ghost workers on the payroll of public servants and the report had also revealed a network of 'ghost creators' at the MoPS

The delayed payment of salaries to public servants affected their morale, motivation and commitment to give their best to their jobs which in turn affected the quality of service delivery by the public sector. Public servants were unable to fulfil their various commitments to their families for instance they were unable to pay school fees for their children in time hence affecting the right to education; and many could not fulfil their loan repayment obligations at the time they were required to thus attracting penalties and other repercussions. Furthermore, most public servants live on fixed income and any delays in the payment of their salaries would inevitably affect their standard of living during that period.

5.3.2.2 Delayed payments of pension affected the right to social security

Pensions are periodic payments (usually monthly), like a wage or salary made to an aged retired civil servant for a defined period or to the dependents upon his or her death.[101] The MoPS administers and manages the Public Service Pension Scheme (PSPS) in Uganda, which caters for retirement benefits of public officers employed in Government ministries, departments and some agencies. Pension which is a form of social security is a basic human right and a fundamental means for creating social cohesion. Pensions are designed to give retired workers income support and financial security during their old age.[102] It is also worth noting that pension beneficiaries are usually older persons who are already vulnerable on account of their advanced age. The refusal, neglect or delay in the payment of pension is a violation of human rights and the refusal or non-payment of pensions to those who qualify under the law violates the right to social security.[103] Furthermore, pension beneficiaries are entitled to know in advance the amount of pensions due to them and failure to provide them with this basic information is a violation of their rights.[104]

In administering a pension system, Uganda is obliged to ensure the following:

- **Accessibility** of the system which involves the removal of administrative barriers that may prevent access and distributing benefits within safe physical reach of older persons
- **Transparency and access to information** which entails widely accessible and available information on social pensions and a legal and institutional framework regulating pension schemes that guarantees accessible mechanisms for accountability

99 Hussein Bogere, Civil Servants' May salaries delayed, the Observer, May 31 2012.
100 Pascal Kwesiga, 300,000 civil servants haven't received October salaries, The New Vision, November 09, 2012.
101 John-Jean Barya, Social Security and Social protection in the East African Community, Fountain publishers on behalf of Kituo Cha Katiba (2011), 18
102 Kalyango Mutesasira, Mutagwanya Luboyera – and – Attorney General and others, Uganda Human Rights Reporter (2002), page 131, paragraph 7.
103 As above 131 to 132, para. 6 to 7.
104 As above 133, para. 14

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- **Accountability** which means that every person must have the right to an effective remedy where his or her rights have been violated. Policy makers must be held accountable when their decisions have a negative impact on older people's right to pension.
- **Respect** for the principle of participation[105]

In 2012, a pension scandal was unearthed in MoPS which involved the payment of about UGX 169,000,000,000 to over 1000 'ghost' pension workers of the East African Community (EAC). It was alleged that the payments were paid between 2009 and 2012. Senior officers in the MoPS and the EAC Beneficiaries Association were arrested and were facing corruption charges ranging from causing financial loss, abuse of office, negligence of duty and embezzlement. Pension payments were halted as further investigations into the scandal were conducted by the Criminal Investigations and Intelligence Directorate of the Uganda Police Force (UPF) and a cleanup exercise of the pension payroll was instituted.[106] The pension scandal further exacerbated the already bureaucratic process involved in claiming pension. The process is characterized by long periods of waiting by wary pensioners who often travel long distances from their home villages to the MoPS to follow up on the status of their pension payments. In addition to the payment of 'ghost pensioners' the pension payment system is plagued by other inefficiencies which include the deletion of names of pensioners from the payroll without any plausible explanation to them.[107]

Perhaps the most telling stories about the predicament of pensioners can best be elaborated by the experiences of one Faustino Alego (RIP) and one Celestine Kyazze (RIP) as reported in the media. It was reported that Mr. Alego's 20 year quest to secure his pension as a former worker of the East African Community proved futile and that his health had drastically failed when he found out that his picture had been published in the newspapers by the Police as one of the 'ghost' pensioners who had been paid as a result of the pension scam in MoPS. Faustine Alego eventually died at 75 years of age without having been paid. [108] For 70 year old Celestine Kyazze, it was reported that he was knocked down by a speeding boda-boda cyclist while on his way to the MoPS from his home village in Semuto Nkuzimbire in Nakaseke District.[109] Mr. Kyazze died later at Mulago Hospital as a result of the injuries he had suffered. It was further reported that family members claimed that the deceased often complained about the delayed payment of his pension which he had followed up at the MoPS to no avail.

(i) Adequate standard of living

The right of older persons to a good standard of living and to a dignified life was compromised due to delayed payment of their pension which they are entitled to for services they diligently offered. Older persons were condemned to a life of impoverishment without any support mechanisms to alleviate their suffering.

(ii) Right to health and right to life

The right to health and the right to life of older persons are put at risk as a result of delayed payment of pension. Older persons are most often prone to illnesses and their precarious health situation is exacerbated when their pension that would have enabled them to access medical treatment is not forthcoming. Without pension, older persons are not able to access health care services and some eventually die as a result.

Due to the effects of the HIV/AIDS scourge that has led to the deaths of many people older persons have taken on the responsibility of looking after their grandchildren and extended families.

105 Magdalena Sepulveda, UN Independent Expert on the question of human rights and poverty, Social pensions are critical to human rights, Help Age International (2010)
106 BBC News Africa, Uganda halts payment over 'ghost pensioners', October 12, 2012. Accessed at http://www.bbc.co.uk/news/world-africa-19924959 on 15th February 2013.
107 Dear Jeanne, Pensioners' misery as they chase their stolen billions, The Daily Monitor, November 3, 2012.
108 Simon Peter Emwamu, 20 years later, pensioner dies without pay, The Daily Monitor, January 25, 2013.
109 Violet Nabatanzi, 70-year old dies chasing after pension, The New Vision, December 12, 2012, 5.

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There has also been rural to urban migration whereby multitudes of youths are moving from their villages to the towns and cities in search of better opportunities, living the burden of care to older persons.. The delayed payment of pension therefore complicates this already overwhelming responsibility on older persons.

It is evident that the MoPS is not complying with the major principles for an effective pension system as stipulated in the human rights standards namely accessibility, transparency, accountability and participation of the beneficiaries. The unprecedented levels of corruption within the Pensions sector have ultimately impacted negatively on the enjoyment of human rights by the rightful beneficiaries.

5.3.3. Recommendations

i. Government should take steps to adopt a national strategy and plan of action for the realisation of the right to social security. The plan of action should entail the review and amendment of the existing Pensions Act.

ii. The Pension reform strategies developed and implemented by the MoPS should respect the key principles of accessibility, non-discrimination, information dissemination and participation of the beneficiaries. It is important to consider the decentralization of pension claims and receipt service delivery to the district level.

iii. The Government should expeditiously implement the recommendations contained in the report of the Inter Ministerial Task Force on the Reform of the Public Service Pension Scheme.[110]

iv. Government should ensure timely and accurate payment of salaries for public servants. In the event that the delayed payment of salaries cannot be avoided due to circumstances beyond the control of the Ministry of Public Service, the Ministry should promptly inform public servants of the impending delay. This will provide public servants with sufficient time to identify alternative means to meeting their various commitments.

5.4. FREEDOM OF ASSEMBLY

Over the past two years, Uganda has witnessed an increase in civic actions by pressure groups and activists, including members of the opposition political parties, academia, workers and civil society. As reported on in the 2011 UHRC Annual Report, civic actions particularly by the pressure group Activists for Change (A4C) and its successor For God and My Country (4GC) continued in the country in the year 2012. Although the activists argued that their actions were in line with exercising their freedom to assemble and demonstrate peacefully, there were concerns about their implications for protection and promotion of human rights, particularly when they were confronted with security agencies.

5.4.1. Legal framework

The freedoms to associate, assemble and demonstrate peacefully are recognised in international, regional and national human rights instruments many of which Uganda has ratified.

At the international level, the UDHR in Article 20; the ICCPR Articles 21 and 22 (1) provide for these freedoms. At the regional level, the freedoms are recognised in the ACHPR Article 10 (1) and 11, while at the national level, they are recognized in the 1995 Constitution under Article 38 (2) and 29 (1) (d) and (e). In addition, Article 17 (b) and (f) of the 1995 Constitution provides for the duty of every citizen to cooperate with lawful agencies in the maintenance of law and orders. However, these freedoms are not absolute and are subject to limitations as stipulated in Article 43 (1) of the same Constitution.

110 Ministry of Public Service, Report of the Inter Ministerial Taskforce on the Reform of the Public Service Pension Scheme (January 2012)

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This section therefore gives a highlight of the A4C and AGC activities in the year 2012, their positive and negative on human rights, the interventions of UHRC in handling the situations as well as some recommendations for enhancing the respect and enjoyment the freedoms of association, assembly and peaceful demonstration by all without jeopardising the rights of others.

5.4.2. Actions by A4C and 4GC in 2012

A group of activists that included political opposition leaders and Members of Parliament launched a pressure group: Activists for Change (A4C) on 7th April 2011 at Fairway Hotel in Kampala. According to the group, A4C was a non-violent and peaceful platform for democratic change in Uganda[111]. The A4C members said their actions were in response to economic hardship at the time, including the rising fuel, food and commodity prices in the country, emerging cases of corruption and embezzlement of public funds among others. As a result, for the greater part of 2011 and part of 2012, A4C organised various protests dubbed Walk-to-Work, public rallies and hooting campaign that took place in various parts of Uganda such as Gulu, Wakiso, Masaka, Mbale, Entebbe, Bushenyi, Ntungamo, Rukungiri, Jinja, Hoima, Buikwe, Mukono, Soroti, Kabbarole, Kabale, Lugazi and Mbarara.

Often times the activities of A4C ended up in violent confrontations with security agencies, especially the Uganda Police Force (UPF) and the army leading to casualties on both sides. As a result of these confrontations, on 4th April, 2012, the Attorney General (AG) of Uganda evoked Section 56 (2) (c) of the Penal Code Act declaring the A4C and subsequent similar groups an unlawful society, dangerous to peace and order in Uganda.[112] The Penal Code provides that a society is unlawful if it is formed for purposes of among others levying war or encouraging or assisting any person to levy war on government; killing or injuring or inciting to the killing of any person; destroying or injuring or inciting to the destruction or injuring of any property, subverting or promoting the subversion of the Government or of its officials and committing or inciting to acts of violence and intimidation.

In response to the AG's Declaration, some of the members of the banned A4C rebranded the group into For God and my Country (4GC).[113] At a press conference held in Kampala on 20th April, 2012, at which the new pressure group was launched, the National Coordinator of the former A4C noted that it was just the name which had changed but the goals, objectives and methods of the group had remained the same. Indeed, during the biggest part and up to the end of 2012, actions by 4GC were just a replica of those of the defunct A4C, including public rallies, candle light vigils and prayers. These activities were planned to take place in Kampala and subsequently spread to other parts of the country. Almost all the rallies reported in 2012, except the four held in Luzira in January, Kyengera and Mukono in February and in Kalwere in November 2012, turned violent and riotous, disrupting public order and leading to loss of life as well as injury of persons, loss and damage to property.

In contention of the Attorney General's Declaration, a group of activists petitioned the Constitutional Court in September, challenging the ban of A4C and subsequent similar groups. In their petition, they noted that the Attorney General's move was "unconstitutional and repugnant to freedom, democracy, good governance and rule of law" as well as "not demonstrably justifiable in a free and democratic society". Information obtained from the Attorney General's office indicated that a Constitutional Petition No. 32 of 2012 was filed and awaited hearing before the Constitutional Court.

111 Press Statement by A4C. 7th April, 2011. Fairway Hotel, Kampala
112 See Daily Monitor Newspaper, January 17, 2012
113 the campaign was re-branded to 'Walk-to-Work Re-loaded on 16th January 2012 by the organisers and re-named Walk-to-Freedom on 24th September 2012

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5.4.3. Implications of A4C and 4GC actions on the enjoyment of human rights and freedoms in Uganda

5.4.3.1. Positive developments

UHRC acknowledged the positive efforts made by state agencies towards the maintenance of law and order, promotion of the rule of law and protection and promotion of human rights during the A4C and 4GC political and civic actions in 2012. It also observed increased participation of the public in issues of governance. These positive developments included:

- Restraint by the police not to use lethal weapons like live bullets while policing violent protesters;
- Efforts by police to keep suspects arrested during civic actions of A4C and 4GC within the stipulated time (48 hours) by granting police bond to some and taking others to courts of law.
- Efforts by the Judiciary to grant bail to the suspects of crimes related to civic actions;
- Efforts of some of the security personnel to exercise restraint while managing the protests and confrontations, sometimes even in the face of extreme provocation;
- Ability of security agencies to disperse some of the planned A4C and 4GC activities, including rallies without as much violence and multiple arrests that characterized others;
- Efforts by police to discipline errant officers like in the case of W/PC No. 53811 Alinda Irene, who was charged, convicted and sentenced by the Police Disciplinary Court for use of excessive and disproportionate force while arresting the FDC Women League leader Ingrid Tirunawe in Nansana.
- Efforts by security agencies, particularly UPF and UPDF to maintain law and order during rowdy and violent protests;
- The efforts of the media to expose errant state agents on the one hand and irresponsible politicians and citizens on the other hand during the confrontations.
- Increased civic participation and consciouS/Ness about governance issues by the public.

5.4.3.2. Human Rights concerns from A4C and 4GC actions

In spite of the positive developments registered during the A4C and 4GC civic actions, UHRC also noted a number of human rights concerns. These were:

- Loss of life, where a police officer AIP Ariong John Bosco lost his life[114]
- UHRC findings also established loss and damage to property, where property worth millions was destroyed during the protests and riots.
- Disruption of economic activities and livelihoods in Kampala and other towns in the country where 4GC and A4C activities took place, including those of innocent people who had nothing to do with the protests.
- Disruption of people's freedom of movement, where some actions by protesters and reactions by security agents led to blocking of certain routes. On some occasions, protesters turned rowdy, blocked roads and burnt car tyres in the middle of roads.

114 See Henry Sekanjako and Anne Mugisha Police chief stoned to death New Vision Thursday March 22, 2012 at pg 1 and 4

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- Provocation against the police by some of the protesters when they threw stones at them, hurled insults at them, blocked roads and physically manhandled some of the officers. In other cases, some protesters assaulted other people who were not part of the civic action.
- The growing culture of intolerance and violence among some members of the public while expressing their views and discontent over matters of concern in society.
- The perception by some members of the public and politicians that human rights and freedoms, particularly freedoms to assemble and demonstrate are absolute and thus their failure to fulfil their duties and responsibilities that comes with those rights.
- Where some opposition leaders and members of A4C and 4GC tried to extend their activities to other towns in the country where the unguided and misguided crowds instead became riotous and violent leading to widespread acts of lawlesS/Ness and confrontation with security agents, particularly the police and the army.
- Although preventive arrests, which included home arrests of some members of the defunct A4C and 4GC helped to avert probable riotous and violent situations, the decision by police to continue evoking its powers for preventive arrests was in contravention of the Kasangati Grade One Magistrate Jessica Chemery's ruling that they were unlawful[115].
- The exorbitant costs of the civic actions on the Ugandan economy, and particularly the cost of managing the effects of these actions.
- The use of disproportionate force by some police and other security personnel to quell rallies among other actions of the A4C and 4GC.
- The use of inciting language among some members of A4C and 4GC which in some instances inflamed the situation sparking off violent protests among the public.
- The unbalanced coverage of the incidents by some journalists and some media outlets which had the potential to worsen the bad situations.

Table showing some of the incidents related to the 'Walk-to-Work' protests in 2012

S/N	Reported incident/activity	Effects / Consequences	When and where
1.	A4C opposition pressure group launched fresh demonstrations under the banner 'Walk-to-Work Re-loaded' which was a move away from walking to work to holding a series of public rallies in Kampala and all over the country with the final rally planned for January 28th 2012 at Kololo Airstrip Police arrested FDC's Ms. Ingrid Turinawe from Canaan sites Estates Gayaza on her way to the launch. She was charged with three traffic counts which included failure to comply with a uniformed Officer's directives, inconsiderate use of public road and driving a vehicle in dangerous mechanical condition. She was taken to court on the same day and appeared before Grade One Magistrate Jessica Kyesimire who remanded her for a day to Kasangati Prison after failing to raise a cash bond of UGX 500,000. Dr. Kizza Besigye was also put under preventive arrest and kept at his home at Kasangati.	• Police dispersed the crowds and chaotic scenes ensued causing injury to persons, loss and damage of property and in some cases death of persons • A4C made outright calls for regime overthrow which Police said was inciting the public	16th January 2012 in Kampala and Wakiso

115 As above (n107) 5

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S/N	Reported incident/activity	Effects / Consequences	When and where
2.	Opposition political leaders announced activities to have lunch in economically friendly places like Owino Market due to alleged economic hardships in the country. Crowds gathered and attempted to accompany the opposition politicians through town after the meal causing clashes with police which blocked the procession citing disruption of business in the busy business centre	• Injuries to persons • Disruption of business • Loss and damage of property • Police forcefully dispersed the crowds	17th January 2012 in Kampala
3.	Police stopped planned A4C rally scheduled for Katwe Freedom Square organised under the 'Walk-to-Work Re-loaded campaign. Several members of A4C were arrested and detained at Kira Road Police Station and Jinja Road Police Station. During these arrests a scuffle erupted prompting police to fire tear gas and rubber bullets to disperse the emerging crowds.	• Police arrested several opposition politicians including Dr. Kizza Besigye, Kampala Lord Mayor Erias Lukwago, Ms. Anne Mugisha, Ms. Ingrid Turinawe, Mr. Sam Mugumya, Mr. Francis Mwijukye and MPs, Ibrahim Semujju Nganda and Mathias Mpuuga. They were released after six hours without charge. • Another 12 ordinary people were also arrested. • Some journalists were assaulted and arrested • Police forcefully dispersed the crowd using tear gas • Some people from the crowds threw stones at the police • The opposition politicians were later put under 'Preventive arrest' in their homes in accordance with Section 24 (1) of the Police Act	19th January 2012 in Wakiso
4.	Peaceful A4C rally held at St James Church grounds in Kireka organised by Kyadondo East MP Ibrahim Ssemujju Nganda and Busiro East MP Medard Segona. At the end, it turned rowdy when police stopped the crowds from accompanying opposition leaders to the city centre. Police temporarily blocked Dr. Kizza Besigye, A4C National Coordinator Mathias Mpuuga, and MPs Ibrahim Ssemujju Nganda and Medard Segona from accessing the city centre through Nakawa area. Police fired teargas to disperse members of A4C and a crowd that was accompanying them to the city centre.	• Police forcefully dispersed the crowd using tear gas	21st January 2012 in Wakiso
5.	Hearing of a treason case against three officials of opposition party FDC: Ingrid Turinawe, Sam Mugumya and Francis Mwijukye was adjourned for three weeks to allow the state more time to conduct inquiries into the case. The three had been charged with treason in relation to planning the walk to work protests.	• They were remanded and case was still on-going.	23rd January 2012 in Kampala
6	A4C rally at Namungoona play ground went on without incident until at the end when the opposition politicians attempted to return to the city centre through the Kasubi route accompanied by a large crowd. Dr. Besigye refused to comply with police's instructions to use the Northern bypass to his Kasangati home. They were stopped by police and a violent clash ensued at Kasubi. In the scuffle Dr. Besigye was whisked away by a group of youth.	• Some youths threw stones at the police officers prompting the Police to fire teargas and rubber bullets to forcefully disperse the crowd. • Several people were injured • A Daily Monitor photojournalist Isaac Kasamani alleged that a police officer shot at him at Kalerwe Roundabout but he was not injured. • AFP journalist Michele Sibiloni and Bukede TV cameraman Suleiman Mutebi were attacked by unknown assailants who attempted to S/Natch their equipments but failed.	24th January 2012 in Wakiso
7.	A4C held a peaceful rally at Luzira amidst heavy police deployment. Police secured the procession of A4C leaders and their supporters through the three-hour journey to the city centre through Kitintale, Bugolobi and Nakawa.	• Police exercised restraint in crowd control and traffic moderation	25th January 2012 in Kampala
8.	Kampala woman MP Nabilah Sempala was involved in a car accident with a police mobile van at Namirembe Road as she returned from an A4C public rally held at Kabowa.	• MP Nabilah Sempala suffered chest injuries • Police acknowledged the incident and said it was an accident.	27th January 2012 in Kampala

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S/N	Reported incident/activity	Effects / Consequences	When and where
9.	A4C rally held peacefully at Kyengera a Kampala suburb	• Opposition politicians call on the public to rise up against the President and hold demonstrations at all police stations across the country	2nd February 2012 in Kampala
	A4C rally held peacefully at Mukono in the Mayor's Gardens	• Opposition politicians call on the public to rise up against the President	3rd February 2012 in Mukono
10.	Police stop a planned public rally by A4C at Katwe which had been cleared for Kiwafu citing fears of disrupting traffic on the busy Kampala-Entebbe highway	• Police clashed with hooligans as it forcefully disperse the crowds with tear gas and rubber bullets • Some people in the crowd pelted police officers with stones • Four Police officers were injured • Nine members of A4C including FDC leader Dr. Kizza Besigye were injured • Ms. Ingrid Turinawe's car was vandalised and personal belongings stolen. • As a spillover effect, residents of Kasangati temporarily blocked Kampala-Gayaza road upon getting news that Dr. Besigye had been injured in the scuffle.	21st February 2012 in Kampala
11.	Police held FDC leader Dr. Kizza Besigye and other politicians namely Ms. Ingrid Turinawe, MP Ibrahim Semujju, and FDC Secretary for Defence Mr. Salim Angoliga in Omega Healing Church, Namasuba. This followed a disagreement on which route the procession would follow after a rally that had been held in the church premises.	• Riotous supporters of 4CA threw stones at police prompting them to fire teargas to disperse them. • In the scuffle three cars belonging to Dr. Besigye, MP Semujju and Mr. Angoliga were smashed.	24th February 2012 in Kampala
12.	A rally organised by A4C at Kasangati turned rowdy as the youth engaged in running battles with the anti riot Police. It was alleged that the youth provoked police by throwing stones at them, blocking roads with logs and rocks thus causing heavy traffic between Kampala and the area.	• Two police officers were injured in the running battles	25th February 2012 in Wakiso
13.	Police announced an indefinite ban on all A4C rallies over violence and failure by organisers to respect agreed position of no processions after the rallies	• A4C members remained defiant	26th February 2012 in Kampala
14.	Opposition activists under A4C engaged in running battles with police in Mbarara town during their first rally outside the central region when they attempted to hold a procession in the town centre. The activists eventually managed to hold a rally at Kakyeka Stadium that same day.	• Police closed the Mbarara-Ntungamo-Kabale road intending to block the group from accessing Mbarara town on their way from Ntungamo where they had addressed a rally • Police used tear gas to disperse the crowds • Some people were injured and property lost or damaged • At Kakyeka, some members of A4C were quoted to have used inciting language, calling on the people to remove the President from power	Friday 2nd March 2012 in Mbarara
15.	Opposition politicians under pressure group A4C charged with treason	• Six people charged for allegedly planning to remove the government by force of arms regarding their public pronouncements by calling on the public to forcefully overthrow the government	Monday 12th March 2012

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S/N	Reported incident/activity	Effects / Consequences	When and where
16.	Government released an investigation report on the alleged shooting at the Daily Monitor photojournalist Mr. Isaac Kasamani at Kalerwe in January 2012. The investigations that were conducted by a hired Irish investigator Mr. William Redmond noted that Mr. Kasamani was not shot at, but mistook a teargas canister for a bullet.	• Despite the investigations report, The Monitor Publications Limited lodged a formal complaint to the Inspector General of Police regarding the matter	13th March 2012 in Kampala.
17.	FDC youth leaders Francis Mwijukye and Sam Mugumya confronted Kampala Metropolitan Police Commander who was participating in a procession organised by the Justice Law and Order Sector (JLOS) on Kampala road, accusing him of selective use of the law concerning processions. The youth said that A4C had on several occasions sought permission to use the same road for processions but had been denied.	• No violence occurred and no arrest was made.	19th March 2012 in Kampala
18.	Kampala Lord Mayor Elias Lukwago, FDC President Dr. Kizza Besigye and Kampala woman MP Nabillah Naggayi Sempala set out for an inspection of the city roads. As crowds gathered around the politicians Police confronted them.	• Loss of life of Assistant Inspector of Police (AIP) John Bosco Ariong who was hit on the head by a blunt object that killed him. • Two other police officers Julius Olweng and AIP Wabwire were injured on Ben Kiwanuka Street. • Three other civilians were injured • Property was lost or destroyed • Over 50 people were later detained in relation to the death of AIP Ariong. Nine suspects were remanded to Luzira Prison and the case was still in court.	21st March 2012 in Kampala
19.	Police arrest FDC leader and his political assistant from city centre and towed his vehicle to Kasangati Police station. Dr. Besigye, Hon. Nabilah Sempala and FDC women's league leader Ingrid Turinawe were arrested and detained under preventive arrest law. This was done in anticipation of a likelihood of breach of peace, particularly during the Inter-Parliamentary Union summit in Kampala	• A journalist was injured • 5 people were under the preventive arrest law including Dr. Besigye who was detained at Kasangati Police Station while Ms. Turinawe and Hon. Nabila detained at CPS and later taken to Jinja Road Police Station to record statements. • 2 people were injured, including a journalist Isaac Kabbale, working with Nile Broadcasting Services (NBS).	31st March 2012 in Wakiso and Kampala
20.	Government through the Attorney general banned A4C by invoking Section 56 (2) (c) of the Penal Code Act and declared the group an unlawful society	• A4C activities including Walk-to-Work were declared unlawful. • Police interpreted the AG ban on A4C to include banning of media coverage of A4C activities	4th April 2012 in Kampala
21.	A4C conducted a generally peaceful rally at at Kololo Airstrip to mark the International Day Against Police Brutality. Police allowed the rally to go ahead irrespective of the Attorney General's ban because they had already given the activists a go ahead prior to the declaration.	• Police issued stringent guidelines e.g. no processions, no motor bikes and vehicles at the venue • One person was injured by opposition supporters who pounced on him, accusing him of spying on them during the rally.	6th April 2012 in Kampala
22.	Newspaper interview of A4C national coordinator on activities of A4C re-loaded published in Sunday Monitor of 15th April 2012	• The national coordinator's calls for regime overthrow were said to be potentially inciting. • Journalist who carried out the interview was summoned by police for allegedly publishing material that may incite violence	16th April 2012
23.	The banned A4C announced the formation of a new pressure group: For God and My Country (4GC) which was launched in defiance of the Attorney General's Declaration of A4C and similar groups as unlawful societies.	• A4C action described as having the potential to incite the misguided and gullible followers	20th April 2012 in Kampala

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S/N	Reported incident/activity	Effects / Consequences	When and where
24.	Police manhandle and brutally arrest opposition activist Ingrid Turinawe on her way to Nansana for a public rally. There were concerns about the excessive force, the inappropriate behaviour of the arresting officer as well as attempts by Ms. Turinawe to resist arrest.	• Use of excessive and disproportionate force by police officers which resulted into injury on Ms. Turinawe's breast. • Woman/PC No. 53811 Alinda Irene who manhandled Ms. Turinawe was later charged in a Police Disciplinary Court, convicted and sentenced to a reprimand	20th April 2012 in Wakiso
25.	Protest actions were staged over the manner in which police had handled FDC Women League leader Ms. Turinawe during her arrest on 20th April. Women activists stripped to the bras to protest at CPS Kampala. FDC women activists in Mbarara held a peaceful demonstration as they had cooperated with police. The Rt. Hon Prime Minister and the Inspector General of Police apologised over the indecent and improper arrest of Ms. Turinawe	I. Some of the women activists were arrested and later released on bail. II. A journalist was sprayed with pepper in the face while trying to cover the scene. III. Women activists handed a petition to UHRC Mbarara Regional Office IV. Government promised to carry out Investigations into the incident and to punish the police officers found to be responsible	23rd- 30th April 2012 in varied places
26.	Dr. Besigye and Lord Mayor Erias Lukwago had lunch at Nakasero market but later disagreed with police on which route they and their supporters were to use from the market after their lunch. Commotion ensued and Police fired teargas in the crowd that was turning rowdy.	• 3 people were injured, including 1 who suffered excessive teargas inhalation. • 4 people were arrested	• 21st May 2012 in Kampala
27.	Police disperse a rally organised by Hon. Ssemujju Nganda in Kireka, Kira Division citing security reasons. Violence ensued as a result.	V. Police forcefully dispersed the rally using tear gas VI. Police motor vehicle No. UP 2955 was damaged by the violent crowd VII. Police inquiries were still on-going	25th June 2012 in Wakiso
28.	4GC launched a new 6-months operation. Police heavily deployed ahead of fresh 4GC protests scheduled to commence on July 11, 2012 and enforced the Attorney General's declaration. Police barred a consultative meeting in Kawempe by the Division Mayor.	• 4GC defied Attorney General's ban and called for civil disobedience • Violent clashes between police and the public	4th July 2012 in Kampala
29.	Chaos in Kabale as 4GC launched activities in western Uganda and attempted to march through the streets of Kabale against police advice	• Police forcefully dispersed the violent crowds • Members of the public pelted the police with stones • 8 police officers were injured and taken to hospital	14th July 2012 in Kabale
30.	A rally organised by 4GC in Rukungiri went on peacefully	• Police exercised restraint • 4GC opposition leaders cooperated with the police	15th July 2012 in Rukungiri
31.	4GC pressure group launched a fresh campaign re-branded 'Walk-to- Freedom'	VIII. 4GC maintains their defiance of the government ban.	24th September 2012 in Kampala
32.	Police banned all public rallies until 9th October 2012, the Golden Jubilee Independence celebrations citing limited resources and being overstretched	• All activists and members of the public were required to comply with the police ban • Some opposition politicians placed under 'Preventive Arrest' by police	25th September 2012 in Kampala
33.	Police dispersed a meeting in Kiira Town Council called by the Member of Parliament Kyadondo East, enforcing the ban on public rallies in the period	• Opposition leaders defied lawful orders by the police • Opposition leaders incited some members of the public into civil disobedience	25th September 2012 in Wakiso

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S/N	Reported incident/activity	Effects / Consequences	When and where
34.	4GC opposition leaders stopped by police from proceeding to the Constitutional Square to launch activities under the new banner 'Walk-to- Freedom' and place them under 'Preventive arrest' in their homes. Police dispersed rowdy crowds in Kampala and in Masaka which broke out on learning of the arrest of their Member of Parliament.	• Police dispersed violent crowds in Kampala city centre and Masaka • Police arrested the three opposition leaders of 4GC Dr.Besigye, Matthias Mpuuga and the Lord Mayor Erias Lukwago and later placed them under 'Preventive Arrest' in their homes	1st October 2012 in Kampala and Masaka
35.	Police blocked Dr. Kizza Besigye from driving through town towards Kisekka Market. The confrontation attracted crowds that started throwing stones at police officers, prompting them to use teargas and rubber bullets to disperse the crowds. This sparked off riotous scenes on Kampala Road, Ben Kiwanuka Street, Buganda Road, St Balikuddembe Market, Mini Price and New Taxi Park.	• Dr. Besigye was arrested and detained at Kira Police Station. He was temporarily denied access to his lawyers and family. He was later placed under 'Preventive Arrest' at his home. • Some members of the public hurled stones at the police • 3 journalists were assaulted and suffered various injuries and their equipment destroyed • 72 people sustained injuries, out of whom 4 had bullet wounds, 42 had minor injuries and 26 fainted due to inhalation of excessive teargas. • Businesses and traffic were disrupted in the city centre. • Some cases of police officers using excessive and disproportionate force on the rioters were observed especially during arrest.	5th October, 2012 in Kampala •
36.	Activists under 4GC in Hoima town drop flyers on the streets and police posts urging Ugandans to 'Walk-to-Freedom,' Police deployed heavily in Hoima town	• Heavy police deployment in Hoima town	9th October 2012 in Hoima
	The Chairman of FDC party for Mbarara was stopped by police from demonstrating under the 4GC 'Walk-to-Freedom' campaign	• Police dispersed the crowds • Police arrested the politician	9th October 2012 in Mbarara
37.	Kyadondo East MP Ibrahim Ssemujju Nganda was placed under preventive arrest at his home in Kirinya. He was later released to go for Jumaa prayers, but was arrested at Bweyogerere trading centre where he had planned to hold a rally. There was a scuffle between him and police which led to his subsequent arrest and temporary detention at Kira Town Council Police Station.	• Business came to standstill as shops remained closed. • Police fired tear gas and rubber bullets to disperse his supporters who had started throwing stones at police. • Police arrested the member of parliament	19th October 2012 in Wakiso
38.	Police block 4GC opposition leaders from walking to town and to mobilise Kalerwe residents to storm Parliament to protest against the Oil Bill. Police kept them under 'Preventive Arrest' in his house	IX. Police dispersed violent crowds	27th November 2012
39.	4GC activists kicked off city cleaning campaign by cleaning areas in Kalerwe and Lubigi Channel and later held a peaceful rally	X. 4GC organisers cooperated with the Police to organise the rally and followed police guidelines	27th November 2012

Source: Information gathered from Uganda Police Force, the New Vision and Daily Monitor newspapers

5.4.3.3. Interventions by the UHRC

In fulfilment of it constitutional mandate, UHRC undertook a number of interventions aimed at enhancing the protection and promotion of human rights during the periods in which the civic actions of A4C and 4GC were causing negative consequences. The UHRC interventions included:

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1. Receiving and investigating complaints of human rights violations from the affected members of the public at the various regional and field offices. These complaints were by the end of 2012 still in the system with the ultimate objective of providing redress to the victims.

2. Monitoring through its various regional offices the A4C and 4GC civic actions as well as state agencies' compliance with international, regional and national human rights standards, particularly on the right to assemble and demonstrate. The UHRC held four press briefings to present to the public and the relevant authorities its findings and recommendations from its monitoring of the situation.

3. Conducting constructive dialogues with heads of security agencies, including UPF, UPDF and UPS on issues of human rights as they manifested during the public civic actions. The confrontations between security personnel and the members of the A4C and 4GC as well as the public, the detentions and other repercussions were discussed. During these consultations, the security chiefs pledged their commitment to enforcing their institutional guidelines for their staff to observe and respect human rights during the execution of their duties.

5.4.3.4. Recommendations

UHRC made some recommendations for safeguarding the freedoms of association, assembly and demonstration as follows:

i. In the absence of the Public Order Management law, the police and the public are urged to utilise the UHRC Guidelines on Public Demonstrations which were developed with input from all stakeholders underpinning the need for close cooperation between all the players to ensure orderly and peaceful demonstrations in Uganda.

ii. The Government of Uganda through the MOFPED should increase UHRC funding to conduct continuous and countrywide civic education so as to increase public awareness about human rights and citizens' duties and responsibilities.

iii. Disciplinary action should be taken on all errant security personnel and should be made public so as to build trust among members of the public in the disciplinary systems of the various security agencies, including police.

iv. Political leaders should desist from issuing irresponsible statements that incite the public and should not only demand for their rights but also fulfil their duties and responsibilities.

v. UHRC urges the media to practise responsible journalism at all times, which promotes peace, unity and respect for human rights among Ugandans and refrain from propagating, publishing or airing divisive, inciting and irresponsible messages from politicians and other citizens.

5.5. FREEDOM OF EXPRESSION AND THE MEDIA

Freedom of expression includes the right to express or disseminate information and ideas, the right to seek information and ideas, the right to receive information and ideas and the right to impart information and ideas. It extends to holding, receiving and imparting all forms of opinion, ideas and information and not confined to correct opinions, sound ideas or truthful information.[116] It encompasses the freedom of speech, press, religion, assembly and association and is considered as one of the major pillars of good governance.

116 See Charles Onyango Obbo and Anor V Attorney General. Constitutional Appeal No. 2 of 2002, 3

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This section analyses the state of the right to freedom of expression, with particular focus on the media during 2012. It highlights the media operating environment and human rights concerns as far as the enjoyment of the right was concerned. It also makes recommendations to different state bodies that are charged with the protection and promotion of the right to freedom of expression.

5.5.1. Legal Framework at the international, regional and national level

The right to freedom of expression is recognised at the international level in such human rights instruments as the UDHR (Article 19), and ICCPR (Article 19 (2)); and ACHPR (Article 19(1) and (2)) at the regional level. At the national level, the right is found in the 1995 Constitution in Article 29(1) (a) at the national level. Other media laws in Uganda include the Press and Journalist Act, 1995; the Electronic Media Act, 1996; the Access to Information Act, 2005; and The Anti-Terrorism Act, 2002; Regulation of the Interception of Communications Act, 20120 and Penal Code Act, 1950.

Like some other human rights, the right to freedom of expression is not an absolute right and is subject to limitations. These limitations are also recognised in human rights instruments like UDHR Article 29(2) and ICCPR Article 19(3); ACHPR Article 10(1) and 11 at the regional level; and the 1995 Constitution Article 43 (1).

5.5.2. Operating environment for the media

Uganda has a vibrant and dynamic media industry covering divergent interests and views. Over the past years, the UHRC has noted the high rate of growth of the media industry in Uganda. This growth has been largely attributed to the liberalisation policy adopted in 1993, which led to a shift from solely state owned to private owned media. As a result, Uganda has witnessed an increase in the number of both print and electronic media. By 2011 Uganda had a 22 newspapers in circulation, 28 television stations on air and 276 radio stations on air.[117]

UHRC also observed an improvement in the availability of tools and channels of communication among the people. Tools and channels of communication like affordable internet, mobile telephones, television and radio sets as well as newspapers are increasingly becoming available. According to the Uganda Communications Commission (UCC) internet subscribers increased from 4,500,000 in 2010 to over 6,000,000 people in 2012. This availability has been enhanced by the use of different languages, packaged for specific audiences.

In 2012, the UHRC noted that there was a general improvement in the role of the media in the protection and promotion of human rights. In this regard, the media played a key role in bringing human rights violations to light, especially those related to women, children and the elderly. The media also exposed human rights stories which included violation of the right to life, attributed to mob justice, human sacrifice as well as right to property with the main focus on land issues.

The UPF established a new department, The Police Evidence Collection Team to record evidence of occurrences at scenes for issues including crimes, human rights violations and disorder during riots and mob actions. The UHRC recognizes the role of this department as one of the deliberate efforts by UPF to curb cases of unlawful and arbitrary arrests during riots and demonstrations. If effectively used, the UHRC expects that this will go a long way in collaborating media coverage of controversial or riotous scenes. It would also be able to counter inaccurate media reports that have the potential to incite violence among members of the public.

5.5.3. Human Rights Concerns on the enjoyment of freedom of expression and media freedom

In 2012, the protection of freedom of expression and particularly media freedom kept on fluctuating based on the prevailing political, economic, social and civil factors. For instance, periods of by-elections in the different parts of the country and A4C and 4GC civic actions were the most tense.

117 See http://www.ucc.co.ug/files/downloads/radio&TVstations in Uganda as of December 2011.pdf

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These periods were characterized by confrontations between security personnel and citizens mainly demonstrators. The Commission noted that among other categories of people that were affected during these confrontations were journalists who were trying to exercise their right to seek, receive and impart information through different frontiers.

During this period, the Commission noted the several human rights concerns.

5.5.3.1. Destruction and confiscation of journalists' property

It was reported that while covering some of the confrontations between the police and members of A4G and 4GC, equipment for some journalists, including video and digital cameras, were destroyed while others were confiscated by police officers.

5.5.3.2. Access to information

Although the right of access to information is a fundamental right in media practice, in 2012, there were alleged instances where journalists were denied access to information which was considered crucial to their reporting. This was the case with the oil agreements and related information which journalists were denied access to. Some journalists were blocked from covering open court sessions as was the case in February when a judge allegedly ordered three journalists out of an open court session. Such actions affected the journalists' and the public right to access information, leading to speculations regarding Uganda's judicial system. Similarly, Kitgum District Local Government was accused of blocking journalists from covering its meetings. It is alleged that on 18th September, 2012, local leaders forced journalists out of a district council meeting that was discussing the nodding disease.

The Parliament of Uganda attempted to block a proposal to allow journalists to use their electronic gadgets, including audio recorders and cameras while covering plenary sessions. This followed a ban by Parliament on journalists carrying their electronic gadgets to the Parliamentary press gallery. This decision was over turned on 21st March, 2012, following intense lobbying by the Uganda Parliamentary Press Association (UPPA). The UHRC noted that the continued denial of journalists to access to information affected their ability to report accurately and effectively fulfil their role in governance particularly facilitating accountability of those in public offices.

Uganda Broadcasting Corporation (UBC) in conjunction with UPF switched off over 17 broadcasting media houses on grounds of misusing power supplies and equipment belong to UBC. UBC is the national public broadcaster. It was alleged that these media houses were using UBC equipment including masts illegally. They included King FM, Suubi FM, Topic Radio (Mbarara), Etop FM, Rupiny FM, Radio Bilali, Root One Radio, Radio Buddu, Voice of Africa, Greater African Radio (Mbarara), Top Radio (Mbarara), Bushenyi FM, Better FM (Fort Portal), BBC, Radio France-Internationale (RFI), Citizen TV and WBS TV (Masaka). In the same vein, in 2012, UCC temporarily switched off two radio stations Radio Buddu and Prime Radio on what was termed as technical grounds. Although the reasons for switching off these stations could have been valid, the UHRC noted with concern that the public's right to information was affected. UBC and the proprietors of the radio stations that were switched off could have been more mindful of the impact of their omissions and actions on the critical role of the media as guardians of information which is a public good.

5.5.3.3. Right to work under satisfactory, safe and healthy conditions

As reported in the UHRC 2011 Annual Report, journalists continued to work under unsatisfactory, unsafe and unhealthy conditions in 2012. The UHRC noted that journalists who were deployed to cover confrontations involving police and protesters, including activities for 4GC, among others, lacked safety and protection gears. It was further noted that although some journalists had identification cards and press jackets, others did not.

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It was also noted that many journalists lacked bullet proof jackets, reflective jackets and health insurance. This put their lives at risk, depriving them of their right to work under satisfactory safe and healthy conditions.

5.5.3.4. Harassment of local journalists, panelists and callers

There were alleged incidents of harassment of local journalists, panelists and callers on media talk shows by state security and surveillance structures like the RDCs, District Internal Security Officers (DISOs) and Gombolola Internal Security Officers[118] (GISOs). The harassment was due to the fact that the journalists were hosting guests that were perceived to be critical of government. In some reports, it was alleged that these officials determined who could be hosted on a given talk show or whose calls into the studios could be allowed. In some instances, these officials allegedly called in to intimidate panellists.

5.5.3.5. Low level of professionalism

Although journalists in Uganda have an ethical Code of Conduct they are all supposed to abide by, the UHRC to observed and received reports in 2012 of unprofessional conduct. There were reports of journalists demanding for money to publish stories. This was attested to by the public announcements by different media houses both print and electronic, notifying the general public that they do not charge for airing or publishing stories and warning them against unscrupulous journalists. There were also concerns about the way some media houses continued to covered some stories without due regard for human dignity as well as the rights of victims that involved vulnerable persons like children and elderly persons.

5.5.3.6. Treatment of public information as a commodity

The UHRC noted with concern the continued treatment of public information as a commodity by the media industry in Uganda. In a dialogue that was organised by the UHRC with media managers and journalists, it was noted that with the economic situation in the country, media houses were experiencing high costs of production, and were therefore depending on advertisements as their main source of revenue. Although the UHRC was cognisant of this fact, it noted that the media has neglected its information role and instead concentrated on profit motivated programmes. This situation gave advertisers an upper hand in the control what was aired or published in many media houses. Consequently the critical issues that no profit value tended to be relegatedby the proprietors and managers of media houses thus affecting the right to information.

5.5.3.7. Lack of advanced technological media equipment

The UHRC noted the limited technology level of the equipment of media practitioners, especially journalists that were covering dangerous situations. Journalists had to put their lives in line of fire, in the name of either getting the best shot or sound since they did not have sophisticated gadgets that could improve their safety by enabling them to operate from safe distances. This created a situation where the law enforcement officers, particularly, police struggled for space with journalists at certain scenes or events. The UPF attributed most of the clashes between police and journalists in 2012 to being accidental clashes as they struggled to do their work.

5.5.3.8. Recommendations

In order to address some of the concerns raised above, the UHRC made the following recommendations:

i. Media managers and journalists should adhere to the set professional code of ethics and practices.

ii. Security personnel that violate rights of journalists should be brought to book and the actions taken made public.

118 Security officers at the Sub county levels

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iii. Media houses should put in place safety and protection mechanisms for journalists assigned to cover riotous or dangerous scenes. This may include acquisition of sophisticated gadgets that can be used to capture happenings from safe distances without necessarily putting their journalists' lives at risk; health insurance schemes and rescue mechanisms for such journalists.

iv. All public bodies should endeavour to make accessible public information inn their possession. They should take steps to ensure easy, timely, effective and practical access of the media and the public to such information.

v. Parliament and all stakeholders in the protection and promotion of human rights should review all media laws to assess their compliance with international human rights standards in order to implement law reforms that would improve the media regulatory environment.

vi. Government should increase funding for UHRC to train and sensitise media proprietors, managers and practitioners on their role on the protection and promotion of human rights as well as their duties and responsibilities that come with the right to information and media freedom.

5.6. OPERATING ENVIRONMENT FOR NON-GOVERNMENTAL ORGANIZATIONS

The Constitution recognises the right of every Ugandan to engage in peaceful activities to influence the policies of Government through civic organizations,[119] including Non-Governmental Organisations (NGOs). In light of this, NGOs in Uganda carry out activities in a number of areas including advocacy and community empowerment. These activities are conducted to buttress Government efforts in areas like education, health, democracy and governance among others. These organizations work hand in hand with line governmental departments as they carry out activities geared towards creating positive change in their areas of focus.

There were concerns raised by NGOs in 2012 regarding the challenges they met in the establishing and managing their organisations. This section discusses the legal framework governing the establishment of NGOs, the developments in incorporation and management of NGOs in 2012, and the challenges that some NGOs faced in conducting their operations. Recommendations are made on how to improve the situation.

5.6.1. Legal framework

The operations of NGOs in Uganda are governed by the regional and national legal instruments. At the regional level, the Treaty for East African Cooperation (EAC) encourages the enhancement and strengthening of partnerships with civil society in order to achieve sustainable socio-economic and political development[120] and promotion of an enabling environment for the participation of civil society in the development activities within the Community.[121] At the national level, NGOs operating in Uganda are governed by the Nongovernmental Organisations Registration Act and the Nongovernmental Registration Regulations. The Act provides for the registration of NGOs,[122] establishes the NGO Registration Board[123] and provides for the monitoring of NGOs.[124] The Act is operationalised by the NGO Registration Regulations which prescribes, among other things, the form of the application for registration;[125] the fees to be paid; and the staffing requirements for NGOs.[126] In addition, NGOs are equally expected to fulfil their mandate in line with other existing national laws and international human rights standards.

119 As above (n97) Article 38
120 Article 3(g),) of the East African Community Treaty.
121 As above Article 127(3)
122 Sections 2 & 3 of the Nongovernmental Organisations Registration Act Cap 113.
123 As above Section 4
124 As above Section 7(1)
125 Regulations 4 & 5 of the Nongovernmental Organisations Registration Regulations.
126 As above Regulation 13

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5.6.2. Role of NGOs

NGOs play an important role in the development process by enhancing participation of the citizens through awareness-raising on human rights and other issues, contributing to the education sector; organising civic action, among other things. They supplement Government in provision of services such as medical, educational and other social services. Nevertheless, NGOs face several challenges.

5.6.3. Challenges faced by NGOs in advocating for human rights observance

The following are some of the challenges that national NGOs in Uganda faced in the course of their operations.

5.6.3.1. Bureaucracy in the registration of NGOs

The registration procedures of NGOs were said to be cumbersome. As part of the requirements for registration, NGOs were required to obtain a letter of recommendation from their area Local Council 1 Chairperson (LC 1) and the RDC.[127] In addition, NGOs were required to obtain a recommendation letter from the line Government ministry or department. This multi-level recommendation requirement has the potential to be abused by some Government departments. This could arise in situations where NGOs that were deemed to be too critical of Government are denied recommendation letters thereby halting the renewal of their operating licenses.

5.6.3.2. Alleged threats of criminalisation or blacklisting of NGOs

In 2012, there were reports that some NGOs were allegedly threatened with deregistration. These threats were largely issued against NGOs that engaged in advocacy activities concerning oil, the environment, human rights and good governance. It is reported that Advocates Coalition for Development and Environment (ACODE) had its financial operations subjected to investigation a few weeks after organizing a meeting of district councilors on oil revenue allocation.[128] It was reported that the Government threatened to de-register NGOs that were seen to be working against Government and implementing the interests of their funders.[129] Additionally, there were threats to fight NGOs politically and have 33 NGOs closed.[130] These threats of de-registration had, however, earlier in the year been refuted by the chairperson NGO Board who said there was no conflict between Government and the NGOs since their work compliments that of government.[131]

5.6.3.3. Restrictions on freedom of movement/operations

Much as there is need for NGOs to be regulated in their operations, the regulation of the NGO movement appears to prevent them from implementing their mandate. The NGO Policy recognises the growing number and diversity of NGOs in the country and the need for their regulation as they pose a great challenge in exercising responsible and accountable behaviour that protects the basic interests of the different NGO sector stakeholders.[132] The regulation of NGOs is aimed at addressing challenges posed by the operation of 'questionable' NGOs that take advantage of vulnerable sections of the public. In view of this, NGOs are required to give a seven-day notice before coming into contact with rural populations.[133] Even where notice is given, NGO operations can still be interrupted. In light of the foregoing, it was reported that staff from African Institute for Energy Governance on Extractive Industries were arrested by state agents for attempting to sensitise the local communities in western Uganda on issues surrounding oil.[134] NGO operations that were largely well-intentioned were at times misinterpreted to be aimed at causing civil unrest.

127 Regulation 5 (1) (g) (ii) NGO Registration Regulation 2009.
128 Emmanuel Gyezaho, 'Government intimidating civil society, says rights body', The Daily Monitor of 22nd August 2012
129 Richard Wanambwa, 'Don't deny civil society operating space – EU', The Daily Monitor of 20th July 2012
130 Presentation made by the Human Rights Network on 'the Human Rights Situation in Uganda for the period 2012-CSO perspective', at the UHRC Consultative Meeting on the 15th Annual Report.
131 Stephen Otage, 'Government allays NGO fears', the Daily Monitor of 2nd July 2012.
132 Clause 5.4 of the National NGO Policy 2010, p. 30.
133 As above (n127) Regulation 12(a)
134 Presentation by the African Institute for Energy Governance on Extractive Industries to the UHRC. Paper on File with the UHRC.

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5.6.3.4. Inadequate appreciation of the role of NGOs

The perceived harassment of NGOs has been attributed to the failure by authorities to appreciate the role of NGOs. NGOs exist to complement government's developmental efforts and point out the ills in society as well as encourage the masses to take part in governance. Criticism by NGOs, though constructive at times, was not welcomed. This was not helped by the interference of some political leaders, in particular, RDCs who were alleged to politicise NGO views. The National NGO Policy requires RDCs to liaise with the District Council to ensure that registered NGOs enjoy the political and legal space within which to undertake legitimate activities that advance the process and impact of development of the people in their areas of jurisdiction.[135]

NGO work has, therefore, in some instances been unappreciated, with the Executive and local leaders blaming them for failure of Government programmes. For instance, NGOs were accused of failing the fight against HIV/AIDS.[136] This was in light of the fact that some NGOs had been advocating for the use of condoms and circumcision as some of the measures to fight the spread of HIV/AIDS. ACODE was reported to have been ordered by the NGO Board to cease with immediate effect involvement in, or affiliation to, all political activities in Uganda.[137] Consequently, NGOs have at times been misunderstood and in light of the oil debate, alleged to be used by foreign interests to cripple or disorient the development of the oil sector.

5.6.3.5. Restrictions on transfer of funds

There were some concerns raised on Government restrictions on NGOs receiving funding. NGOs have a right to autonomy, self-governance and self-regulation consistent with the laws of Uganda.[138] NGOs obtain funding from both internal and external sources to enable them conduct their operations although there is heavy reliance on external funding. Due to this assistance from donors, there has been increased monitoring and control over foreign funding for national NGOs that are deemed to be engaged in 'suspicious' activities. For instance, it was reported that the Central Bank Governor in a memo to all financial institutions requested that they urgently provide particulars relating to ACODE's accounts as it was suspected of engaging in suspicious transactions.[139] There were other claims that such NGOs were being funded by external donors to de-stabilise the country.

5.6.3.6. Alleged infiltration by security agents

There were reports of NGOs being infiltrated by security agents. It was alleged that some of the security agents joined NGOs with the aim of gathering intelligence on suspected subversive activities that they could be engaged in.[140] It has been reported that some of the infiltrations by security agents have led to the theft of their property including computers and laptops that were thought to contain information that was a security threat.[141]

5.6.3.7. Harassment and intimidation of NGO staff

One of the elements of enabling environment for NGOs is having the ability to advocate for matters concerning their areas of interest. In line with this, the NGO Policy acknowledges and recognises the key role NGOs play in improving accountability of public institutions, including ministries, departments and agencies, and promoting demand for public services by society generally and for marginalised groups in particular.[142] This enables NGOs to take on different issues affecting the general public.

135 As above (n132) 45.
136 Geoffrey Mutegeki Araali, 'NGOs have failed Aids fight – Museveni' The Daily Monitor of 2nd October 2012
137 John Njoroge, 'Govt orders NGO to desist from politics', The Daily Monitor of 23rd June 2012
138 As above (n135) Clause 3.2 (IV)
139 Charles Mwanguhya, 'Bank of Uganda probes civil society accounts', The Daily Monitor of 1st April 2012
140 As above (n130)
141 As above
142 As above (n132)

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In the course of some NGOs speaking out on topical issues like corruption that arose in 2012, there were subsequent reports of allegations of harassment and intimidation of some NGO staff for their anti-corruption activities. The alleged harassment was in the form of arbitrary arrests and crackdown on some NGO activities. An example of such an incident was the arrest of staff from Action Aid in Pader district for being part of a nation-wide campaign to close offices in protest against corruption scandals. These arrests were equally carried out in Bukedea and Kumi districts.[143]

5.6.3.8. Recommendations

The UHRC makes the following recommendations

i. Parliament and the Uganda Law Reform Commission should review the provisions that are restrictive of the operations of NGOs to create a conducive environment for their operations.

ii. NGOs should review their strategies of engagement with Government in order to strengthen their dialogue with government.

iii. NGOs that seek to organise demonstrations should, in the absence of a law governing public order management, do so in accordance with the UHRC Guidelines on Public Demonstrations.

5.7. CORRUPTION AND HUMAN RIGHTS

In 2012, Transparency International reported that Uganda was one of the countries with highest levels of bribery and corruption[144] . High levels of corruption were also reflected in various reports from the Inspectorate of Government[145] and the media which reported allegations of abuse of office, corruption, forgery and uttering of false documents, misappropriation of public funds, embezzlement, extortions and bribery, among others. In the last quarter of the year, the Auditor General found that large sums of money approximated at UGX 400,000,000,000 were misappropriated in the Office of the Prime Minister and the Ministry of Public Service, among others. The allegations in the Office of the Prime Minister involved the embezzlement of funds, use of personal accounts for implementation of activities, diversion of funds and unaccounted for funds.[146] In the MoPS, the allegations related to loss of money to phantom or 'ghost' pensioners. Although corruption was also rampant in the past, the scandals in 2012 prompted many development partners[147] to withdraw or suspend aid. They also prompted anti-corruption activists to launch a campaign dubbed the 'Black Monday' where those who were concerned about the corruption expressed their dissatisfaction by wearing black every Monday. It is important to note that the issues are being handled by the courts. Although corruption matters are not directly under the jurisdiction of the UHRC, the concerns raised in this section are in respect of the likely impact of the alleged corruption on human rights, and especially economic, social and cultural rights.

143 Presentation made by Human Rights Network during the 2012 UHRC Annual Report Consultative Meeting from 7– 10 January 2013. Paper on File with the UHRC.
144 See Transparency International, The East African Bribery Index 2012 last accessed at http://www.tiuganda.org on 2 February 2013. See also Transparency International, Corruption Perception Index 2012 last accessed at http://www.cpi.transparency.org/cpi2012/results on 2 February 2013.
145 Also see the Inspectorate of Governments 26th Report to Parliament June 2012.
146 See the Auditor General's Special investigation report on the allegations of financial impropriety in the Office of the Prime Minister last accessed at http://www.oag.go.ug on 22 February 2013.
147 These included the governments of Denmark, Ireland, Norway, Sweden, and the United Kingdom, among others.

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Table :Allegations of some corruption incidents in 2012 and the likely impact on Human Rights

Date	Report (Author, Article, news paper)	Allegations	Likely Impact on human rights
January 1, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Nakapiripit Local Government allegedly failed to account for UGX 1 billion. Theft of 230 iron sheets by the Gulu Municipal Council Senior Accountant meant for former IDP's.	Abuse of office, public offices are held in trust for the people hence public officials must be accountable to the people. Denial of social services and right to adequate living.
January 2, 2012	Yasin Mugerwa Four years later, gov't still fails to collect Shs 800b loans, Daily Monitor	UGX 800 Billion Was not collected from state enterprises and private enterprises.	Limiting the right to development
January 5, 2012	Steven Candia and Simon Masaba LC bicycle scandal Asian Tycoon dead New Vision, pg 1 and 3	One of the directors of the company at the centre of the UGX 4.7 billion LC bicycle died.	Right to an adequate standard of living
January 6, 2012	Richard Wanambwa , No report yet as UPE probes uses Shs 7 Billion Daily Monitor at pg 1	UGX 7 Billion spent to make public findings after 25 months of existence	Denial of social services
January 6, 2012	Anne Mugisa Government asked to recover UGX 24 billion from Basajabalaba New Vision pg 1	Government used this money as a bad loans bail-out for the business man in 2004.	Violation of the right to accountability for public funds.
January 9, 2012	Robert Mwange, Shs 20 b KCCA funds abused, says lukwago Daily Monitor	More money misappropriated by officials under the guise of service delivery	Limiting the right to development
January 11, 2012	John Njoroge and Phillipa Croome, 35 Ministers face probe over UBC, Daily Monitor at pg 1	Suspected abuse of public resources of about 50 billion UGX. Radio and TV stations were illegally using UBC Masts without authorization	Limiting the right to development
January 10, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Nakapiripit Accountant embezzled UGX 101 M meant for opening Community Access roads	Denial of access to quality roads.
January 15, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Gulu Chairman accused of allegedly swindling UGX 12.3 billion meant to reconstruct the market UGX 58 Million allegedly swindled by Kalungu DHO Land official accused of allegedly purchasing land illegally for a tune of UGX 11 billion	Limiting the right to development
January 19-22, 2012	David Tash Lumu and Sulaiman PAC report convicts Bbumba, Mutebile, The Observer at pg 2	These two failed to administer their powers effectively when they okayed the 142 billion UGX compensation to Basajabalaba.	Limiting the right to development
February 17, 2012	Police probe UBC Staff over Shs 270 million pg 1 and 5 New Vision	This money was lost through suspected shady dealings between UBC staff and media consultancy firms.	Limiting the right to development

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Date	Report (Author, Article, news paper)	Allegations	Likely Impact on human rights
March 7-8 2012	David Tash Lumu Museveni now faces PAC over Shs 40bn Dura Compensation, Observer at pg 2	The company sued government for breach of contract and pocketed UGX 40 bn in compensation.	Limiting the right to development
March 9,2012	Minister named in UGX 10 billion land scam, New Vision pg 6	Land sold to another party pending full payment by the Minister	Limiting the right to development
March 11, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Government UGX 40 billion compensation to Dura Cement	Limiting the right to development
March 21, 2012	Yasin Mugerwa Museveni duped on Dura Compensation deal, Daily Monitor at pg 3	He was ill advised and canceled a contract with the private firm that led to the loss of about UGX 40 billion.	Limiting the right to development
March 26, 2012	Michael Mawanda Theft of equipment deepens national ID project dilemma, Daily Monitor at pg 3	More money needed for national ID's.	Denial of access to identity cards as provided for by the Constitution
April 1, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Water Ministry Officials misappropriate UGX 1.3 Billion Former Senior health Officials arrested over the UGX 1,9 Billion GAVI funds	Denial of social services and the right to development
April 6, 2012	Juliet Kigongo Shs 200 billion ID Deal illegal- at pg 5PPDA, Daily Monitor	Germany firm that took over the project is run by ex-convicts	Limiting the right to Identification Documents for citizens
April 7, 2012	Moses Walusimbi and Mary Karugaba Govt loses UGX 5 billion to school thieves Saturday Vision	AG's report shows that the construction work done in various schools was of low standards and could endanger the lives of students and teachers.	Denial of social services and the right to decent shelter
April 8, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	UGX 5 Billion bicycle scandal Local Government officials summoned Misappropriation of UGX 518 million meant for PHD students	Limiting the right to development
April 10, 2012	Districts fail to account for UGX 19 billion New vision at pg 1 and 4	These included Jinja, Gulu, Kyotera, Kitugum, Lira, Luwero, Zombo, KCCA headquarters, Pader and Kaliro among others.	Limiting the right to development
April 12, 2012	Government loses UGX 4 billion in road, bridge works New Vision at pg 1 and 11	Road works varied some were poor and sub standard while others were good.	Denial of social services and the right to development
May 21, 2012	Felix Osike, URA Officials in Shs 10 billion tax fraud, New Vision,	URA officials accused of conniving with business men to evade taxes.	Denial of social services and limiting the right to development
June 10, 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Parliament loses UGX 2.2 billion with Arab countries while organizing IPU	Limiting the right to development
June 22, 2012	Issac Imaka and Mercy Nalugo UGX 70 billion paid to ghost workers Daily Monitor	An estimated UGX 70 b paid to 4000 ghost workers.	Denial of social services and limiting the right to development
June 23, 2012	Yasin Mugeerwa Tough times ahead as donors cut billions Saturday Monitor	Donors announced that this cut was due to government's failure to address high-level corruption.	Limiting the right to development and access to social services
July 3, 2012	Agatha Ayebazibwe CID probes health over missing funds Daily Monitor at pg 1 and 5	Health officials quizzed over mismanagement of about UGX 78 billion.	Right to health

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Date	Report (Author, Article, news paper)	Allegations	Likely Impact on human rights
July 21, 2012	Yasin Mugerwa, 18 firms banned after faking bids for UGX 300 Billion use Project, Saturday Monitor at pg 1 and 4	These companies forged documents as well as ignoring the procurement process.	Limiting the right to development
July 23, 2012	Andrew Bagala Police investigating over 100 government projects over fraud claims Daily Monitor at pg 3	Officer disappeared from office after loss of money.	Limiting the right to development
July 31, 2012	Andrew Bagala, Detectives arrest health ministry officials over corruption Daily Monitor at pg 5	The two officers have been managing the malaria control programme with funds to the tune of UGX 78 billion which are part of the Global funds and Gavi funds.	Right to health
August 2, 2012	Steven Canada and Simon Masaba Ministry official held over Global Fund, New Vision at pg 2	Shs 78 billion meant for malaria that a number of officials in the health ministry are said to have mismanaged.	Right to health
August 9, 2012	Edward Anyoli and Simon Masaba, JKazinda Faces 168 Fraud charges New Vision at pg 1 and 3	The charge sheet showed that UGX 336,950,456 was lost. Kazinda remanded to Luzira Prison	Limiting the right to development
August 13, 2012	Steven Canada 70 summoned over graft in Prime Minister's Office, New Vision,	CID summoned 71 officials of the OPM in connection with over UGX 15.6 billion deposited on their personal accountants.	Limiting the right to development
August 7, 2012	Tabu Butagira Fresh details emerge in OPM investigation Daily Monitor at pg 1 and 4	Audit report shows that officials from the office of the prime minister received UGX 15.6 billion on personal accounts.	Denial of social services and the right to development
September 2, 2012	Solomon Arinaitwe Uganda leads East African states in bribery report Sunday Monitor	Ugandan institutions lead in demanding for bribes in the East African region with 40.7 per cent.	Limiting the right to development and access to social and public services
September 19, 2012	Simon Masaba and Canan Businge, Pension Boss held over 500 ghosts, New Vision pg 1	Ministry of public service officials allegedly paid over UGX 60 billion to ghost beneficiaries.	Denial of social services and the right to development
September 17, 2012	Chris Obore 1,000 ghosts paid UGX 60 billion in pension Daily Monitor at pg 1, 4 and 8	Police bust racket in public service and finance where accounts are opened in ghost names only to be used as conduits for pension payments.	Denial of the right to pension
September 26, 2012	Simon Masaba, Bank manager held over pension, New Vision pg 1	Bank officials allegedly connived with public service officials and opened bank accounts as well as forging signatures.	Limiting the right to development
October 7 2012	Jacobs Seaman Odongo, Corruption Ledger, Sunday Monitor at pg 11	Mbale Municipality fails to account for UGX 260 million.	Limiting the right to development
October 12 2012	Dear Jeanne Govt stops pension gratuity payments Daily Monitor at pg 1 and 4	This was due to the graft allegations	Violation of workers rights to pension and gratuity.
October 12 2012	Yasin Mugerwa Finance Officials implicated in UGX 12 billion loss of vendors funds Daily Monitor at pg 4	This money was offered by the president in 2010/2011 to support market vendors and small businesses.	Limiting the right to development
October 12, 2012	Simon Masaba Payment of Pension stopped New Vision at pg 1 and 3	Payment stopped until investigation of the alleged fraudulent payment of UGX 63 billion to 1,018 ghost pensioners is concluded.	Violation of the right to regular and prompt pension
October 13, 2012	Conan Businge, Govt loses UGX 400 billion in UPE abuse Saturday vision at pg 3	Lost in shoddy construction of classrooms under free primary and secondary education.	Right to Education
October 15, 2012	Chris Obore Govt report warns public funds unsafe Daily Monitor at pg 1 and 6	Various ministries implicated in loss of tax payers money	Limiting the right to development

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Date	Report (Author, Article, news paper)	Allegations	Likely Impact on human rights
October 17, 2012	Yasiin Mugerwa Govt pays UG 400 billion to ghost firms Daily Monitor pg 5	AG report revealed that private individuals and companies were yet to pay government 10 billion, while state agencies owe government more than UGX 412.4 billion.	Denial of social services and right to adequate living.
October 20 2012	Isaac Imaka Report OPM officials 'stole' UGX 100 million daily pg 1 and 4 Daily Monitor	A new probe shows how staff at the prime ministers office colluded to wire UGX 100 of public money daily to personal accounts	Denial of social services and right to adequate living.
October 24 2012	Dear Jeanne Pension to ghosts up to UGX 170 billion Daily Monitor pg 1 and 4	Some 169 billion UGX was paid to ghost pensioners through Cairo bank between 2009 and 2012.	Denial of social services and right to adequate living.
October 24, 2012	Steven Candia ad Simon Masaba Police raid Pension offices, more ghosts unearthed New Vision at pg 4 Paul Busharizi Pension Payment Resumes	Detailed emerged that up to 169 billion could have been paid to ghost pensioners.	Denial of the right to pension
October 27 2012	Dear Jeanne Donors to cut UGX 70 billion aid over OPM fraud, Saturday Monitor at pg 1 and 4	The draft AG report revealed that key western donors had cut aid due to corruption scandal.	Limiting the right to development and access to social services
October 28, 2012	Ismail Musa Ladu IGG probes communication commission over cash fraud Sunday Monitor at pg 3	Police investigating on how 1 billion UGX was withdrawn from a non operational account.	Limiting the right to development
November 1, 2012	Yasin Mugerwa UK confirms freezing UGX 17 billion development aid Daily Monitor at pg 1 and 4	This happened after billions of shillings in international aid meant for the reconstruction and post conflict recovery efforts in northern Uganda were stolen by government officials.	Denial of social services and the right to development
November 1, 2012	Pension Scam	List of pension beneficiaries whose pension money was allegedly stolen.	Denial of social services and the right to livelihood.
November 2-4, 2012	Emma Mutaizibwa Denmark cuts aid to Uganda over OPM fraud The Observer at pg 2	Denmark joins Ireland and UK by cutting aid.	Limiting Development
November 21, 2012	Frederick Kiwanuka Accountant held over NAADS funds New Vision at pg 7	He allegedly caused a loss of UGX 40 million to NAADS in Luweero District.	Limiting the right to Development
November 26, 2012	Simon Masaba Govt officials quizzed over UGX 1.5 billion Bududa IDP funds, New Vision at pg 5	Six officials from OPM linked to embezzlement of money meant to construct homes for IDPs.	Denial of the right to adequate standard of living and housing
November 27,2012	Trouble as pension scam suspects arrested again, Daily Monitor pg 5	More than UGX 321 million lost through ghost foreign pensioners at the beginning of the year.	Right to Pension
November 27, 2012	Steven Candia and Simon Masaba, Another UGX 280 million missing in pension scam New Vision at pg 2	This money is suspected to have been fraudulently paid to foreign pensioners.	Limiting the right to pension
December 1, 2012	Opm scam; UGX 576 million spent on fuel in four days Saturday Monitor at pg 5	Fuel was purchased from New Caltex Petrol Station Ntinda on February 6, December 17, January 5 and 16 2012.	Limiting the right to development
December 3, 2012	New Vision pg 1 and 3	Germany cuts aid over corruption. Global fund Money mismanaged again.	Limiting the right to development
December 14, 2012	Yasin Mugerwa, OPM Scam officials pay UGX 8.9 billion for 'air supply', Daily Monitor at pg 1 and 5	At least UGX 8.6 billion in foreign aid was lost to suspicious private companies in deals involving the 'air supply' of food items to disaster stricken communities in Northern Uganda and Karamoja Sub-region.	Denial of social services and limiting the right to development
Decembers 20,2012	New Vision at pg 1 and 3	OPM Scandal suppliers paid in excess of UGX 8 billion.	Limiting the right to development
December 23, 2012	Sunday Vision at pg 3	Public service fails to account for UGX 96 billion.	Limiting the right to development

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5.7.1. International regional and national legal framework

Uganda is party to the UN Convention Against Corruption and the African Union Convention on Preventing and Combating Corruption. These conventions provide for prevention, transparency and accountability, criminalization of corruption[148] and asset recovery. Other instruments include the United Nation Declaration against Corruption and Bribery in International Commercial Transactions. At the national level, the Constitution, Anti Corruption Act 2009, Inspectorate of Government Act, the Public Procurement and Disposal of Public Assets Act, the Public Finance and Accountability Act and the Leadership Code Act No 17 of 2002, among others, prohibit corruption and bribery and provide a regulatory framework. The effects of corruption can also lead to violations of human rights as stipulated in the Constitution, the International Bill of Rights and the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Women's Rights and the African Charter on the Rights and Welfare of the Child, among others.

5.7.2. Human rights concerns arising out of corruption

Corruption affects the enjoyment of human rights.[149] The UHRC was particularly concerned that the rights to development, access to social services such as health and education, the right to an adequate standard of living and the right to remuneration and pension were likely to be affected by the acts of corruption. The UHRC was also concerned about the likely effect of corruption on Uganda's international cooperation and relations. Using the corruption scandals in the OPM and the MoPS, the UHRC highlights the likely effect of corruption on human rights and makes appropriate recommendations.

5.7.2.1. Limiting the right to development

Some of the money that was misappropriated in the Office of the Prime Minister was meant for the Peace Recovery and Development Programme (PRDP) activities. The PRDP is a development framework for Northern Uganda covering the original districts of Acholi and Karamoja but also expanded to cover six additional sub-regions including Teso, Elgon, West Nile, Bunyoro, Lango and Bukedi.[150] The PRDP is meant to secure peace and lay foundations for recovery and development through consolidation of state authority, rebuilding and empowering communities, revitalisation of the economy and peace building and reconciliation.[151]

Large sums of money were allegedly fraudulently transferred from their original accounts and subsequently utilized without approved work plans and authority.[152] Furthermore, money was allegedly diverted without authority or transferred without following prescribed procedures.[153] There were alleged overpayments and other anomalies in accountability of the funds and it is estimated that in the period between October 2010 and December 2011 a total of UGX 38,356,207,186 was misappropriated. [154]

The UHRC is concerned that the alleged misappropriation of funds could affect the development programmes in Acholi, Karamoja, Teso, Elgon, West Nile, Bunyoro, Langi and Bukedi. The misappropriations could also derail the goals of the PRDP, which include: peace, recovery, development, revitalization of the economy, peace and reconciliation. Moreover, the misappropriation is likely to slow down the process of rebuilding and empowering the communities.

148 Also see United Nations Convention against TranS/National Organized Crime.
149 Also see generally Transparency International, Corruption and Human Rights: Making the Connection 2009, published by the International Council on Human Rights Policy.
150 See *Peace and Recovery Development Plan for Northern Uganda.*
151 As above
152 See the Auditor General's Special investigation report on the allegations of financial impropriety in the Office of the Prime Minister last accessed at http://www.oag.go.ug on 22 February 2013.
153 As above
154 As above

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5.7.2.2. Denial of social services and right to an adequate standard of living

The funds under the PRDP were meant to improve the livelihood of the people through active community recovery and development activities and special programmes such as Northern Uganda Social Action Fund II (NUSAF II), Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP) and the Karamoja Livelihoods Programme (KALIP). Furthermore, they were meant to rejuvenate the economy including rehabilitation of infrastructure such as water dams, roads, health and education facilities. [155] The alleged misappropriation of the funds is likely to delay or bring an end to some of these programmes and this will inevitably affect people's access to basic social services and an adequate standard of living which is a denial of human rights.

5.7.2.3. Right to remuneration and pension

The allegations related to loss of money which was paid out to 'ghost' pensioners has negatively affected the pensioners. Pensioners have previously suffered with long delays and a rigorous process to get their pension. It takes approximately two to two and a half years for pensioners to be paid their dues from the Ministry of Public Service.[156] The pension scandal is likely to further delay the payment of pension. [157] The Constitution provides that pension should be paid in a prompt and regular manner and that it should be easily accessible to pensioners.[158] The failure to promptly and regularly pay pensioners is a violation of human rights as it makes access to pension difficult.

5.7.2.4. Corruption undermines international cooperation

International cooperation is important in the realisation of socio-economic rights.[159] Indeed development partners provide aid with the aim of assisting in economic development to improve the welfare of citizens in developing countries. Corruption poses a threat to the provision of such aid. Following the corruption scandals the governments of Denmark, Ireland, Norway, Sweden, and the United Kingdom withdrew or suspended aid to Uganda. This will affect Uganda's international relations and cooperation. Development partners are likely to be suspicious and cautious and may limit their development and cooperation programmes. In the long run, the citizens will be the ones to suffer as they are likely to be deprived of the very basic necessities that the aid is meant to provide.

5.7.3. Recommendations

In order to address the concerns raised above, the Government of Uganda should do the following:

1. Review and strictly implement the laws relating to corruption and misappropriation of funds.
2. Increase citizens' and public official's awareness of the dangers of corruption and its negative impact on human rights.
3. Strengthen the anti-corruption mechanisms to effectively execute their functions.

155 As above (n150)
156 See the Auditor Generals Value for money audit report on pension processing by the department of compensation of the Ministry of Public Service 2010 last accessed at
http://afrosai-e.org.za/sites/afrosai-e.org.za/files/reports/1273680351PENSION_REPORT.pdf on 22 February 2013.
157 See John Masaba and John Semakula, Ministries Clash Over Pensioners' Monthly Pay, New Vision 21 October 2012.
158 As above (n199) Article 254 (3)
159 As above (n42) Article 11

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5.8. Oil and Gas Bills

A few years ago, oil was discovered in Uganda and it is expected that production will soon start. It is expected that this will help in improving the socio-economic situation with the revenues from the production. In order to guide the process, various bills were drafted to regulate the industry in 2012. These include the Petroleum Exploration, Development and Production Bill (Exploration Bill), the Petroleum Refining, Gas Processing, Conversion, Transportation and Storage Bill (Refining Bill) and the Public Finance Bill . By the end of 2012 the Exploration Bill had been passed. It should be noted at the time of publishing this Report some of the bills could have been passed into as they are or with some modifications.

The Bills seek to: regulate licensing; make the licensing process transparent; provide payment arising from petroleum activities; provide for conditions for restoration of derelict lands; coordinate and manage petroleum refining, gas processing and conversion and provide for third party to infrastructure. The Bills also establish the Petroleum Authority as an oversight body to monitor and regulate petroleum activities in Uganda and the National Oil Company to manage the State's commercial interest.

The UHRC appreciates the objectives of the Bills but raises human rights concerns based on international, regional and national standards.

5.8.1. International, regional and national legal framework

International, regional and national human rights obligations require human rights based approach to development of the oil and gas sector. In particular, legislation governing oil matters must be based on the international, regional and national human rights obligations and should be enacted with the participation of the concerned and affected groups of population including the most vulnerable. Furthermore, the process must ensure equality and non-discrimination and must establish accountability mechanisms that guarantee transparency, rule of law and good governance. The State has the duty to protect its citizens against human rights abuses by third parties, including business enterprises engaged in the extraction and production of oil, through appropriate policies, regulation, and adjudication in particular effective judicial and non-judicial remedies.[160] The business enterprises are required to act with due diligence to avoid infringing on the rights of others and to address adverse impacts on the environment in which they are working.

In managing the oil sector, the state should also be cognisant of the human rights duties arising from the various international treaties. The state's duties and obligations are laid out in the ICCPR, ICESCR Convention on the Elimination of All forms of Discrimination Against Women,[161] UN Convention on the Rights of Children[162] and its Optional Protocols, Convention on the Elimination of Racial Discrimination[163] and the Convention on the Rights of Persons with Disability. Uganda is party to the core International Labour Organizations. Other soft law instruments: Guiding Principles for the Implementation of the UN "Protect, Respect and Remedy" Framework i.e. UN Guiding Principles on Business and Human Rights, UN Global Compact, International Finance Corporation Sustainability Framework, Natural Resource Charter, and the Voluntary Principles on Security and Human Rights, among others.

At the regional level they are laid out in the African Charter on Human and People's Rights, the African Charter on the Rights and Welfare of the Child; and the Protocol to the African Charter on Human and Peoples' Rights on the rights of women in Africa, among others. At the national level Article 244 of the Constitution vests property and control of all minerals and petroleum in the Government of Uganda and Parliament has the responsibility to enact laws for exploitation and Development. The National Oil and Gas Policy provides good framework for oil production.

160 See UN Guiding Principles on Business and Human Rights.
161 Article 25
162 As above (n8) Article 5
163 As above (n33) Article 28

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5.8.2. Human right concerns arising from oil and gas bills

The bills do not provide for human rights safeguards or specifically mention human rights obligations. There should be reference to human rights obligations at the international, regional and national level. The Bills have to ensure that the principles of the human rights based approach to development are enshrined by among others ensuring respect for human rights, participation, equality and non-discrimination including equal opportunity for vulnerable groups and accountability mechanisms to guarantee transparency, rule of law and good governance. The UHRC is also concerned about the insufficient oversight mechanisms, low levels of transparency and accountability, adjudication and environmental protection, among others.

5.8.2.1. Insufficient oversight mechanisms

The bills provide for the Petroleum Authority, the National Oil Company and the Minister[164] as the governance and oversight mechanism. There is a potential conflict between the power and functions of the Authority, the Minister and the Oil Company. The functions of the Minister are similar to those of the Authority. The functions of the Authority are similar to those of the National Oil Company.[165] The independence of the Petroleum Authority is questionable with the provision that it has to comply with the Policy Directives of the Minister.[166] Independence requires that the authority should not in the performance of its duties be subject to the direction or control of any person or authority. The Minister has excessive discretionary powers[167] with inadequate parliamentary oversight. Furthermore, there are unclear relations between different authorities such as the National Environmental Management Authority, the Minister and the Authority. The Bills do not provide for appeal mechanisms and access to non-judicial mechanisms.

5.8.2.2. Levels of transparency and accountability

One of the precepts of natural resource management is that its success requires government accountability to an informed public.[168] Furthermore, transparency and accountability enables the public to monitor the oil extraction process. In general, the press and the public have limited access to information regarding the oil extraction process[169] such as the amount of production. There is also no requirement for disclosure of the revenue being generated. These restrictive provisions on access and disclosure of information undermine transparency and accountability and may limit the participation of local communities in decision making on the Oil and Gas Sector.

5.8.2.3. Insufficient adjudication mechanisms

The Bills do not adequately provide guidance on the adjudication mechanisms. Although it may seem obvious, it might be useful to specifically provide for the courts and also other non-judicial mechanisms. Non-judicial mechanisms such as mediation and arbitration also play an important role in resolving disputes.

5.8.2.4. Inadequate Environmental Protection

Although the bills provide for protection against environmental risk,[170] the provisions are inadequate and should be enhanced. The concerns relating to environmental protection are particularly with regard to the need to emphasize that environmental assessments should not only be made prior to the activities but should also be made at various stages of exploration, development and production.

164 Clause 9 of the Petroleum Exploration, Development and Production Bill 2012
165 Clause 43-44 of the Petroleum Exploration, Development and Production Bill 2012
166 As above Clause 14
167 As above Clauses 9, 18, 21, 48
168 See Precept 2 of the Natural Resource Charter.
169 See Clause 33 of the Petroleum Exploration, Development and Production Bill 2012.
170 See Clause 4 of the Petroleum Exploration, Development and Production Bill 2012 and Clause 4 (1) of the Petroleum Refining, Gas Processing and Conversion, Transportation and Storage Bill 2012.

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This would somewhat address the impact of environmental degradation that follows oil production. Furthermore, provisions could be adopted to address the environmental impact and damage such as the requirement for the licensee to use the most advanced techniques for prevention of environmental damage, suspension of a licensee's production until remedial measures are taken, submission of an oil spill and fire plan, among others.[171] Furthermore, the penalties in the Bill for environmental pollution and engagement in petroleum activities without authorization are too low and seem like a slap on the wrist for big companies.[172]

5.8.3. Recommendations

In light of the above discussion, the concerns raised can be addressed by reviewing the Bills with the aim of:

i. incorporating human rights safeguards;

ii. strengthening oversight mechanisms;

iii. promoting transparency and accountability;

iv. providing for more adjudication mechanisms

v. Enhancing environmental protection.

5.9. Mob justice

Mob justice, according to a study by Robin Glad et al carried out in 2010 in Uganda, can be explained as a situation where a crowd of people, sometimes several hundreds, take the law into their own hands, act as accusers, jury, judge and punish an alleged criminal on the spot. This procedure often ends up with the victim(s) being beaten to death or seriously injured and may also involve the destruction of the property of the victim or the relatives[173]. Mob justice is a situation, during which there is lawlesS/Ness and disregard for law and order by a section of the community. It is therefore a deviation from the aspirations of a society which among other pillars is built on the realization of the rule of law and a society in which its members live in peace.

By engaging in mob action, mob justice participants disregard the cardinal concept of the rule of law, established systems of justice, governance, security and respect for human rights. Mob justice therefore is a lawless act, cruel and arbitrary and just another face of crime.

Mob justice disregards the rule of law which is one of society's cardinal principles of regulating relations at the individual, community and national levels. The concept of the rule of law is embedded in the supremacy of regular power as opposed to arbitrary power and is commonly provided for by states in national frameworks such as the constitution or its equivalent which is the highest law of the land.[174] The rule of law is supported by strong institutions of justice, governance, security and law enforcement among other conditions. The concept is therefore deeply linked to the principle of justice, involving an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. It envisages a society in which individuals feel safe and secure; enjoy legal protection for rights and entitlements where disputes are settled peacefully; effective redress is available for harm suffered and all who violate the law are held to account.[175]

171 See Model Contract 1999 also cited in Prof. Robert D. Langenkamp's RWI's Analysis of Uganda Petroleum Bill available at http://www.revenuewatch.org/news/rwi-comments-ugandas-draft-petroleum-bill last accessed on 21 February 2013.
172 Also see UN OHCHR Kampala's, Analysis of the Petroleum Bills, on file with the UHRC.
173 A qualitative research regarding vigilante justice in modern Uganda; Robin Glad, Assa Stromberg and Anton Westerlund, Gothenburg 2010
174 Preamble of the United Nations Charter;, 1945
175 As Above

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Mob justice in Uganda has notably perpetuated a culture of no respect for life among the people who participate in mob action.

This is evident in the increasing number of deaths reportedly arising from mob justice. According to the Annual Crime and Traffic/Road Safety Report of 2011 released by the UPF, at least 466 people died in the 383 cases of mob justice in Uganda reported to police[176].

In 2012 the occurrence of incidents of mob justice reached unprecedented levels. This was evident in the almost daily display of ugly scenes and grim pictures of battered or dead victims of mob justice that have now become a common sight in the print and electronic media in Uganda. The UPF annual crime reports have also indicated a growing number of reported cases of death caused by mob justice[177].

This section discusses the legal framework providing for the promotion of the principle of the rule of law at the international, regional and national level. It also discusses some ways in which mob justice commonly manifests itself in Uganda and some of its common triggers. In addition, the section highlights some of the human rights concerns over the actions of mob justice and makes recommendations for curbing the vice.

5.9.1. Legal framework

Under the international legal framework, Article 1 of the UDHR provides that all human beings are born free and equal in dignity and rights; and also the fact that they are endowed with reason and conscience and should therefore act towards one another in a spirit of brotherhood.

The regional framework under Article 27(2) of the African Charter on Human and Peoples' Rights provides for duties incumbent upon peoples since the rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

The national framework is supported under various Articles of the 1995 Constitution of Uganda including Article 17(1)(b) which requires every Ugandan to respect the rights and freedoms of others; National Objectives and Directive Principles of State Policy under XXIX(f) which provides for the duties of a citizen among which is to promote democracy and the rule of law and Article 17(1)(f) under which citizens have a duty to cooperate with lawful agencies in the maintenance of law and order. Additionally, Article 212(a) to (d) of the 1995 Constitution enjoins the UPF to protect life and property, to preserve law and order and to prevent and detect crime among other functions. Other legislative provisions at the national level aimed at empowering the police to promote the rule of law include section 4 (1) (c) and (d) of the Police Act, 2006 and The Penal Code, 2005 which provides guidelines, offences and penalties for perpetrators of crimes.

UHRC notes that mob action resulting in physical injury or disability is a violation of rights and freedoms under Articles 24 and 44(a) of the Constitution which guarantee freedom from torture or cruel, inhuman or degrading treatment or punishment which is non-derogable under the Constitution just as the right to a fair hearing and the presumption of innocence until proven guilty by competent courts.

5.9.2. Manifestation of mob justice in Uganda

In 2012, the UHRC noted a growing culture of intolerance and violence among some sections of the public including motor cycle riders and the youth. There was also a worrying tendency for some members of the public to use violent behaviour to express discontent over any matter of concern to them or their communities. Mob justice has become fertile ground for some individuals who used it to settle personal scores, benefit from lawless acts such as looting of property and sometimes extortion of money. This state of affairs ultimately translated into lawlesS/Ness, civil disobedience and disrespect for the rule of law.

176 See Annual Crime and Traffic/Road Safety Report, 2011, 7
177 As above (n137)

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In Uganda, acts of mob justice were reported to have commonly occured in the districts of Mukono, Kayunga, Mubende and Wakiso.

Although reports indicated that mob justice was not unique to Uganda where the media reported an average of 10 cases in a week, it was also reported to be common in many African countries including Kenya, Burundi, Cameroon, South Africa and Tanzania, among others.[178]

Many of the victims of mob justice in Uganda have been beaten to death or near to death or have been gravely injured. These actions not only violate human rights but are also criminal and are tantamount to murder, among other crimes. Victims of mob justice have also lost property and livelihoods.

5.9.3. Common triggers of mob justice

Some of the most common triggers of mob justice in Uganda were according to Police crime reports, suspected witchcraft, murder, burglary, robbery, land conflicts and dissatisfaction with delayed or omission of justice. Police therefore attributes mob action to the public's preference for quick justice.[179]

Other studies on mob justice carried out in Uganda revealed that the challenges in the judicial system were some of the main causes of mob justice. The judicial system is characterized by allegations of corruption; delayed justice and weak enforcement which make the public take the law into their own hands and create their own sanctions.[180]

Research also advances the notion that mob justice is commonly practised by citizens from the lower social class of society associated with low education levels mainly ignorance of the law; poverty; poor socialization and unemployment. This aspect accounts for increasing incidents of mob justice against suspected witches in Uganda attributed to the widely held belief in superstition and witchcraft, common among citizens from the lower social class. Mob justice was also used by members of the low social class especially the uneducated, to punish suspects who had been released on police bond and court bail due to the misconstrued presumption that they had been acquitted.[181]

Mob action was on the other hand sometimes fuelled by misguided perceptions of some participants who viewed it as a crime prevention action for the victim and subsequently a deterrent measure for other members of the community. Besides, the chaotic scenes and mammoth crowds almost guaranteed cover against arrest and prosecution of the participants in the mob justice. As a result a number of them were able to get away with it.

Whereas mob justice was usually driven by strong emotions in which participants vent anger in the heat of the moment during which the sense of reason was abandoned, other factors that drive such behavior include participants seeking for shelter, peer group influence, the 'band wagon' syndrome, rumours and feeling of frustration that might need to be released.[182]

5.9.4. Human rights challenges of mob justice

UHRC has noted the following negative effects of mob justice on the enjoyment of human rights and freedoms of Ugandans in 2012:

178 As Above
179 As Above
180 As Above
181 As Above
182 As Above

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5.9.4.1. Violations of the right to life

In Uganda, just like in other parts of the world, mob justice caused adverse effects to the victim, close relatives of the victim and the affected communities. Such effects were manifested in a number of ways but the most adverse is the death of a victim(s).

Some of the cases of mob justice reported in the media during 2012 include one in which a mob in Nakawuku village in Sisa sub-county Wakiso District killed 2 suspected highway robbers.[183] Other cases of mob justice targetted police officers as was the case reported in Bubulo Sub County in Manafwa District Mbale where angry residents killed a police officer after a scuffle to arrest a fellow resident in which a stray bullet by police hit and killed a 17-year old boy.[184]

5.9.4.2. Violations of the right to physical integrity

Other consequences of mob justice were the infliction of physical injuries, maiming and/or disabilities occasioned on the victim(s). This caused trauma to the victim, the family members and close relatives of the victim. Cases in which people have been injured in course of mob action were many and the victims were usually members of the community or in some few instances police officers for example two officers that were injured in the Bubulo incident.[185] Other cases of injuries reported to be from mob action include the scuffle that ensued in Kampala city center when the youth from Kibuli muslim faction attempted to block the election of new representatives for the Uganda Muslim Supreme Council by marching to Old Kampala Mosque to 'overthrow' the Muslim leader, leading to several injuries.[186]

5.9.4.3. Violations of freedom from torture and ill treatment

Victims of mob justice were often subjected to torture and ill treatment such as beating, caning and stoning which resulted into death or physical injuries. Moreover, families and friend of victims and other spectators were traumatized by witnessing acts of violence meted on the victims. The surviving victim, relatives and other close members of the community were reported to suffer traumatic experiences.[187]

5.9.4.4. Violations of the right to fair hearing

Mob justice ignores the tenets of the right to fair hearing and the presumption of innocence until proven guilty. Participants in mob justice take the law into their own hands and act as prosecutors, the assessors and as the judge by handing down a punishment on the spot to the alleged criminal. Mob justice has in effect promoted injustice and unfairness for the victims whose punishment is most of the time not commensurate with the alleged crime.

There were reports of situations in which some of the victims of mob action were cases of mistaken identity while others were victims of circumstances such as those injured in the fray while trying to disperse a charged crowd. Mob justice in some instances targeted the wrong victim(s) who lost their lives or property. An example is a case reported in the media in May 2011 in Iganga, Busoga region where three witchdoctors suspected to be responsible for the disappearance of a child who was reported lost were lynched by a mob; only to discover later that the child was still alive[188].

183 Daily Monitor, 26, September 2012
184 As above
185 As above
186 Daily Monitor 20, April 2012
187 As above
188 Robin Glad, Assa Stromberg and Anton Westerlund, 2010

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5.9.4.5. Violations of the right to a life worthy of dignity

In cases where the victim who was killed or injured was the provider of a family, this denied other family members a life worthy of dignity. In the case of death or serious injuries to a victim of mob justice, the families of the victim lost a bread winner and were therefore faced with economic hardships. This led to disruptions in the lives of the victim and their dependants.

5.9.4.6. Violations of the right to property

Mob action was found to violate other rights which included the right to protection from deprivation of property in cases where mob participants destroyed the property of perceived suspects. A case was reported to have involved youth from Pawote clan in Nwoya District, in Northern Uganda who were armed with machetes and attacked their Keno neighbours, burnt homes of 200 families and also looted property over a land conflict. The survivors of the mob were left in dire need of the basic necessities of life such as clothing, beddings, utensils and food.[189]

5.9.5. Recommendations

UHRC recognises that mob justice has become a big challenge in Uganda and therefore makes the following recommendations:

i. Members of the public should act as responsible citizens and respect and promote the rule of law and cooperate with lawful agencies in the maintenance of law and order.

ii. JLOS should carry out massive public awareness programmes on the law and the dangers of mob justice.

iii. Government should strengthen the JLOS to improve efficiency and ensure speedy investigations and trials to increase public confidence in the legal system including the appointment of more judicial officers to deal with the case backlog in the courts of law, among others.

5.10. Conclusion

The discussion highlighted the challenges that teachers face as they try to educate the nation. It is evident that their conditions of work are generally poor and this greatly influences the quality of education that they impart to their students. The starting point for quality of education in Uganda to be realised would be to greatly improve the conditions of service and general welfare of teachers, in particular, those teaching in UPE and USE schools. This would be the only means through which students studying in the aforementioned schools would have a chance of competing with their counterparts taught by better paid teachers.

Health workers are indeed at the core of the enjoyment of health rights. It would, therefore, be prudent that the welfare and conditions of service of health workers be improved to guarantee their commitment to the provision of quality health services to the general public. Bearing in mind the basic principles for healthcare providers, health workers would still be obliged to provide the best care possible as strategies are undertaken to improve their working conditions.

It is evident that the delayed payment of pensions and salaries to former and current civil servants caused unwarranted distress to those who offered and still offer their dedicated services to the Government of Uganda. It should further be emphasized that the Government of Uganda is obliged to pay pensions and salaries in a timely manner in accordance with its commitments under international, regional and national human rights laws.

189 Daily Monitor, 20 March 2012

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This issue should therefore be prioritized by the Government of Uganda in order to allow for the development and implementation of interventions which will lead to the reduction and eventual elimination of delays in the payment of pensions and salaries.

The right to demonstrate and to protest on matters of public concern is important and should be enjoyed. In the absence of a law, the UHRC Guidelines should provide guidance.

Whereas there is an increase in media houses in Uganda, the effective operation of these houses is still wanting. The quality of work put out by these media houses, coupled with the kind of environment they operate in, continue to raise concerns as far as the enjoyment of freedom of expression in the media arena is concerned.

The political environment within which NGOs in Uganda operate is delicate. This situation is exarcebated by the mutual suspicion that exists between the Government and some NGOs. This calls for concerted efforts by both NGOs and government to not only operate within the law but also to treat each other with mutual respect and open up communication channels to address any concerns that may arise.

Corruption inevitably affects the enjoyment of human rights especially socio-economic rights and development. It is important for these vices to be eradicated. It would take collective, genuine and determined effort of both the citizens and the Government to fight it. The law should be reviewed and implemented to contribute to the process of inculcating a culture of good governance, transparency, accountability and respect for human rights.

The manner in which the oil and gas resources are managed will determine whether Uganda's socio-economic development goals are achieved. It is important that this is done in a manner that will ensure the greatest benefit for all. It is important that the bills are reviewed to incorporate human rights safeguards, strengthen oversight mechanisms, promote transparency and accountability, provide for more adjudication mechanisms and enhance environmental protection.

Mob justice is a violation of human rights including right to life, right to bodily integrity, freedom from torture and ill treatment and the right to property (where applicable), among others. It is important to focus on its prevention by strengthening the Justice System and creating awareness about ts dangers and criminal repercussions.

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CHAPTER 6

HUMAN RIGHTS CONCERNS ARISING OUT OF FLOODS AND THE BUDUDA LANDSLIDES

6.0. INTRODUCTION

The Chapter analyses the impact of human rights of floods and Bududa landslides because of their reoccurrence in 2012, focusing on the right to life, property, health, education and housing. In addition, the Chapter makes an assessment of the resettlement interventions following the initial Bududa landslide in 2012. The chapter analyses government preparedness, response and recovery in light of the international and regional human standards; points out challenges and makes appropriate recommendations.

6.1. LEGAL FRAMEWORK

The basic principle and rationale underpinning the legal framework concerning victims of disasters is that they should enjoy the same rights as any other person.[190]

6.1.1. International Legal Framework

International instruments such as the UDHR provide for the right to life, liberty and security.[191] The ICESCR provides for the right of everyone to a standard of living that is adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care as well as the necessary social services.[192] The CRC makes provision for every child to have a standard of living that is adequate for the child's physical, mental, spiritual, moral and social development.[193] The CEDAW and the CRPD provide for non- discrimination of women and PWDs respectively.[194] The 2006 Inter-Agency Standing Committee (IASC) Operational Guidelines on Human Rights and Natural Disasters and the Humanitarian Charter and Minimum Standards in Disaster Response States lay out the guidelines and principles that ensure that at least the minimum requirements that ensure that the life, dignity and security of victims of disasters are provided for in the event of disasters.[195]

6.1.2. Regional Legal Framework

The ACHPR provides for the right to health and the right to education.[196] The African Charter on the Rights and Welfare of the Child (ACRWC) provides that states should ensure to the maximum extent possible, the survival, protection and the development of the child.[197]

6.1.3. National Legal Framework

The Constitution provides for the right to life, right to education, the right a clean and healthy environment.[198] Article 249 (1) provides for the setting up of a National Disaster Preparedness and Management Commission to deal with natural and man-made disasters. The National Preparedness and Management Policy (2010) aimed at addressing vulnerability assessment, mitigation, response and recovery while placing emphasis on vulnerable groups and persons with special needs.

190 The 2006 IASC Operational Guidelines on Human Rights and Natural Disasters.
191 As above (n40) Article 3
192 As above (n59) Article 11 55
193 As above (n8) Article 27
194 Article 2 and Article 17.
195 The Sphere Humanitarian Charter.
196 As above (n45) Article 16-17 56
197 Article 5 of the ACRWC.
198 As above (n158) Articles 22, 23, 26 and 30

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6.2. FLOODS

In 2007, floods affected the Northern and Eastern parts of Uganda while in 2011 they affected the Western and Eastern parts of Uganda. In 2012, floods affected the districts of Kampala, Ibanda, Katakwi, Kween, Soroti, Kotido, Kapchorwa, Tororo, Nakaseke, Napak, Luweero, Kibaale, Agago, Lamwo, Amuria, Pader, Kitgum, Ntoroko, Nakapiripirit, Moroto, Kaabong, Serere and Butaleja.[199] There are various reasons which could explain the floods the country experienced in 2012. Some of the major reasons for floods were identified as heavy rainfall over a short period of time, a change in the natural drainage systems, deforestation as well as building in the flood prone areas. Other reasons were dilapidated systems that were designed to handle a much lower level of urbanisation, poor design and neglect of maintenance of drainage systems as well as poor management of both solid and liquid waste resulting in continual blockage of systems.[200]

6.2.1. Government and Other Stakeholder's Intervention

(i) Sensitisation

Efforts were made by the Office of the Prime Minister (OPM) to sensitise the people of the Karamoja region on the dangers of bush burning and its associated effects on land and the climate. The District Disaster Management Committee (DDMCs) in Ntoroko district also sensitised the people on how to reduce the risks of flooding through tree planting, and making barriers at the sections of River Semiiliki.

(ii) Coordinated delivery of food and non food items

The OPM together with Uganda Red Cross Society (URCS) delivered food and non-food items to the 550 people from the 52 either affected families or hosts families in Kiabaale district. These items included beans, maize flour, blankets basins, plates, cups and tarpaulins. URCS provided non-food items including blankets, sauce pans and tarpaulins to 180 households. The URCS together with World Vision donated mattresses, maize flour, beans, mosquito nets, water purifying tablets, blankets and bed sheets in Kibaale.

In spite of this coordinated response, it was alleged that delivery by OPM of non-food items like hoes and blankets to the people affected by the floods in districts like Butaleja and Ntoroko was after a month. In Butaleja district, the non-food items were given to people in the trading centre who were not affected by the floods.[201] In Nakapiripirit and Napak districts, the UHRC established that the DDMCs were not able to provide any non-food and food items to about 1,500 to 3000 people affected by the floods, and instead the affected communities had to fend for themselves.

(iii) Cooperation by the UPDF

The UPDF intervened by grading part of the sections of the roads and land that had been affected in Napak district.[202] They provided road equipment like graders to assist to remove vehicles that were stuck and helped to push some of the vehicles from areas that had flooded. The UPDF delivered food and non-food items such as maize flour, soap and blankets to affected households.

(iv) Relocation measures

The Government set up a camp at Rwebiganda village in Kibaale District to accommodate 45 families from Rwasengura and Kigandwa villages who had been affected by the floods.

199 Vision Reporters, 'Floods Ravage Districts' www.newvision.co.ug accessed on December 2012
200 Presentation by Ms Lillian Ngabirano, Assessment on the progress made to curb the increasing floods and their effects in Kampala City: Achievements, Challenges and Recommendations, Kampala Capital City Authority at a Consultative Meeting for the UHRC's 15th Annual Report from 28th January to 1st February 2013.
201 Interviews with affected households in Butaleja.
202 Under Article 209(b) of the 1995 Constitution, the Uganda Peoples' Defence Forces have a duty to cooperate with civilian authority in emergency situations and in cases of natural disasters.

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A woman wails at the scene of the landslide in Bunakasala village, Bulucheke sub county, Bududa district. Source; New Vision



Residence of Bulucheke sub county look at the spot where the landslide tumbled down from. Source; New Vision

However, the response to relocate people affected by floods was not consistent. For instance, in Karamoja the request by the victims to the sub-county and district land board authorities to find alternative land for settlement of affected persons in Nakiloro village in Namalu sub-county in Nakapiripirit District had not been responded to by the end of 2012.

(v) Interventions by district authorities

In Napak District, the road was graded and water-ways were created on the low lying areas. In order to address the related health consequences due to floods, a health centre was under construction at Nakichumet. In Kampala, the Kampala Capital City Authority (KCCA) worked on black-spot evaluation in flood prone areas like Entebbe Road/Shoprite.[203] KCCA also cleared silt blocks on the Nakivubo channel and its auxiliaries and assigned teams to cover maintenance coverage for the entire division.

6.2.2. Human Rights Concerns

(i) Disaster risk mitigation

The UHRC noted the lack of an effective coordinated mechanism to mitigate the impact of floods which continuously led to the displacement of families, loss of lives and property. The UHRC established that in Butaleja about 15 households were displaced in Nahasalaga Village while 360 households were displaced in Akolodong ward (village).[204] In Amoni 'B' in Malaba Town Council, four lives were lost in Rubogi Sub-County in Tororo while about 1000 families were displaced in Ntoroko. The UHRC was informed that about 20 houses were destroyed in Kasoli Village Eastern Division Amoni 'A' and 'B' in Malaba Town Council and about 137 households were affected by the floods. In addition, farms and food crops such as cassava, potatoes, maize and beans were destroyed in the districts of Butaleja, Tororo and Nakapiripirit.



A manyatta (Karamajong homestead) affected by the floods at Lokudud in Nakapiripirit district

203 As above.
204 Interview with the LC1 Chairperson

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(ii) Right to health

Most households in Butaleja District had pit latrines that were sinking or filling up with water due to the floods since they were located in swampy areas.[205] For instance, pit latrines in Nahasalaga village were only 20 meters deep due to the nature of the soil and because of this they were washed away during the floods. Water sources such as River Malaba and unprotected springs had waste flowing into them due to the floods. The UHRC was also informed that about 360 households in Akolodongo ward in Malaba Town Council were using contaminated water. In Nakiliro village in Namalu sub-county in Nakapiripirit District a community well was silted and contaminated while in Ntoroko there was an increase in incidents of cholera and diarrhoea in the subcounties of Butungama, Bweramure and Rwibisengo.

(iii) Access to social services

Due to the floods, the road networks were cut off which made it difficult for the people to access social services such as health facilities and schools. For instance, the UHRC was informed that because of the floods a patient died on their way from Iriiri Health Centre IV to Matany Hospital in Napak District. In addition, the cost of transport increased and students that were studying outside Karamoja found it a challenge to return to their schools and were charged UG.X 100,000 to travel to Kampala and UG.X 70,000 to travel to Mbale.

(iv) Measures to protect vulnerable persons

The UHRC established that there was no special consideration given to vulnerable persons by the government and civil society in their emergency responses in the flood- affected areas in Ntoroko District. The UHRC was informed that the response was based on categorisation by households as opposed to the vulnerability of households which would have guided the nature of aid to avail them.

6.2.3. Challenges in Handling Floods

(i) Settlement in low lying areas

The UHRC was informed that settlement in low lying areas with poor drainage system greatly contributed to flooding. For instance, Tindi Village in Himutu Sub County and Nahasalaga village in Mazimasa sub-county in Butaleja District are in low lying areas without proper drainage systems for water from River Manafwa. Ntoroko District is also in a low lying area. On the other hand Malaba Town Council is near the water table as well as River Malaba which usually overflows in the rainy season. In Kampala, the Nsooba- Lubigi and Nakivubo Wetland systems which are the main drainage out of Kampala have been encroached on and the buffer zones of forests and open spaces have been cleared. This led to low water infiltration and floods.[206]

(ii) Inadequate sensitisation

Inadequate sensitisation including the failure to address alternative income generating activities has resulted in the people resisting the interventions that would address floods. For instance, in Ntoroko district, a project to divert a section of River Semiliki as a way of mitigating the effects of the floods was opposed by the local population. Some members of the community tried to lynch the project workers because they thought it would affect their fishing activities. In Kampala City, the low sewerage coverage and poor garbage disposal habits blocked drainage and caused flooding

205 Interview with the Malaba Town Council Community Development Officer. Interviews with households in the flood affected areas in Tororo and Butaleja District.

206 NEMA, Highlights of the Uganda Atlas of Our Changing Environment, Kampala's Changing Environment, 2009, 1.

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(iii) Inadequate funding of the DDMCs

The DDMCs in the flood affected areas in Ntoroko, Tororo, Butaleja and Napak districts had inadequate funds to effectively respond. In addition, the districts lacked functional equipment like excavators and trucks to help with large scale excavation works required to maintain major drains.

6.3. BUDUDA LANDSLIDES

Since 2010, there have been incidents of major landslides in Bududa district which have caused loss of life and property as well as displacement of survivors. In 2012, landslides reoccurred in the villages of Mabaya, Walwanyi and Bunamulebwa. The landslides were connected to heavy and prolonged rainfall, deforestation, change of land use and soil erosion. On 25th June 2012, a landslide caused by heavy rains occurred in the village of Bunakasala in Bumwalukani Parish, Bulucheke sub-county. The landslide that covered approximately 5 acres of land, buried the villages of Namanga and Bunakasala, leaving 18 people dead, 36 households destroyed, 360 people in need of humanitarian assistance and 5000 households in the Mt. Elgon sub- region at further risk of future landslides. [207]

6.3.1. Government and Other Stakeholders' Intervention

(i) Emergency response

Following the landslide, the district registered people that were feared dead and those displaced. The district made an assessment of the number of victims that were in need of emergency clothing and beddings and the children that needed to be traced and assigned to host families. The Government on the other hand relocated the affected population to safer areas within the district. The URCS teams were involved in search and rescue activities; provision of first aid services to 64 persons and psychosocial support to 83 persons; provision of emergency shelters and basic household items; and reuniting families while focusing on children separated from their families. In addition, the 9 people who were injured were taken to Bududa Hospital for emergency treatment.[208]

(ii) Coordinated delivery of food and non food items

The OPM provided food and non-food items to the victims of the disasters. The OPM (through the DDMC of Bubulo) coordinated the assistance provided by the URCS, United Nations Children's Fund and the Adventist Development and Relief Agency. This assistance included provision of; food items and clothing, psychosocial support, hygiene and sanitation services to the communities that had been displaced.[209]

(iii) Disaster preparedness

The OPM conducted hazard mapping in Bududa and a report was made on homes in high risk areas and presented to cabinet. This would assist in improving the emergency response considering that the villages of Bunamulembwa, Mabaya, Bamarakha, Mayenze, Bubuyela and Nalenda were still at risk of landslides.[210]

6.3.2. Human Rights Concerns

The UHRC commends the Government for the efforts that were made to help the victims of the disasters. However, in spite of these interventions, there were some human rights concerns that were noted in regard to disaster response and management.

207 The International Federation of Red Cross and Red Crescent Societies, Disaster Relief Emergency Fund (DREF) Final Report Uganda. Information provided by District Officials in Bududa. The Bududa Landslide Presentation by the Principal, Disaster Management Officer, Disaster Preparedness and Management Department, Office Of the Prime Minister at a Consultative Meeting for the UHRC's 15th Annual Report OPM presentation from 28th January to 1st February 2013.
208 As above
209 As above
210 As above

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(i) Disaster Risk mitigation

The reoccurrence of landslides in Bududa called for a mechanism to reduce the risk that victims face in the high risk areas. The right to life was affected with about 15 families buried alive in the villages of Bunakasala and Mabaya in Bududa District and most of whom were women and children. In addition, the right to property was affected with the destruction of houses and agricultural land which increased the vulnerability of the victims with 360 people left in need of humanitarian assistance and without basic means of survival.

(ii) Vulnerability assessment

Though hazard mapping was conducted in Bududa, the landslides have left 5000 households in the Mt. Elgon sub-region at further risk of future landslides, considering that cracks in the soil got longer and wider.[211] This vulnerability increased considering that equipment was not readily available to forecast weather patterns, determine the landslide susceptible areas in order to establish the correct land use and provide early warning information.

(iii) Right to health

Though the District and URCS provided psychosocial support to the victims, the reoccurrence of the landslides had the effect of traumatising and re-traumatising survivors who have lost family members. Survivors of the recent landslides lived in fear of reoccurrence of the landslides and were traumatised and in need of psychosocial support.[212]

6.3.3. Challenges In Handling The Bududa Landslides

(i) Inadequate funding of the DDMCs

DDMCs do not have adequate funding to assess the needs of the affected communities. Inadequate funding also hindered sensitisation activities that were aimed at managing and mitigating the effect of the disasters.

(ii) Inadequate technology

Inadequate technology affected the effectiveness and efficiency of the disaster response. Equipment like earth moving machines and excavation tools as well as machines to handle the terrain of the affected areas were not readily available, which constrained the disaster response. Where it was availed, the equipment was abandoned and would not be readily available for use when subsequent disasters occurred.



Graders abandoned in Namesi village, Bukalasi Sub- county, Bududa district because of lack of an access road to remove them

211 The International Federation of Red Cross and Red Crescent Societies, Disaster Relief Emergency Fund (DREF) Final Report Uganda: Bududa Landslide (2013),2.
212 As above,

© Uganda Human Rights Commission 2012

(iii) Insufficient data

Insufficient data collection affected the planning process in terms of man-power, finances, as well as equipment. There was still lack of uniformity in assessing data collection regarding how many people had lost their lives; who was in need of emergency assistance; and the nature of the emergency assistance required.

6.4. RESETTLEMENT OF BUDUDA LANDSLIDE VICTIMS IN KIRYANDONGO DISTRICT

After the landslides affected the three villages of Namesi, Kubehwo and Nakansa, Bungakho Sub-County, Bududa District in 2010, 602 families with a population of 2500 people were relocated to Kiryandongo Resettlement Camp which initially had refugees from Kenya, Rwanda and Congo.[213] In line with its constitutional mandate, the UHRC monitored government interventions in the resettlement camp.

6.4.1. Assessment of Government Interventions in Kiryandongo Resettlement Camp

(i) Safety and Security

As was previously noted, in 2011 the government established Panyadoli Hill Police Post within the Camp to provide security. In 2012, this was uraded to a police station under the Peace Recovery and Development Plan (PRDP) with 8 officers (4 of whom are of the Field Force Unit). In spite of this, the UHRC noted that the station lacked fuel which at times had to be provided by the complainant or by the Officer in Charge (O/C) where a complainant was unable to meet this expense. In addition, the police station was faced with a challenge of feeding the suspects due to lack of imprest and had to depend on the relatives or the O/C to personally provide food.



Panyadoli Hills Police Station

(ii) Enjoyment of an adequate standard of living

(a) Right to shelter

The UHRC noted that there was gradual transition from temporary to permanent housing. Initially, families had been given tents. At the time of monitoring, OPM had constructed 101 housing units of which 60 were complete while 41 lacked doors. Habitat for Humanity constructed 200 houses for vulnerable families such as widows, child headed families and PWDs. Ten houses were still under construction. In spite of these interventions, 501 families still lacked proper as they were living in mud and wattle houses and makeshift structures.

213 UHRC Gulu Regional Office

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A completed three roomed hydraform house by the Office of the Prime Minister



A four roomed house being constructed by Habitat for Humanity

(b) Right to food

In 2010, the displaced families were allocated 2.5 acres of land to enable them to grow food. The UHRC noted that the families were growing food for both subsistence and commercial purposes. The UHRC observed truckloads of food being transported to Mbale and Bududa districts for sale. The UHRC was informed by an LC1 official that food was sold to raise money for other needs like school fees and scholastic materials. He however pointed out that the growing of food for commercial purposes had affected the food security in the area because of the limited land which was not adequate to cover both subsistence and commercial purposes. The LC1 official also pointed out that that this had contributed to the spell of famine which families had suffered between March and July 2012.

(c) Right to water and sanitation

The resettlement area had 6 functional boreholes managed by the Water User Committees which encouraged participation in decisions that concerned water distribution. However, in spite of these 6 functional boreholes the water supply was still for more boreholes to cover the entire population of the resettlement camp. On average, 1 borehole was accessed by 100 households, while 1 of the 6 boreholes served both the residents in the resettlement camp and the refugees. The Resettlement Camp lacked adequate sanitary facilities such as latrines. The LC1 official informed the UHRC that though the families were meant to dig pit latrines, some had not done so and had resorted to bushes for latrines.

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A bore hole in the resettlement camp



An open pit latrine- A health hazard

(d) Right to health

A building within the Camp was renovated to accommodate Panyadoli Health Centre II in order to bring health services closer to the community considering that Panyadoli Health Center III is about 6 km from the camp. In addition, construction works at the camp for a Health Centre III was also in the final stages.

(e) Right to education

The UHRC was informed that the primary going children were enrolled in Panyadoli Hills Primary School which is within 200 metres of the Resettlement Camp.[214] In 2010, the school enrolled 596 pupils of whom 340 were male and 256 female. While in 2011 there was an increase in enrolment to 728 pupils: 433 male and 294 female. However, there was a decrease in 2012 with 618 pupils being enrolled (326 male and 292 female). This was due to dropout of girls because of pregnancies or early marriages and in other instances students were more interested in doing business.

The Camp had students enrolled in Panyadoli Self Help Secondary School which had been set up as a community initiative with the support from the United Nations High Commission for Refugees (UNHCR) in 2006. The School is within a distance of 7 km in comparison to government schools such as Kibanda which is 10kms away and Mutunda is 12kms away. The UHRC was informed that 45 students were enrolled in 2011 but this number decreased to 29 in 2012. Though OPM had paid UG.X 116,000 for each student per term for O level and UG.X 126,000 for each student per term for A- level in 2011, no payment was made for fees in 2012. At the same time, the education system in the area was facing a number of challenges, which included the following:

- **Funding**

The UHRC was informed that Panyadoli Self Help Secondary School was a community initiative and did not receive any funding from the Government. This made it difficult to pay teachers' salaries and provide scholastic materials.[215] In addition, the Universal Primary Education (UPE) funds were insufficient to effectively meet the cost of running the primary school. In the third term of 2012, UG.X. 1.6 million was received to cater for 817 pupils, which translated to approximately UG.X 1,900 per pupil for a period of over three months.

- **Absenteeism and school drop outs**

The Head Teacher also expressed concern that the students' school attendance was poor and parents were not concerned about their children's education, which increased absenteeism. The drop in enrolment and irregular class attendance was attributed to early marriages and engagement in business which took the students back to Bududa.

214 Interview with the Head Teacher, Panyadoli Hills Primary School, Mr. Francia Izama
215 As above

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- **Quality of education facilities**

The resettlement of the landslide survivors increased the number of pupils which in turn put pressure on the existing facilities. In 2011, the school had no pit latrines following the filling up of the ones that had been existing. The UHRC noted that the teachers were using one latrine meant for the female pupils.

- **Pupil to teacher ratio**

In 2012, the total school population was 817 pupils with only 8 teachers (the Head Teacher inclusive). This affected the quality of education considering that one teacher had to take on a minimum of four subjects. The pupil to teacher ratio was at 102:1 which was almost twice the national recommended ratio of 53:1.



Classroom block at Panyadoli Hills Primary School

(iii) Right to information

The people in the Camp had access to Open Gate radio that broadcasts from Mbale and Radio Kitara which broadcasts in Runyoro. The people have been encouraged to learn Runyoro and Kiswahili to enable them easily access information.

(iv) Freedom of Worship

The people in the Camp enjoyed freedom of worship. About 2.5 acres were allocated to the various denominations such as Christians and Muslims to construct places of worship.

(v) Right to culture

The UHRC noted that the people in the Camp continued to practice aspects of their culture such as male circumcision. However, the survivor's concern was that this was practiced on a smaller scale compared to what would have been done in Bududa. The survivors also expressed fears that other tribes considered the practice 'backward'. However, the UHRC noted that though people are entitled to practice their culture, they should do it with due respect of the individual's right to practise certain aspects of culture.

(vi) Participation in public affairs without discrimination

The Camp was divided into 6 zones equivalent to a village and the survivors were free to choose LCs to head them who were recognised and respected by the district leadership. However, the UHRC was informed that the distance to Mutunda Sub-County was about 30km away yet the local leaders had no means of transport which in turn had affected their participation in meetings at the Sub-County.

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(vii) Reintegration in the community

The UHRC was informed that the landslide survivors freely interacted with the general community and refugees. According to the Camp Commandant and the head teachers of the Primary and Secondary schools, the people have integrated well into the community. However, the LC official noted that the settlement area was still considered a Camp and yet effective delivery of services should be under the management of the District. He noted that the survivors were frustrated with the alleged mismanagement of funds by OPM meant for resettling them.

6.4.2. Challenges Faced in Kiryandongo

(i) Status of the Camp

The camp in Kiryandongo was catering for both landslide victims and refugees from Sudan, Kenya and Congo. This puts pressure not only on the social services being provided such as education, water and health services but also limited funding from the district since the Camp was under the OPM.

(ii) The location of the Camp

The Camp is located in the two sub-counties of Bweyale and Mutunda. Therefore, services that are provided by the sub-county within the Camp are based on whether the survivors are located within that particular sub-county. For instance services from the National Agricultural Advisory Services that are provided by the sub-county were given based on the location within a particular sub-county and not on the fact that services were required by all survivors within the camp.

6.5. RECOMMENDATIONS

1. As recommended in the previous annual reports:
    - Government should establish the Disaster Preparedness and Management Commission to deal with disasters in accordance with Article 249(1)
    - The Office of the Prime Minister should strengthen the Disaster Preparedness and Management Institutions at the national and local government levels by equipping them with human, logistic and financial resources for effective response and management
    - The Office of the Prime Minister should strengthen coordination with national and international partners in order to have an effective emergency response.
    - Government and other stakeholders should apply the Human Rights Based Approach which emphasises the principle of non-discrimination with special attention to vulnerable groups such as women, children, persons with disabilities and the elderly in disaster preparedness and management.
2. The Office of the Prime Minister should strengthen interventions such as resettlement of survivors in landslide prone areas in order to achieve durable solutions;
3. Government should clarify the status of the Kiryandongo camp for purposes of funding and service delivery; and
4. Ministry of Water and Environment should develop and implement a flood management strategy for all districts prone to floods.

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6.6. CONCLUSION

There has been improvement in Government response in the areas of sensitisation, coordination, putting in place mitigating and relocation measures in handling disasters. However, there is still need for government to strengthen disaster prevention and disaster risk mitigation, have a more coordinated and effective emergency response in order to ensure that there is minimum negative impact on the lives of the communities affected by disasters and have interventions that provide durable solutions in flood and landslide prone areas .

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CHAPTER 7

ACCESS TO JUSTICE FOR VULNERABLE PERSONS

7.0. INTRODUCTION

This Chapter focuses on access to justice for selected vulnerable persons namely; children, victims of Sexual and Gender Based Violence (SGBV), persons with disabilities (PWDs), refugees and immigrants. The Chapter highlights the legal framework for access to justice for the vulnerable persons and gives a situational analysis, with special focus on human rights. It highlights the challenges the vulnerable persons face in accessing justice and makes recommendations to address the challenges.

The UHRC focused on these specific groups because they are the most marginalised, are less privileged and usually deprived of their right to access justice. Access to Justice is a composite concept under which all persons irrespective of their social, economic, cultural or gender status are able to access quality and affordable legal services in the enforcement of their legal and human rights.[216] Equal access to justice for all is not only a fundamental human right but a pre-requisite for the protection and promotion of all rights, including civil, political, economic, cultural and social rights.[217] Thus, the ability to access justice is of critical importance to the enjoyment of all rights.

Access to justice presupposes:

1. That the law in place is fair and representative of the needs that it intends to serve.
2. That the rights holders are aware of their rights under the law.
3. That the rights holders are able to enforce these rights.
4. That the redress and enforcement institutions are in place and accessible to the rights holders.

7.1. LEGAL FRAMEWORK

The right of access to justice by vulnerable persons is governed by various international, regional and domestic human rights instruments.

7.1.1. International Legal Framework

The ICCPR establishes the right to legal counsel for underprivileged criminal defendants and requires states to cover the costs where required in the interests of justice.[218] Furthermore, UDHR[219], the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)[220] and the CRC provide for the right to effective redress, to a fair hearing by independent and impartial national tribunals, as well as the right to be presumed innocent until proved guilty.[221]

The right of PWDs to access justice is explicitly provided for under the CRPD. The CRPD requires States Parties to ensure effective access to justice for persons with disabilities on an equal basis with others, including, through the provision of procedural and age-appropriate accommodation in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

216 http://www.cba.org/sajea/en/Doc/conceptrevised.doc accessed on 18th December 2012
217 http://www.ohchr.org/Documents/Issues/Poverty/SubmissionRuleOfLaw.pdf. accessed on 18th December 2012
218 As above (n41) Article 14, 22
219 As above (n38) Article 7,8,10 and 11, 81
220 As above (n163) Articles 5(a)-6
221 As above (n193) Article 3, 22

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7.1.2. Regional Legal Framework

At the regional level, the ACHPR and the Protocol to the African Charter on Human and People's rights on the rights of women in Africa equally provide for access to justice and equal protection before the law.[222] This is in addition to the African Charter on the Rights and Welfare of the Child.

7.1.3. National Legal Framework

The Constitution of the Republic of Uganda under Article 21 guarantees equality of all persons before and under the law in all spheres of political, economic, social and cultural life and the enjoyment of equal protection before the law in all aspects.[223] Under s.89 of the Children's Act provides for 12 years as the age of criminal liability and prohibits the detention of child offenders together with adult offenders (Section 89(9) of the Children's Act Cap 59), whereas the Persons with Disability Act 2006 also provides for access to justice for the vulnerable persons. It also provides for the elimination of all forms of discrimination against PWDs.

7.2. SITUATIONAL ANALYSIS ON ACCESS TO JUSTICE FOR VULNERABLE PERSONS

Access to justice is the ability of all people to have opportunity to make use of fair, effective and accountable mechanisms for the protection of rights, control of abuse of authority and resolution of conflicts either through the formal or informal justice system in compliance with human rights standards.[224] This section examines some of the positive developments that have promoted access to justice for the vulnerable. Also examined are some of the challenges impeding access to justice for this group.

7.2.1. Positive Developments in the administration of justice for vulnerable persons

The UHRC commends government for the positive steps that have been taken to enhance access to justice for the vulnerable persons. The Positive developments in enhancing access to justice include;

- **JLOS initiatives in administration of justice**

The UHRC noted that the Justice Law and Order Sector (JLOS) has over the years endeavoured to improve the availability and accessibility of its services. By the end of 2012, courts were functionally present in 95% of districts,[225] while the office of the Directorate of Public Prosecutions (DPP) was present in 84 districts.[226] JLOS also made efforts to reduce the average period within which offenders would stay in custody in prisons. In 2012, the average stay on remand for capital offenders was at 11.8 months and 3 months for those accused of non-capital offences as compared FY 2007/08 where capital and petty offenders would stay on remand for an average of 30.3 months and 5 months respectively.

As a result of the improved performance in disposal of cases, case backlog reduced by 21.7%. Additionally, it was reported that there was a 56% increase in access to legal aid.[227] As part of its efforts to improve service delivery in conflict affected and hard to reach areas, the JLOS, was in the process of constructing offices for DPP, courts, and district police stations in the districts of Kayunga, Lamwo, Insigiro, Kanungu and Bundibugyo.[228]

222 Article 8 of the Protocol to the African Charter on Human and People's rights on the rights of Women in Africa.
223 As above (n158) Article 21
224 http://justicecentres.go.ug/press-release/access-justice-should-be-reality-all-uganda accessed on 18th December 2012
225 JLOS Annual Performance Report 2011/12 on Making reforms count 20.
226 As above
227 As above
228 As above

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- **Justice for Children Programme and Special sessions for Children in conflict with the law**

Though justice for Children includes Juvenile Justice which deals with children in conflict with the law; also includes children who are witnesses to crimes, or who are victims. It also covers those children who have contact with the law because they are in custody hearings.[229] A Special Sessions Program under Justice for Children Project was implemented with support from UNICEF. The Special sessions were undertaken as a practical response to the need to reduce the backlog of cases related to children in the Acholi Sub-region and to showcase child friendly procedures under the Justice for Children Programme.

''Child friendly processes are just parts of the court process, we should look at it as a potential healing process. We have to pay attention to the children not just at trail, but at the moment the children come into contact with the law and after. We need to heal children not just consider our duty done'.[230]. Under the Program 134 cases out of the 250 were concluded, which translates into 53%.[231] Some children appreciated the child friendly procedures and gave the following testimonies.[232]

I *was given a good welcome, also juice and biscuits were provided for me since I was hungry. I was made to feel at home.* (A 13 year old girl, victim of defilement). *I feel prepared for the court after I was counselled by a fit person and I wanted to receive such kind of counselling because when I was taken in the behind room I was free and I was not fearing whatever question forwarded to me.* (A six year old female victim of defilement).

- **Magistrate Grade 1 to handle Child related cases**

There was noticeable improvement in the handling of family and child protection cases since Grade 1 Magistrates were granted jurisdiction over children's cases. With the amendment of the Magistrates Court Act, Chief Magistrates and Grade 1 Magistrates were granted power to handle cases of defilement which was initially restricted to the family and childrens court. This was expected to reduce case backlog.

- **Amendment of the Police Form 3**

In 2012, Government amended Police Form 3 (PF3) allow a wider category of health workers to fill it in when examining a victim of sexual violence and used in courts of law as proof of medical evidence. Previously the PF3 could only be filled by doctors and police surgeons. This was a challenge as some health centres did not have doctors nor did all police stations have police surgeons. With the amendment, nurses/midwives and clinical officers will be allowed to fill in the PF3.

- **Establishment of a SGBV Unit**

The UPF established the Sexual and Gender Based Violence Unit under the Criminal Intelligence and Investigations Department to expeditiously handle cases related to SGBV and combating violence against women and children.

- **Enactment of laws to enable women access justice**

The UHRC noted that Government enacted a number of gender-sensitive laws including; the Domestic Violence Act (2010) which criminalises violence in a domestic setting, the Prohibition of Female Genital Mutilation Act (2010), the Prohibition and Prevention of Trafficking in Persons Act (2009) and the International Criminal Court Act (2010) which among others criminalises sexual exploitation of women during conflict and post-conflict situations.

229 http://www.pfi.org/cjr/addedArticles/juvenile-justice-and-street-children.-theresa-kilbane-2011-.-social-norms-and-protection-for-children-from-violence-child-protection-programme-division-unicef-new-york accesed on 27th February 2013
230 Statement made by Justice Byabakama Mugenyi ,
231 JLOS Annual Performance Report 2011/2012 on Making reforms count 41
232 JLOS Justice for Children Special Session's Report 10 and 11

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- **Gender issues addressed in the JLOS SIP 111**

Gender was addressed as a crosscutting issue in the JLOS Sector Investment Plan (SIP III) which responsive to gender issues than the SIP II. A Participatory Gender Audit of JLOS was done in 2011 which identified gender-related challenges faced by Sector and informed development of the SIP III.

- **Ratification of the CRPD**

Uganda ratified the CRPD in September 2008 thus, assuming obligations to implement the rights therein. The Convention provides for access to justice for PWDs.

- **Rolling out of regulations to operationalise the Refugees Act**

The Government rolled out Regulations to operationalise the Refugees Act 2006.[233] Previously, matters concerning refugees were being handled under outdated laws like the Control of Aliens and Refugees Act (1964) which was inconsistent with the UN 1951 Convention Relating to the Status of Refugees and to the OAU 1969 Convention Governing Specific Aspects of Refugee Problems in Africa. The new Regulations provide for judicial review for asylum seekers whose applications for refugee status have been denied. Such asylum seekers can now apply for judicial review of an administrative decision taken against them. In other words, there is now a possibility of appealing to courts of law and having unfavourable decisions reversed.

Establishment and operationalisation of the Refugees Appeals Board

Government established and operationalised the Refugees Appeals Board as stipulated under the Refugee Act 2006.[234] The Appeals Board receives and hears appeals by refugees over the decisions of the Eligibility Committee on questions of law and procedure. (The Eligibility Committee considers and deals with applications for refugee status). According to the Act, the Appeals Board is required to expeditiously hear and determine any appeal referred to it and make a decision within sixteen (16) days from the date of receipt of the appeal.[235] By the end of 2012, the Appeals Board had handled approximately 16 cases.[236]

- **Inclusion Refugee law into the Police training curriculum**

Government included the Refugee Law into the National police training curriculum to enable the law enforcement police officers to implement the law providing adequate protection of refugees. Training in refugee law at the National Police Training School in Kabalye Masindi was conducted in conjunction with the Refugee Law Project of the School of Law, Makerere University.

7.2.2 Challenges in the realisation of the right of access justice for the vulnerable persons

UHRC noted that there were some challenges faced by vulnerable persons in accessing justice. The challenges are discussed below according to the different categories of vulnerable persons.

I. Children in conflict with the law

The use of deprivation of liberty of children should only be as a measure of last resort and it should be for the shortest period of time.[237] Children in conflict with the law face a number of challenges in the pre, during and post trial periods. These challenges include the following:

233 The regulations were rolled out in 2010
234 Section 16 of the Refugees Act 2006.
235 As above, Section 17(3)
236 Interview with a Protection Officer in the Department of Refugees under Office of the Prime Minister
237 Children Act Cap 59 Section 94(4)

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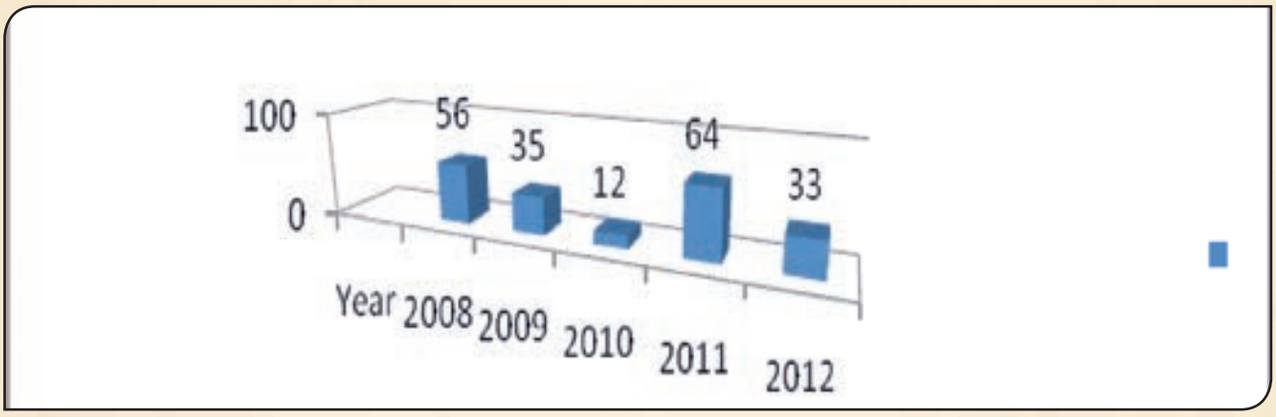
(a) Detention of juveniles with adults

UHRC observed that some children in conflict with the law were being detained with adults. This is contrary to the Children's Act which requires that a child offender who is kept in lawful custody or detention be kept separately from adults. [238] The Children's Act, extends special protection to girls, who while in detention, must be under the care of a female officer. The Children's Act, Prison Act and the 1995 Constitution also prohibit the remand of a child in an adult prison.

However the UHRC noted that some police stations did not have cells for children, consequently, child offenders were detained in the same cells with adults. In some cases, children in conflict with the law were presumed to be adults by police who have limited capacity to prove the age of a child. At times rudimentary methods were used such as the counting of teeth to determine the child's age. The end result was that more often than not, a child offender ended up in cells with adults.

Though the UHRC had noted that the number of children incarcerated with adults had reduced from 64 in 2011 to 33 in 2012 in the detention facilities inspected, this practice should be eliminated as it is contrary to the law.[239] Furthermore, as indicated in Chapter two, incarcerating children with adult offender makes them more vulnerable as it exposes them to violence, abuse and mistreatment.

Figure 7.1: Number of Children found incarcerated with adults from 2008 to 2012



Source: UHRC

(b) Minimal implementation of diversion children from the formal justice system

The UHRC noted that the good practice of diversion of children from the formal justice system was minimally implemented. There were some cases of children subjected to the formal justice system and being incarcerated over minor offences. The practice of diversion for children in conflict with the law is inline with with the thinking behind the Children's Act. The Children's Act provides that children in conflict with the law, whose offences are petty, should wherever possible be dealt with and assisted in their communities by Local Council Courts that exist at village, parish and sub-county level, rather than being taken to the Family and Children Court.

In spite of the above, children continued to be tried in the formal courts and given custodial sentences. For instance, at Naguru Remand Home, there were 46 children held for committing simple theft and yet they could have been diverted.[240]

Focus is still on establishing remand homes instead of diversion of children out of the criminal justice system. Government has so far established five new remand homes in, Gulu, Fort-Portal, Naguru, Mbale and a National

238 As above, Section 90
239 As above Section 91 (6)
240 JLOs Justice for Children Program National level Monthly report 1st to 30 November 2012 5.

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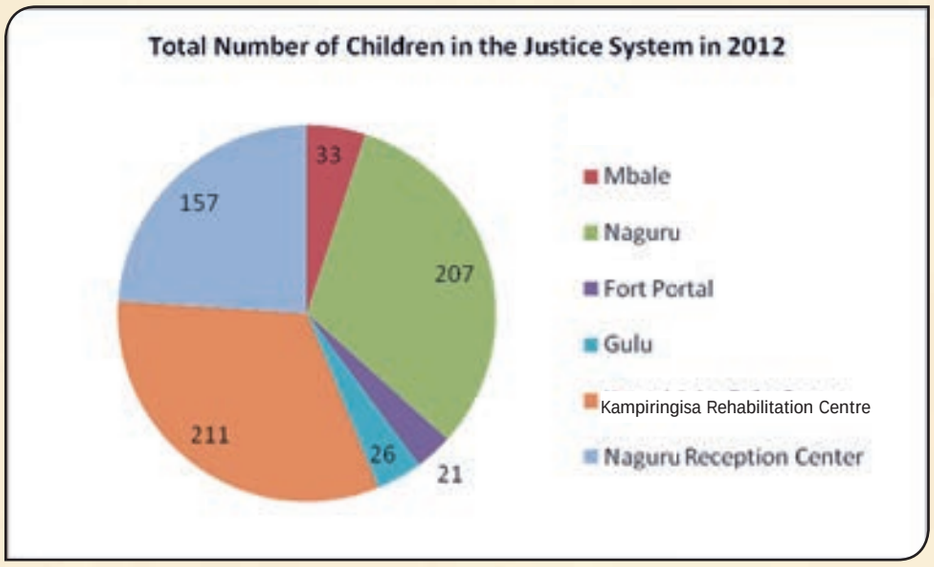
Rehabilitation Centre in Kampiringisa for the detention and rehabilitation of child offenders in line with provisions of the Children's Act[241]. The UHRC noted with concern that by the end of 2012 there were 790 children detained there. Table 10.1 below shows a breakdown of the number of children detained in each remand home.

Table 7.1: Number of Children detained in remand homes as at December 2012

Remand home	Total Number of Children	Boys	Girls	Capacity of the Facility
Mbale	33	32	1	40
Naguru	207	188	19	50
Fort Portal	21	21	0	45
Gulu	26	26	0	45
Kampiringisa Reh. Centre	346	Not Provided	Not Provided	250
Naguru Reception Centre	157	Not Provided	Not Provided	30
Total	**790**			

Source: Ministry of Gender, Labour and Social Development

Figure 7.2 Categories of children that were present in the justice system by the end of 2012



Source: Ministry of Gender Labour and Social Development

(c) Lack of adequate skills to handle children matters

UHRC noted that there was inadequate skills and knowledge to handle children by the law enforcement agencies and persons that deal with children in conflict with the law. Many of these persons had a limited appreciation of the law governing matters involving children in conflict with the law. This encompassed not only police but included and probation and social welfare officers. For example the police must appreciate the importance of corroborative evidence especially in defilement cases to avoid suspected offenders being released due to lack of evidence.

(d) Inadequate budgetary support to children's issues

Remand homes and police faced a challenge of inadequate budgetary allocations to enable them adequately handle matters concerning children in conflict with the law. This affected the administration of justice.

241 This total Includes 211 juveniles and 135 street children. See Mr. Kabogooza and Ms Grace Katusime, Presentation by Ministry of *Ministry of Gender Labour and Social Development at the UHRC Consultative Meeting on 7th -11th January 2013 at Speke Resort Munyonyo*

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As a result, children in most cases were not produced in courts of law because of lack of transport. According to Ministry of Gender Labour and Social Development each remand home is allocated UG.X 15,000,000 per quarter,[242] which is very inadequate to enable the remand homes effectively protect the rights of the children in the homes. Furthermore, maintaining the children in homes becomes difficult since they have various needs like food, medical care, clothing, and beddings.

(e) Inadequate probation services/poor facilitation

Probation services were thin on the ground and poorly facilitated, and were not able to access remote areas due to inadequate means of transport. This hindered probation officers from effective carrying out their functions of following up children's cases including tracing and resettling discharged children within their families. Furthermore, Probation services provided by Ministry of Gender Labour and Social Development (MoGLSD) are generally delinked from the JLOS and not readily available/accessible to Children. As a result most children who come into contact with the formal system are not followed up during trials and after the outcome of the trial. For example, victims of defilement are often exposed to discrimination and stigma when they return back in their communities, yet it is the role of the probation officers to follow them up and support them effectively.

(f) Inadequate child- friendly procedures

The Children's Act does not provide for child-friendly procedures and processes in courts higher than the Family and Children's Court. This has led to children being subjected to the procedures and processes of ordinary courts, thus compromising the outcome of their cases. Child friendly procedures include judges putting on informal attire; use of child-friendly language; allowing close relative to come to the chambers; and hearing of the case in chambers, among others.[243]

II. The plight of street children

The UHRC noted that out of 790 children in the formal juvenile justice system 135 had been rounded up by Kampala Capital City Authority (KCCA) from the street of Kampala and taken to Kampirigisa Rehabilitation Centre. UHRC noted with concern that the process of withdrawing these children from the streets was not appropriate. The manner in which the children were rounded up was wanting; and they were not consulted; yet children have a right to participate in issues affecting their lives.

In addition, the children were taken to Kampirigisa Children Rehabilitation Centre yet they were not necessarily in conflict with the law and neither was the centre appropriately facilitated to handle street children; it was not originally designed for street children but for children in conflict with the law. The centre lacked sufficient beddings and clothing for the children. The UHRC notes that resettling and rehabilitating street children without addressing the factors that send children to the streets is an unsustainable solution in the long run. There is an urgent need to address the causes and not just the symptoms. The factors that push and pull children on the streets must be addressed.

III. Victims of Sexual and Gender Based Violence (SGBV)

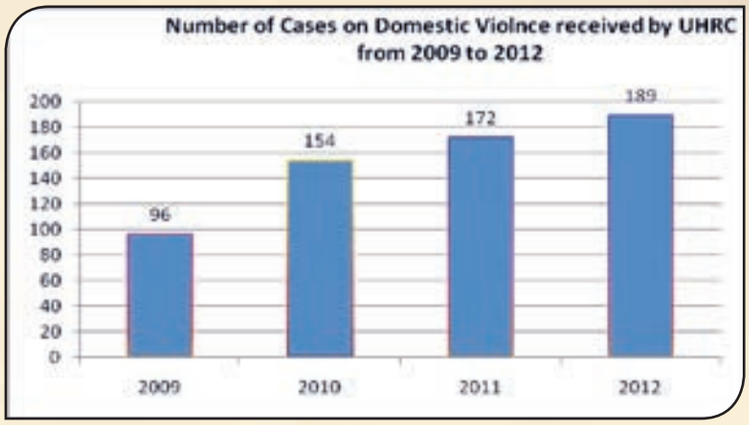
The CEDAW calls on States parties through legislative and other measures to act to protect women against violence of any kind, in the family, at the work place, and in any other area of social life.[244] The CEDAW Committee noted of the wide range of causes and manifestations of SGBV including cultural, traditional and economic pressures, which lead to such harmful practices as female genital mutilation. Justice is the foundation of gender equality and women's empowerment.[245] Mr. Ban Ki-moon, the UN Secretary General

242 Presentation made by Assistant Commissioner Children Affairs Mr. Kaboggoza Ssembyata on 'Status of Remand Homes', at the 15th Annual Report Consultative meeting from 7th to 10th January 2013 at Speke Resort Munyonyo
243 The Special Sessions were carried out with support from UNICEF.
244 As above (n16) Articles 2, 5, 11, 12 and 16
245 http://www.unwomen.org/news-events/in-focus/strengthening-womens-access-to-justice/ accessed on 19th December 2012

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The Figure above indicates that out of 520 cases of rape investigated by Police only 261 (50%) were taken to court. The UHRC has over the years received complaints that are related to SGBV though they do not fall within its jurisdiction. Complaints regarding defilement, rape and domestic violence have been lodged; however complainants were advised and referred to institutions better placed to handle them appropriately in order to avoid duplicity of roles. These institutions included the Police, Justice Centres, Local Council Courts, FIDA and Family/ Clan leaders to mention but a few. Figure 10.4 below summarises the domestic violence cases the UHRC has received and referred to other agencies.

Figure 7.4: Summary of cases on domestic violence referred by UHRC since 2009



Source: UHRC

The UHRC also noted that some of the complaints referred, were not adequately handled. This could be attributed to the challenges faced by some of the referral institutions in implementation of their mandate. For instance, the UPF had challenges of inadequate funding and there were few women police officers to handle SGBV cases. The Child and Family Protection Unit of UPF had about 400 officers instead of the desired 2600 officers, with specialised training on GBV and child protection. In addition, the police was also faced with the challenge of victim cooperation as some of them were unwilling to testify for one reason or another.

(c) Lack of a Witness Protection Law

The protection of witnesses in cases of SGBV/GBV also remained a challenge in the justice system. This was attributed to the lack of a law on witness protection, which exposes witnesses and victims of SGBV to the risk of being hurt by the offenders. This could, to some extent be responsible for their unwillingness to testify in the formal justice system.

(d) Absence of a national legal aid policy

The absence of a legal aid policy has hindered any possible government fiscal and structural commitment to legal aid service provision; most of the legal aid service provision was provided by Civil Society Organisations. Legal aid by the State was limited to capital offences and did not address needs of and access by women and other vulnerable persons. The development of a policy on legal aid will enable the disadvantaged people access legal assistance and aid.

IV. Persons with Disabilities

The Persons with Disability Act prohibits public institutions from excluding PWDs from accessing their services.[250] Section 26 of the said Act further provides positive duties for all service providers in private and public sectors not only in terms of ensuring physical accessibility of the service but also providing supplementary aid or services to enable PWDs use the service.

250 Section 25 of the Persons with Disability Act

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However, in practice this was not a reality as most public offices like courts of law, police stations and posts were not physically accessible which is a crucial element in accessing justice.

According to the 2012 JLOS Baseline Survey Report on selected JLOS institutions, only 27% of the PWDs always contacted police in case of a problem.[251] This could be explained by the fact that PWDs, particularly women, have been more vulnerable because of the double burden imposed by gender disparities on top of the disability-related discrimination.[252] Furthermore, the process of seeking justice was taxing as it was associated with other social, cultural and economic challenges that impeded women with disabilities from seeking and accessing justice.[253] Consequently, some women with disabilities would opt not to report any matter affecting them.

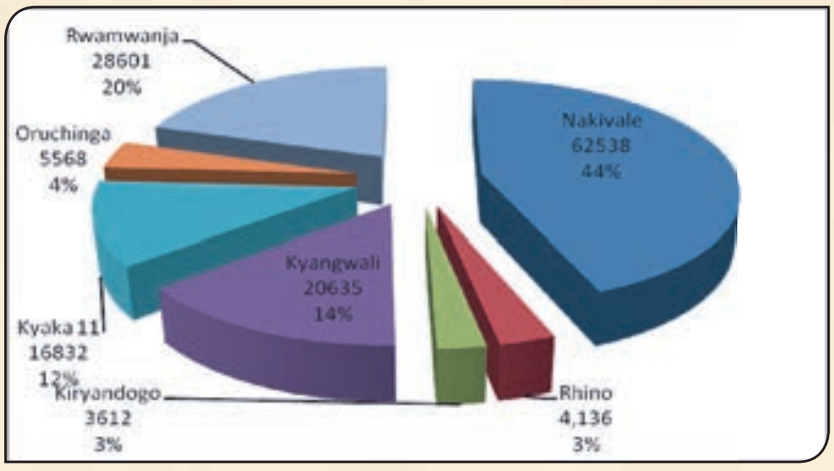
The Evidence Act Cap 6 section 118 provides for people with hearing and speech impairments to provide evidence in court, by writing and making signs done in open in court. However many people with hearing and speech impairments are denied justice due to communication barriers. In addition, the law does not provide for people with visual impairment giving evidence in court.

V. Refugees

Uganda hosts refugees from the DR Congo, Somalia, Kenya, Burundi, Rwanda, Eritrea, Iran, South Sudan, Chad, Ethiopia, Comoros, Pakistan, Bangladesh, Tanzania, Sierra Leone, Ivory Coast and Central African Republic to mention a few.[254] At the time of writing this Report, there was an influx of 36,000 refugees from the DRC,[255] majority of whom were settled in Rwamwanja in Kamwenge District. It was estimated that the highest population of refugees were from Congo (approximately 65%).[256]

In Kampala District alone, it was estimated that there were 30,568 refugees and 20,078 asylum seeekers as at 31st December 2012. These were mainly from Somalia, Congo, Eritrea, Rwanda, Ethopia and South Sudan. Approximately 8,709 refugees and 1 asylum seeker from South Sudan were in Adjumani District.[257] It should be noted that when refugees get in conflict with the law they suffer a great deal as illustrated below.

Figure 7.5: Number of Refugees in Refugee Settlements in Uganda as at 31 December 2012



Source: Department of Refugees Office of the Prime Minister (OPM)

251 See JLOS Baseline survey report on selected JLOS indicators by REEV Consult International . 27.
252 As above
253 As above
254 http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/RLP-RefugeeLawProject-eng.pdf accessed on 18th December 2012 at 10:00am
255 Interview with a Protection Officer in the Department of Refugees under Office of the Prime Minister
256 Records from the Department of Refugees under Office of the Prime Minister
257 As above

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Refugees have a right to access justice in Uganda, irrespective of their colour, age, race, religion sex, and status. In 2012, it was reported that only 565 refugees of whom 220 were female and 345 male were able to access justice in the formal justice system.[258] The UHRC noted that though the Government made steps to improve access to justice for refugees in 2012, they still faced challenges in accessing justice including:

(a) Long periods of pre-trial detention

UHRC established that suspects were detained for a week or more before being brought to court, contrary to the 48- hour rule as prescribed by the Constitution of Uganda. In other instances, refugees and immigrants that were remanded to prison stayed on remand for long periods. The delays in the production and trial of refugees and immigrants in court were mainly attributed to structural challenges; In Kyegegwa District, for instance, the Resident State Attorney (RSA) overseeing Kyegegwa District was stretched as the office also handles matters in Fort Portal. Furthermore, there were no court structures in the refugee settlements. At Nakivale in South West Uganda and Oruchinga Refugee settlement in Southern Uganda, the nearest court was about 18-20 Km, while in Kyaka II settlement it was about 44km away.

(b) Inadequate legal aid services

There was inadequate legal aid services availed to refugees in matters like refugee status determination or providing legal advice to asylum seekers. Some of the refugees had no option but to rely on civil society organisations like the Refugee Law Project of the School of Law and Makerere University for legal assistance.

(c) Language barrier and poor interpretation services

The official language used in courts in Uganda is English, which some of the refugees do not speak. This caused unduly long periods of remand and hindered administration of justice for the refugees as the Courts had to find an interpreter.

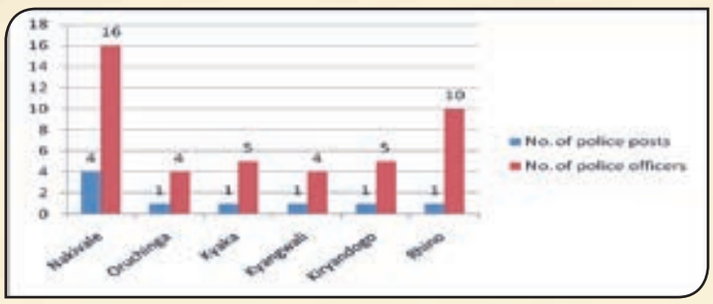
(d) Denial of bail

The courts were reported to deny refugees bail for lack of substantial sureties and a fixed place of abode within the area of the court's jurisdiction. It ought to be noted though that much as bail is a constitutional right, courts have discretion on whether to grant it or not. The UHRC would like to state that the right to bail should apply to all irrespective of one's nationality.

(e) Inadequate Police presence

The Police posts serving the in the refugee settlements are very few and under- staffed. Figure 10.6 below reflects the number of police posts in the 6 refugee settlements

Figure 7.6: Number of Police Posts and Police Officers in 6 Refugee Settlements



Source: Refugee Law Project

258 Paper presented by Ms. Charity Ahumuza Legal Officer Refugee Law Project at the 15th Annual Report Consultative Meeting from 7th January to 10th January 2013 at Speke Resort Munyonyo

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It can be noted that Nakivaale Settlement which had 62,538 refugees in 2012 had only 4 police posts and 16 staff to ensure law and order. In Rhino there were 4,136 refugees and yet the settlement had 1 police post and 10 police officers.

(f) Immigrants in detention

The protection and promotion of rights of immigrants in detention facilities is the mandate of the National Citizenship and Immigration Board.[259] However, there were immigrants detained beyond the 48 hour rule provided under the Constitution. In 2012, there was an illegal immigrant of Nigerian origin who had been over detained at Jinja Road Police Station over suspicion of possessing a fake travel ticket.[260] Furthermore, the UHRC was concerned that Government had not yet established custody centres for illegal immigrants yet the regulations had been developed.[261]

7.3. RECOMMENDATIONS

1. Government should finalise the process of developing a legal Aid Policy to enable vulnerable person's for example refugees, women, PWDs and Immigrants access legal aid.
2. Uganda Law Reform Commission should expeditiously amend the Children's Act Cap 59. An amendment to the Act should provide for, among other things, the diversion of children from the formal justice system as well as the handling of children at risk, including drug abusers and street children;
3. Parliament should expeditiously enact the Witness Protection Bill, to among others regulate conditions and procedures for providing out-of-court protection and assistance to a witness; especially for children and victims of SGBV.
4. Government should make all courts physically accessible to PWDs or relocate sessions to areas within the court structure that can be accessed by the PWDs;
5. The Ministry of Internal Affairs should establish custody centres for illegal immigrants and provide adequate funding for their timely deportation whenever necessary;

7.4. CONCLUSION

UHRC acknowledges that Government has made efforts to ensure that the vulnerable persons access justice, although they still face challenges. The UHRC expects that the adoption of the proposed recommendations would enhance the ability of the vulnerable persons specified above to access justice in Uganda.

259 Article 16 of the 1995 Constitution.
260 The suspect was supposed to be deported put was in possession of a fake travel document.
261 The Uganda Citizenship and Immigration Control (Establishment of Immigration Custody Centres) Regulations No.33 of 2012.

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CHAPTER 8

TRANSITIONAL JUSTICE: RIGHT TO REMEDY AND REPARATION IN NORTHERN UGANDA

8.0. INTRODUCTION

The insurgency in Northern Uganda from 1986 to 2006 was the most prolonged war ever witnessed in the country's history. It had devastating effects in the entire region with large numbers of civilians suffering various serious violations. The violations included torture, murder, rape, acts of inhuman cruelty, abductions, disappearances, and numerous forms of sexual and gender based violence. Even after the war had ended, victims continued to live with the aftermath of the violence, affecting their physical, emotional and psychological health. All this necessitated the application of transitional justice.

Transitional justice comprises a range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses. The process is among others intended to ensure accountability, serve justice and achieve reconciliation. The transitional justice measures which many be adopted include both judicial and non-judicial mechanisms, with differing levels of international involvement. Examples of measures include: individual prosecutions, reparations, truth-seeking, institutional reform, vetting, or a combination thereof.[262] It has been suggested that transitional justice also has the potential to expand its scope in order to address the root causes of conflicts and the related violations of all rights, including economic, social, and cultural rights.[263]

There are two basic approaches to transitional justice. The first one involves restorative justice, which deals with the socio-economic recovery of victims of mass human rights violations and the rehabilitation of perpetrators. Under this approach are mechanisms such as acknowledgement and truth telling, reparations, institutional reform, memory, forgiveness and amnesty. The second approach involves retributive justice which concerns itself with bringing to book the perpetrators of gross human rights violations, thus focusing on prosecutions. Transitional justice mechanisms include but are not limited to: prosecutions, truth seeking and truth telling, reparations, restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition and institutional reform, amnesty and traditional justice.

Uganda has been involved in various transitional justice processes such as truth seeking,[264] peace through amnesty and the Juba peace negotiations as well as criminal prosecutions. The JLOS established a Transitional Justice Working Group in 2008, which deliberates on issues of transitional justice and makes recommendations for implementation. The UHRC is a member of the Working Group which has already conducted comparative studies on transitional Justice and made an input on the International Criminal Court Act.

A JLOS study was conducted in 2011 on the *Use of Traditional Justice and Truth Telling Mechanisms in the Promotion of Accountability, Peace and Reconciliation* spearheaded by the Uganda Law Reform Commission. The study is meant to inform the national policy on transitional justice. The sector also concluded two assessments on witness protection and witness psychosocial vulnerability in formal criminal processes as well as general transitional justice processes. The Report of the Study is expected to inform legislation and/or guidelines on witness protection. Furthermore, the Sector developed an Outreach Strategy for transitional justice and the North and West Nile have been covered.

262 UN Secretary General "The rule of law and transitional in conflict and post-conflict societies" UNSC 2004:4.
263 See Christine Chinkin "The protection of economic, social and cultural rights post conflict" 2007.
264 For example, The Commission of inquiry into the disappearances of persons in Uganda 1971-1974 and the Commission of inquiry into violation of Human Rights (Oder Commission), 1986-1994.

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The process was underway to formulate the National Policy on Transitional Justice with proposals for inclusion of provision in the Policy on reparations, truth telling, traditional justice and formal justice.

The UHRC was involved in a number of activities aimed at ensuring that human rights are protected; accountability and combating impunity. Specifically, the UHRC undertook monitoring and reporting on the situation in Northern Uganda;[265] investigated allegations of human rights violations; cooperated with national and international mechanisms; and did advocacy for assistance for victims. The UHRC facilitated consultations of institutional actors, civil society and other stakeholders in transitional justice, advocacy for institutional reform and capacity building; promoted respect for international standards and advised on legislative reform. Some activities were done in partnership with the UN, JLOS and CSOs, among others.

From 2008 to 2011, the UHRC in collaboration with the UN Human Rights Office (UN Human Rights) in Uganda carried out a joint Research Project to consult victims of serious violations on their experiences during the conflict and provide recommendations on the principles and modalities that should guide the delivery of meaningful victim-centred reparations for the harm suffered. A joint thematic report on reparation entitled: The Dust Has Not Yet Settled: Victims' Views on their Right to Remedy and Reparation: A Report from the Great North of Uganda was compiled and published in 2012.[266]

This Chapter highlights the findings and key challenges facing the transitional justice process and makes appropriate recommendations.

8.1. INTERNATIONAL, REGIONAL AND NATIONAL LEGAL FRAMEWORK

The law applicable in the area of transitional justice and in particular the right to remedy and reparations includes the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law which lays out international law regarding the right to remedy and reparation. The Guidelines do not create new legal obligations but draw on the existing ones under international human rights law and international humanitarian law.

The international instruments drawn on include the Universal Declaration of Human Rights,[267] International Covenant on Civil and Political Rights,[268] International Convention on the Elimination of All Forms of Racial Discrimination,[269] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[270] International Convention for the Protection of All Persons from Enforced Disappearance,[271] Convention on the Rights of the Child,[272] Hague Convention Respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV),[273] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977,[274] and the Rome Statute of the International Criminal Court, among others.[275] These provide for victims right to remedy and reparation for victims of human rights violations. At the regional level the provisions are in the African Charter on Human and Peoples' Rights,[276] the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

265 See UHRC Annual Reports on the Situation of Human Rights in the Country. Also see UHRC, Picking up the pieces in Acholi Sub-region: A special Report on the peace, justice and human rights situation 2012.
266 See UHRC and UNHR, 'The dust has not yet settled' Victims Views on the Right to Remedy and Reparation, A Report from the Greater North of Uganda 2011.
267 As above (n219) Article 8
268 As above Article 2
269 As above Article 6
270 As above Article 14
271 As above Article 24
272 As above Article 39
273 As above Article 3
274 As above Article 91
275 As above Articles 68 and 75
276 As above Article 7

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At the national level the provisions are found in the Constitution,[277] International Criminal Court Act,[278] Children's Act,[279] Trial on Indictments Act[280] and Penal Code Act among others.

8.2. FINDINGS OF THE RESEARCH ON THE VICTIMS RIGHT TO REMEDY AND REPARATION

Below are some of the findings of the UHRC-UN Human Rights Report, *The Dust Has Not Yet Settled: Victims' Views on their Right to Remedy and Reparation: A Report from the Great North of Uganda.* The findings were related to victims' experiences of serious violations and the key forms of remedy and reparation they needed for the serious violations they suffered. The Study was based on victims' accounts of the various categories of harm they suffered during the conflict. Investigation of specific cases is beyond the scope of the report and will necessitate a specific, thorough inquiry and truth telling process mandated to investigate into such cases. Nonetheless, some of the violations indicated in the Report are described below.

8. 2.1. Abuses and violations of human rights

During the Study, civilian populations reported serious abuses and violations at the hands of both the LRA and the Uganda People's Defence Force (UPDF). The victims and victim-focused CSOs identified 11 categories of serious violations that they believed should trigger the right to both remedy and reparation. These include: killing, torture or cruel, inhuman or degrading treatment, abduction, forced recruitment, slavery, forced marriage, mutilation, sexual violence, psychological harm, forced displacement, and pillaging, looting and destruction of property. Attacks that resulted in these violations were indiscriminate, showing no respect for traditional or international legal norms that protect certain groups not directly involved in the fighting (i.e., non-belligerents), such as the elderly, women and children during armed conflict.

(a) Systemic and widespread massacres

According to victim and witness accounts and other published studies, the LRA carried out massacres in a systematic and widespread manner. In addition to killing civilians during attacks, the LRA also brutally killed civilians they had taken into captivity.[281] LRA torture or cruel, inhuman or degrading treatment included the raping of women and girls, the cutting and burning of women and girls' genitals and breasts, castration of males, dismemberment, cutting body parts, and severe beatings, among other crimes. The LRA also forced people, in particular children, to harm and kill loved ones, family members, friends, and other community members or captives.



LRA child soldiers.
Source: New Vision

277 As above (158) Articles 50 and 53 (2)
278 S.64 of the International Criminal Court
279 As above S.5
280 S.126 of the Trial on Indictments Acts
281 Through beating, hacking, pounding or crushing them to death, dismembering them, cooking or burning them alive, or breaking their limbs and putting them in pits that they could not crawl out from.

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(b) Abduction and forced recruitment

The scale of abduction was enormous. In Acholi land alone, studies estimate at least 66,000 cases, with more than a third of male youth and a fifth of female youth reporting abduction by the LRA. About 20% of male abductees and 5% of female abductees are believed to have been killed in captivity as a consequence of combat, violence and deprivation. The crime of abduction was often followed by forced recruitment into the LRA with the primary targets being boys and girls between 10-18 years.

(c) Various Forms of slavery

The LRA reportedly forced abducted civilians into various forms of slavery including forced labour, sexual slavery, forced marriage, forced pregnancy and child bearing. Consequently, thousands of children were reportedly born as a result of "forced marriage." Some of them still faced challenges integrating into their mothers' families and communities.

(d) Mutilation of civilian victims

The LRA were notorious for mutilating civilians, especially females. Mutilation was used as a form of punishment to both communities and individuals and people's ears, lips, nose, fingers or limbs, cutting of females' breasts and genitals were cut off. Females were raped with machetes and males were castrated.



LRA Victim - Mutilated lips, Morris Ojok (a) 09.10.04. Source: New Vision

(e) Psychological harm and other permanent physical deformities

A number of victims interviewed reported that experiencing and witnessing the serious violations caused them, their families and communities psychological harm. At a minimum, thousands of adults and children were living with permanent physical deformities as a result of serious injuries caused by bullets, shrapnels, and machetes from the LRA attacks, as well as bomb during UPDF aerial bombardments, or being caught in the crossfire.

(f) Torture and Cruel treatment

Some interviewees alleged that the UPDF engaged in illegal killings, including executions, as well as raping and then stabbing or shooting to death captured LRA fighters. They reported that the UPDF tortured people and used undue force that resulted in death, primarily of persons captured during battles with the LRA or suspected to be rebel collaborators.

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(g) Crimes of sexual violence

The UPDF also reportedly, raped both males and females, at times publicly, in order to punish and intimidate populations resisting their orders. The UPDF was also accused by interviewees of forced recruitment of minors. The UPDF, in particular the force's Mobile Units, were accused of raping females within IDP camps and females captured in combat with the LRA or known to have returned from the LRA.

(h) Forced Displacement

At the height of displacement in 2005, roughly two million people, constituting 90% - 95% of the population of Acholi land, and 33% of the population of Lango Sub-Region had internally been displaced due to the conflict. People spoke of being told by the UPDF that they had a few days or, in some cases, only 24 hours to make necessary preparations to leave their homes. They said that on return, shortly after displacement to try and collect their belongings they found all their assets looted. Most blamed the UPDF for looting or allowing the looting, either deliberately or by omission. Some interviewees reported that the UPDF used violence – including rape, force and threats –to compel people to leave home and move into camps.



LRA Victims - IDP, Kalongo camp in Pader district. Source: New Vision

(i) Violence, impoverishment and humiliation

Majority of interviewees spoke of the violence, impoverishment and humiliation that occurred as a result of the forced displacement. They reported that IDP camps, over 240 in number at the height of the conflict, were poorly protected and inadequately facilitated. The LRA carried out some of its largest massacres in and around camps. At a minimum, tens of thousands of people died in the camps due to diseases and violence.[282] Traditional kin-based systems of support were weakened as clan members in camps became destitute and could no longer support vulnerable relatives. Respect for elders waned and children missed schooling.

(j) Pillaging, looting and destruction of property

The majority of interviewees spoke of having property, personal effects and key assets looted, pillaged, and destroyed by the LRA and UPDF. People reported that their land was seized for military facilities and IDP camps, for which they had not been compensated. Though not necessarily party to the conflict, armed raiding

282 For the seven month period of the study, researchers found a total excess mortality of 25,694 persons, of which 10,054 were children under 5. The study estimated that 3,971 people were violently killed during this same time period in Acholiland. See the Republic of Uganda Ministry of Health and the World Health Organisation, "Health and mortality survey among internally displaced persons in Gulu, Kitgum and Pader districts, northern Uganda," World Health Organization: Geneva (2005).

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parties from the Karamoja region benefited from the prevailing insecurity in the Greater North and used the situation to perpetrate other crimes, including cattle rustling. Many interviewees said the Government of Uganda failed to respond adequately to protect them from the raiders from Karamoja.

(k) Additional harms

In addition, the victims and victim-focused CSOs identified other categories of harm. Although the harm did not reach the threshold of serious violations, the victims nonetheless wanted it acknowledged and addressed. This was: land seizure, damage to their cultural and traditional heritage, as well as spiritual harm. They also spoke at length about how the conflict, and the Government and international community's response to it increased ethnic tensions in the region.

8.3. REMEDY: WHAT DO VICTIMS WANT?

Victims who suffered the aforementioned violations are entitled to access prompt and effective remedies and reparation in accordance with the treaty obligations and standards highlighted above. During the Study, victims and victim-focused CSOs expressed overwhelming desire for four key aspects of reparation: Truth-recovery, acknowledgement of harms, redress, and reparation as their top priorities for any future transitional justice mechanisms. Some of the conclusions and proposals resulting from the Study are indicated below:

I. The Government of Uganda, the LRA, the Government of Sudan, some members of the diaspora, and raiders from Karamoja were responsible for violations during the hostilities. All parties were responsible for the atrocities and therefore should be held accountable including criminally accountable, particularly their leaders.

II. Truth-recovery, acknowledgement of harms, redress and reparation were their top priorities for any future transitional justice initiatives.

III. The need to carry out fact-finding and inquiry regarding the facts and nature of the conflict between Government of Uganda and LRA as well as the serious crimes and violations committed by all parties. A long-term view of the conflict had to be taken in 1986 tracing its origins prior to the emergence of the LRA.

IV. The serious violations needed to be investigated, documented and addressed to establish the whole truth about the harms suffered, particularly the identity of perpetrators. The facts about violations of human rights and humanitarian law needed to be put on public record; the fate of the very large number of people who disappeared needed to be known; just as the dignity of the dead had to be preserved.

They want to be consulted in processes of the truth recovery and inquiry body they were proposing so as to determine the history of what happened. Violations against women and children had to be brought out, taken seriously and documented as part of the public national record.

Special provisions had to be instituted to ensure that survivors of sexual violence and serious mutilation as well as families of children born out of captivity able to present evidence in safety and, if they choose, without revealing their identities.

V. Victims and victim-focused CSOs interviewed for the studies stressed the need for the protection of witnesses. They strongly assert their right to be involved in the design of the mandate of any official body established to recover the truth and clarify historical events. They believe they can provide such an entity with indispensable assistance to reach out to marginalized, hard-to-reach communities and victims. Without them, they argue, such a body cannot be truly victim-oriented in its scope and operation.

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8. 4. REPARATIONS: WHAT DO VICTIMS WANT?

All victims of human rights violations have the right to effective remedy.[283] Throughout the research, victims and victim-focused CSOs consistently demonstrated a sophisticated and nuanced understanding of reparation. They wanted a more complex process that included a range of material and symbolic, individual and collective reparation. They wanted victims to have the ability to access numerous forms of reparation.

I. The categories of necessary forms of reparation that came up most consistently during the interviews and the data from the UHRC-UN Human Rights Study include: physical and mental health services, education, housing, land and inheritance, rebuilding livelihoods, empowering youth, public acknowledgement of harm and apologies, information on those who disappeared and proper treatment of the dead.

II. Both material and symbolic forms of reparation were considered essential. Material reparation could include medical, educational, and housing assistance, as well as compensation in terms of cash, vouchers, pensions, or other benefits of monetary value. The rebuilding of schools, health clinics, hospitals, roads and markets if explicitly done as a form of redress and reparation, could also be a form of material reparation.

III. Victims understood reparations as a process that required acknowledgement of State responsibility (by commission or omission) for rights violations. They thought that the process by which reparation would be promoted, and how victims would be treated was of paramount importance. Victims thought justice itself was an experience and a process and not simply an outcome and therefore it had to be a well received process for remedy and reparation that would be owned by the victims.

IV. Victims preferred that multiple local languages and low literacy rates be acknowledged. They proposed recruitment of gender-sensitive, female investigators to enable better access to information from female victims. It was necessary to acknowledge and make provisions for victims' difficult access to legal or medical documentation upon return from flight or IDP camps. A number of people interviewed suggested that the reparation processes had to women and girls to come forward when they were ready to share their experiences and not be barred by expiry of formal prescribed deadlines.

V. Overwhelmingly, victims and victim-focused CSOs said that the Government of Uganda should be responsible for awarding reparation. They stressed that the LRA also had to bear responsibility, but given that its leadership remained in rebellion any prospect of reparation from the LRA remained remote. They believed the international community needed to help ensure that victims received remedy and reparation in response to the immense and long-lasting harms they suffered, though it could not replace the Government in bearing ultimate responsibility.

VI. Victims and victim-focused CSOs envisaged reparation as a process enabling victims to speak out about harms and what happened to them. They wanted the parties responsible for the serious crimes and violations to admit wrongdoing and apologise. This they believed was essential to end the cycle of blame, harassment, intimidation and ridicule they now face. They wanted a reparation process to provide comfort for victims and help them move into new stages of their lives.

283 The Human Rights Committee's General Comment 31, paragraph 16, "requires that States Parties make reparation to individuals whose Covenant rights have been violated. Without reparation to individuals whose Covenant rights have been violated, the obligation to provide an effective remedy, which is central to the efficacy of Article 2, paragraph 3, is not discharged." The Committee notes that, where appropriate, reparation can involve restitution, rehabilitation and measures of satisfaction, such as public apologies, public memorials, guarantees of non-repetition and changes in relevant laws and practices, as well as bringing to justice the perpetrators of human rights violations.

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8.5. KEY CHALLENGES FACING THE TRANSITIONAL JUSTICE PROCESS

There are other challenges which need to be addressed and they include the following:

a) Lack of a Transitional Justice policy to direct programme implementation

There is no transitional justice policy to direct programme implementation. There is no adequate mechanism for reparations for victims of the conflict. The PRDP provides an opportunity but has not incorporated transitional justice mechanisms in its implementation. There are no structured interim measures to address reparation needs of victims who are in a deplorable state. Although some victims received cash payments from government they were distributed in an ad hoc manner.[284]

b) Limited resources for post conflict programmes

There are limited resources for post conflict programmes. However, these programmes have been marred by allegations of corruption.[285] Moreover, there have been challenges in coordination of programmes and projects by the government of Uganda and the development partners. Although there are several donor programmes there is no common agenda for transitional justice.[286]

c) Access to justice

Access to justice is a challenge because most JLOS institutions are not fully represented in post conflict Northern Uganda. This is the case for police, prisons, state attorneys and judicial officers.[287] Furthermore, there are challenges of victim participation and protection and the need to enhance the capacity of the JLOS agencies to deal with post-conflict justice. In addition, the Supreme Court is not fully constituted and this has affected proceedings in the Appeal of Thomas Kwoyelo case which is before the Supreme Court of Uganda. Kwoyelo, an ex LRA combatant was the first person to appear before the International Crimes Division (ICD) of the High Court of Uganda and was charged with crimes under the Geneva Conventions Act,[288] in particular, willful killing, taking hostages, and extensive destruction of property in the Amuru and Gulu in July 2011. Kwoyelo raised some preliminary objections to the trial in relation to the state's failure to allow him apply for amnesty like other LRA combatants who had been granted amnesty under the Amnesty Act, among other things.

The ICD then sought an interpretation of these issues by the Constitutional Court, which ruled on 22 September 2011 that Kwoyelo was entitled to amnesty under the law.[289] On 11 November 2011, the ICD stopped his trial but deferred his release to the Director Public Prosecutions and the Amnesty Commission. Kwoyelo remained in detention. The High Court, after an application by Kwoyelo's lawyers, gave an order of mandamus to the Chairman Amnesty Commission and the Directorate of Public Prosecutions for his immediate release on 25 January 2012. However, he remained in detention by the end of 2012. He petitioned the African Commission on Human and People's Rights on grounds that there is no indication of reasonable time within which he will be brought to trial since the Supreme Court has no quorum.[290]

284 See JRP-IJR Police Breif, 'Pay us So We Can Forget: Reparation for Victims and Affected Communities in Northern Uganda,' 2011 6 cited in Graham Carrington and Elena Naughton ICTJ Publication Undressed Legacy: Possible Policy Options and Approaches in Fulfilling Reparations in Uganda, December 2012.

285 See Alex Otto, Oroma Gladys, Cho Woo Willy Uganda: Concerns over North Uganda Development Plans accessed at http://allafrica.com/stories/201210090564.html?viewall=1 on 30 January 2013. Also see Joe Wacha The Familiar Faces of Corruption accessed at http://ugandaradionetwork.com/s/tag/prdp/ on 30 January 2013. Acholi Times Correspondence Acholi leaders irked by Embezzlement of PRDP funds for northern Uganda accessed at acholitimes.com/index.php/kwoyelo-trail/8-acholi-news/1004-acholi-leaders-irked-by-embezzlement-of-prdp-funds-for-northern-uganda

286 Margaret Ajok, JLOS Technical Advisor on Transitional Justice, 'An assessment on the situation of transitional justice mechanisms in addressing the past human rights violations. Achievements, challenges and Recommendations' presented at the UHRC Annual Report Consultative Meeting. Paper on file with the UHRC.

287 See UHRC, Picking up the pieces in Acholi Sub-region: A special Report on the peace, justice and human rights situation 2012.

288 Geneva Conventions Act 1964 CAP 363.

289 Thomas Kwoyelo alias Latoni V Uganda (Const. Pet. No. 036 Of 2011) [2011] UGCC 10.

290 The Observer Thursday, 18 October 2012. Also see Daily Monitor January 2 2013.

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d) Future of Amnesty in post conflict Uganda

Although the Amnesty Act was extended, there will be no more awards of certificates. The award of certificates shielded the awardees from prosecution. The Amnesty Commission will continue to work but only with regard to ensuring the reintegration of reporters.

This was done to avoid conflict of laws especially under the Rome Statute, Geneva Conventions and the International Crimes Act which require justice, accountability and no impunity for grave breaches and serious crimes. There is need to consider whether there is further need for amnesty since it has an impact on effective prosecution of perpetrators.

e) Land conflicts

The internal displacement had a devastating impact on access to land. The return of the IDPs to their homes was characterised by land conflicts because the boundaries have been blurred. The post-conflict era has been characterised by rampant land grabbing, boundary conflict and general land conflict in Northern Uganda specifically in the Acholi Sub Region.[291]

f) Post conflict gender based violence and stigma

Gender based violence is rampant among the post conflict communities.[292] Moreover, children who were born during the rebellion by abducted mothers are not accepted by the communities which stigmatise them.[293]

g) Inadequate documentation of the conflict

The documentation of the conflict is inadequate to inform Government programmes and initiatives. The documentation of abuses is the first step towards addressing impunity for these crimes and adopting institutional measures and reforms to prevent their reoccurrence. While a variety of NGOs have attempted to document the violence perpetrated during the 20-year long conflict, these studies have been conducted in an ad hoc and piecemeal manner. While they may constitute an important resource of information, they do not constitute an official account of the events that transpired.

8.6. RECOMMENDATIONS

Below are recommendations on the victim's right to remedy and reparation derived from the testimonies obtained during the research process and recommendations on the transitional justice process in general.

8.6.1. Key recommendations on the victim's right to remedy and reparation

1. The Justice Law and Order Sector (JLOS) should expedite the process of developing a transitional justice policy. The Policy should cover reparations, truth telling, traditional justice and formal justice, among other things.

2. Reparation should include assistance even financial, to help victims gain access to their homes and land and be provided with start-up capital for income generation and livelihoods support programmes.

3. Reparation should include access to education, legal and social services, public acknowledgement of harm and apologies, inquiries into the whereabouts and fate of the disappeared, and assistance with identification and burial of the dead. It should also include compensation to land owners who hosted Internally Displaced People's camps and military establishments.

291 As above (n287)
292 See FIDA-UGANDA, In the Multiple Systems of Justice in Uganda: Whither Justice for Women, 2011.
293 Also See Sima Atri and Salvator Cusimano, Perceptions of Children Involved in War and Transitional Justice in Northern Uganda, University of Toronto March 2012.

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4. In the interim, Government should incorporate transitional justice mechanisms in the implementation of the Peace, Recovery and Development Plan (PRDP) and other existing Government programmes. In relation to reparations, there is need to establish well structured interim measures to address reparation needs of victims who are in a deplorable state.

5. Government should prioritise and coordinate its post-conflict recovery programmes as well as those supported by development partners. This requires among others to effectively curb the corruption and diversion of resources for the implementation of post conflict programmes.

6. JLOS should put in place special measures to improve access to justice in the post conflict region and to promote alternative justice mechanisms to complement formal justice mechanisms. Furthermore, JLOS should ensure victim participation and protection and build the capacity of the Sector to deal with post conflict justice.

7. The President should appoint Supreme Court Judges in order to facilitate the disposal of pending Appeals including the case of Uganda vs. Kwoyello.

8. Parliament and the MoJCA should resolve the future of Amnesty in post conflict Uganda.

9. The government should establish an effective land adjudication system as a mechanism to deal with the problems of land grabbing and resolve all land conflicts which have resulted from the prolonged conflict in Northern Uganda.

10. The MoGLSD and its partners should put in place special measures to handle post conflict gender based violence and family justice and reduce the stigma for children who were born in captivity.

11. The JLOS should enhance the capacity of the UHRC to effectively document the conflict and contribute to the transitional justice process.

8.7. CONCLUSION

There is need to prioritise issues of transitional justice. There have been serious abuses and violations that have not been adequately redressed. The UHRC findings and recommendations should provide guidance to the government on how to address the human rights situation in the post-conflict era. It is important to note that reparations are crucial and urgent and that a transitional justice policy is necessary to guide interventions all over the country.

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CHAPTER 9

ASSESSMENT OF ACCESS TO QUALITY HEALTH CARE SERVICES

9.0. INTRODUCTION

The right to health which is the highest and or the best attainable standard of physical and mental health entails access to quality health care services.[294] The provision of quality health care services requires that health facilities, goods and services are not only of good quality but should be scientifically and medically appropriate.[295] The Chapter makes is an assessment of access to quality health care in light of the various interventions made by the UHRC to enhance the respect of the right to health including through inspection of health facilities and reviewing of reports of the Health Sector. An appraisal is made of the health performance indicators including the maternal mortality rate, under five mortality rate, immunisation coverage and the HIV/AIDS prevalence rate. The Chapter highlights the legal framework, identifies developments and challenges in accessing quality health care services and makes relevant recommendations.

9.1. LEGAL FRAMEWORK

9.1.1. International legal framework

Article 25 (1) of the UDHR and Article 12 of the ICESCR establish the link between the highest attainable standard of physical and mental health to the rights to health. Article 5(e) (IV) of the CERD and Article 12 of CEDAW prohibits discrimination based on race and sex respectively. Article 28 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides for emergency medical care for migrant workers and members of their families.

9.1.2. Regional legal framework

Article 16 of the ACHPR like the ICESCR provides for the right to health to the best attainable standard of physical and mental health.

9.1.3. National legal framework

General Objective XIV of the National Objectives and Directive Principles of State Policy as enshrined in the 1995 Constitution provides for access to health care services as fundamental to the right to social justice. Article 8A (1) of the Constitution provides that Uganda should be governed based on principles of national interest and common good enshrined in the national objectives and directive principles of state policy. Though to date there is no legislation enacted by Parliament to bring into full effect Article 8A (1), Article 45 provides for the recognition of other rights that are not specifically mentioned in the Constitution.

Other legislation that have implications on the enjoyment of the right to health include: the National Drug Policy and Authority Act (2006) which provides for the provision of essential, safe, efficacious and cost effective drugs; and the National Medical Stores Act (Cap 207) which lays out the functions of the National Medical Stores such as ensuring the efficient and economic procurement of medicines and certain medical goods of good quality primarily for public health services.[296]

294 Article 12(1) of the ICESCR refers to the highest attainable standard of physical and mental health while Article 16 of the ACHPR makes reference to the best attainable standard of physical and mental health; Article 24 of the CRC; Articles 11 (1)f and 12 of CERD, Article 14 of the African Charter on the Rights and the Welfare of the Child.
295 General Comment 14, para 13 (d).
296 Section 4 of the National Medicals Stores Act (Cap 207)

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The right to the highest attainable standard of physical and mental health is also recognised in the various national policies adopted by the Ministry of Health. The National Health Policy, 2010, for instance recognised indicated that the right to health is a constitutional guarantee. While the Health Sector Strategic Investment Plan III (HSSIP III) recognises the fact that the right to health as not only entailing the right to quality health care but also a right to other determinants of health such as safe and adequate water supply, sanitation, education, food and a right to a safe environment among others.

9.2. ACCESS TO QUALITY AND HEALTH CARE SERVICES

Access to quality care and health services requires the availability of good quality and medically appropriate services, access to good quality and medically appropriate services and availability of scientifically approved drugs and equipment. In fulfilment of its Constitutional mandate, the UHRC in 2012 inspected 329 health facilities consisting of 93 health centres (HC) IIs, 155 HC IIIs, 57 HC IVs, 9 referral hospitals and 15 hospitals.[297] Table 8.1 indicates the number of health facilities visited by region in 2012 while Figure 8.1.shows the number of health facilities inspected over the last three years.

Table: 9.1: Number of health facilities inspected by the UHRC in 2012 per regional office

Regional Office	MRT	SRT	JJA	MBR	FPT	ARU	GLU	MSK	CTRL	Total
Number of HCS visited	36	56	20	64	51	39	13	14	36	329



9.3. POSITIVE DEVELOPMENTS

9.3.1. The East African Community HIV & AIDS Prevention and Management Bill 2010

In 2012, the East African Legislative Assembly passed The East African Community HIV & AIDS Prevention and Management Bill.[298] The Bill provides for the prevention and management of HIV and AIDS and for the protection and promotion of human rights of persons living with HIV and AIDS (PLWHA) or affected by it. The purpose of the Bill include: the promotion of a rights based approach to dealing with all matters relating to HIV and AIDs as well as to extend to every person living with or affected by HIV the full protection of a person's human rights by providing HIV-related services, prohibiting HIV related discrimination, and ensuring the provision of quality health care and social services for PLWHA and their care givers.[299] If assented to by the Five Heads of State of the Partner States, this Bill will take precedence over any law that is enacted concerning

297 This excludes 70 health facilities which UHRC inspected while implementing a project of Peace Building through Justice For All and Human Rights June 2011-2012 in Acholi Sub-region. A Special Report on the Peace, Justice and Human Rights Situation in Acholi Sub-region is available.
298 The Bill will become an Act when assented to by the five Heads of States of the Partner States of the East African Community.
299 Objective 4 of the East African Community HIV and AIDS Preventions and Managment Bill

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HIV and AIDS prevention and management in the Partner States.

9.3.2. The Draft EAC Anti- Counterfeit Bill

In 2012, the UHRC noted that the provision that defined counterfeits to include generic goods in the East African Community Anti Counterfeit Bill was deleted. The UHCR also noted that the definition of counterfeit in the East African Community Anti-Counterfeit Bill to include generic goods would have affected access to essential medicines.[300] This definition was not in line with the WHO definition which refers to counterfeit medicines as the deliberate and fraudulent mislabelling with respect to identity/and or source which is applicable to both branded and generic products.[301]

In addition, the provision had not taken advantage of flexibilities in the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS).[302] Article 7 of TRIPs provides that the protection and promotion of intellectual property rights should contribute to the promotion of technological innovation and transfer of technological knowledge in a way that is conducive to economic and social welfare. Article 8 of TRIPs provides members with an opportunity to adopt necessary measures to protect public health, nutrition, and public interest which is of vital importance in their socio-economic and technological development in formulating or amending their laws. If the bill had been enacted, the EAC Anti-Counterfeit Bill would have take precedence over the national legislation and could affect access to affordable medicines for the poor.

9.3.3. Construction of new health facilities

Access to quality health care services requires that health facilities are of good quality and are medically appropriate. According the Basic Buildings' Requirements, a HC II is expected to have an Outpatient Department (OPD), Emergency Delivery, a Placenta Pit, a Medical Waste Pit and 4 Housing Units. A HC III should in addition to the facilities provided by a HC II have a Maternity Ward, General Ward and 10 Housing Units. A HC IV should in addition to the facilities provided by a HC III have a Drug Store with a Health Sub-District Office, an Operation Theatre, a Mortuary and 18 Housing Units.[303] In the year 2012, 60 health facilities inspected had renovated or new buildings; for example HC IIIs in Alerek in Abim District and Kalapata in Kaabong District had new OPDs; Karenga HC IV in Kaabong District had a new OPD, a renovated theatre, a doctor's house and an in-patient therapeutic centre. At Kabwangasi HC III in Pallisa District and Muterere HC III in Bugiri District construction of new buildings for wards were nearing completion.

9.3.4. Access to facilities by vulnerable persons

Access to quality care requires health facilities, goods and services to be accessible for all including vulnerable sections of the population consisting of persons such as the elderly persons, persons with disabilities (PWDs), PLWHA and children.

(i) The elderly and PWDs

Of the 329 facilities inspected, 302 facilities had ramps. Some of these were: Kaabong Government Hospital, Katakwi HC IV, Muramba HC II in Kisoro District, Kamuli Hospital, Lwemiyaga HC III in Sembabule District, and Mubende Referral Hospital. UHRC also noted a unique practice by the health centre staff in Kamion HC II in Kaabong District who on their own initiative reached out to the elderly who were settled on mountain tops and hill tops in order to provide community health services.

300 UHRC 13th Annual Report 2011,121.
301 http://www.who.int/medicines/services/counterfeit/faqs/count_q-a/en/index.html accessed on 11th February 2013.
302 The TRIPS Agreement is Annex 1C of the Marrakesh Agreement Establishing the World Trade Organization, signed in Marrakesh, Morocco on 15 April 1994.
303 Ministry of Health Primary Health Care Grant Guidelines and Transfers To Local Governments, Financial Year 2012/13, 17.

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(ii) PLWHA

Health facilities offering Voluntary HIV /AIDS counselling and testing (VCT) increased from 37% in 2009/10 to 38% in 2011/12, while provision of Prevention of Mother to Child Transmission (PMTCT) increased from 32% in 2010/11 to 36% in 2011/12.[304] However, provision of PMTCT to pregnant mothers at HC IIs remained the lowest in spite of the fact that HCIIs have 70% coverage of health facilities in the country.[305]

(iii) Immunisation services for children

In order to reduce child mortality, the Ministry of Health continued to implement the Child Survey Strategy by conducting Child Days which focus on immunisation of children aged between 12 to 23 months. Following this intervention, the number of children immunised increased from 37% in 2001 to 52% in 2011.[306]

On average, 8 in 10 facilities provided child immunisation.[307] The facilities provided immunisation antigens for measles, Diphtheria, Pertussis (whooping cough), Tetanus vaccine (DPT)-Hib+Hep B, polio and BCG. The facilities were assessed on the basis of the availability of 10 ten tracer items, which were: guidelines, training of staff, provision of sharp containers, single use syringes, availability of cold box with ice packs, availability of refrigerators , availability of (DPT)-Hib+Hep, availability of the BCG, measles and Polio vaccine. All the facilities had sharp containers, 99% had single use syringes, 96% had a cold box with ice packs, 70% had all antigens and 7 in 10 facilities had functioning refrigerators for storage of vaccines.[308]

9.3.5. Access to quality drugs

Access to quality health care requires that scientifically approved drugs and equipment are availed in the required quantities. This necessitates making essential drugs available at the health facilities. It is also expected that the storage of drugs and equipment would ensure that they remain in good condition. At the time of inspection, 186 health facilities had drugs in stock while 232 had essential drugs such as coartem oral rehydration salts, panadol and septrin.

(i) Storage and inspection

Health facilities adopted different approaches in order to ensure the drugs were in good condition. This was mainly done through inspections and ensuring that drugs were stored in places that would guarantee that they would remain in good condition. A total of 40 health facilities inspected including Kanungu HC IV, Kitwe Health Centre IV and Kisoro Hospital, instituted mechanisms to inspect drugs before they were accepted at the facility. Ntusi HC IV and Kera HC II in Sembabule District, Nakasongola HC IV, Bombo HC III, Busia HC IV, Pallisa District Hospital, Kamuli Hospital and Iganga Hospitals were some of the 76 facilities had storage facilities for the drugs that had been accepted.

9.4. CHALLENGES IN ACCESSING QUALITY HEALTH CARE SERVICES

9.4.1. Access to medicines

(i) Drug stock out

Though evidence shows that there has been an improvement in the availability of drugs, health facilities still experienced drug stock-outs. Examples include Alerek HC III in Abim District which had drug stock-outs of (Paracetamol, Erythromycin, Flagyl, Ibrofen, Cipro, Quinine tablets, and amoxyclin.

304 Ministry of Health Annual Health Sector Performance Report, Financial Year 2011/12, 28.
305 As above.
306 As above,12.
307 As above.
308 As above 13.

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Wilela HC II in Abim District had stock-out of anti malarial every first two weeks at the beginning of each financial year. Stock-outs were also experienced at Health Centres IIIs including Katooke in Kyenjojo District, Nyabugondo in Kasese District and Nyahuka in Bundibugo District.

(ii) Range of services provided

Health facilities also had limitations with the range of services they provided. For instance, though Tuberculosis (TB) Detection Rate increased from 53.9% in 2010/11 to 57.2% in 2011/12, only 45% of health facilities offered TB services (treatment and diagnostic).[309] The UHRC noted that that Neglected Tropical Diseases (NTDs) such as histomiasis, onchomiasis, trachoma and leprosy had an inadequate supply of medicines. This was further complicated by the push-system where drugs are delivered by the National Medical Stores without considering the needs of the health facilities. Of the health facilities inspected, 146 (mainly HC IIs and IIIs) reported that their needs were not considered before delivery of drugs to the HCs. This was the case at Mitooma and Rwashamaire HC IV in Ntungamo District.

(ii) Range of services provided to tackle the Head Nodding Disease

Approximately 5000 people in Kitgum and 1557 people in Pader were still affected by the Head Nodding Disease. In addition, there was still inadequate supply of drugs and personnel to manage the disease. Though the disease still affected Kitgum and Pader districts, there was a coordinated response in the supply of medicines and treatment. In Pader District, interventions included provision of medicine and treatment in Awere and Purunga sub-counties by Medical Teams International; setting up of a treatment centre for children in Atanga Health Centre II; provision of psychosocial support through guidance and counselling, and nutritional services at outreach centres in Angagura, Atanga and Awere sub-counties, case management through data management by the sub-county and national supervisors from the Ministry of Health in order to monitor the progress of the affected individuals; and the spraying of areas along Agago River where the vector (black flies) breed from. In Kitgum District, interventions included: the launch of the spraying of the black- fly, eradication of the black fly in Mucwini, Amida and Akwang sub-counties; screening of severely ill patients for medical attention, therapeutic feeding for children with severe acute malnutrition and physiotherapy.

9.4.2. Access to skilled medical personnel

Though positions filled by health workers increased from 56% in 2010/11 to 58% in 2011/ 12, the vacant positions at HC IV, III and II were at an average of 45% in comparison to regional referral hospitals at an average of 28%.[310] Table 8.2 shows the staffing norms and the vacant positions at the various HCs.

Table 9.2: Staffing levels of selected health workers in the public sector by March 2012

Level	No. of Units	Total norms	Filled	Vacant	% filled	% vacant
Regional Referral Hospital	13	4,331	3,121	1,210	72%	28%
General Hospital	47	7,980	4,905	3,075	61%	39%
District Health Officers offices	112	1,232	698	532	57%	43%
HC IV	166	7,920	4,768	3,152	60%	40%
HC III	962	5,634	3,363	2,271	60%	40%
HC II	1,321	4,905	2,197	2,708	45%	55%
Urban Authorities Health Units	155	20,216	10,083	10,133	50%	50%
Totals	2,763	55443	31951	23,492	58%	42%

Source: Uganda Human Resources for Health Biannual Report October 2011 to March 2012

309 As above, 37.
310 This excluded Naguru Regional Referral Hospital

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The UHRC found that 321 of the inspected health facilities had inadequate personnel in form of doctors, nurses, clinical officers and laboratory attendants. At the time of inspection for instance, Kaabong Hospital had recruited one government doctor, Yumbe Hospital had only one midwife on duty, while Kyenjojo Hospital had 40 technical officers instead of 187. HCs such as Lwengo HC IV, Kasagama HC III and Kaliro HC III in Lyantonde District had no doctor or nurse. In Kiwangala HC IV in Lwengo District, the doctor was also the Acting Lwengo District Health Officer. Karenga HCIV in Kaabong District was headed by a clinical officer instead of a doctor, while Kalapata HC III had 5 technical staff instead of the 19 recommended for HC IIIs. This situation worsened when it came to personnel required to handle Neglected Tropical Diseases. Only 59 of the health facilities inspected had staff to handle cases of NTDs.



The Regional Human Rights Officer, Moroto Mr. Paul Otim (right) addressing patients at Karenga HC IV who were waiting to be served by the in charge. The HC IV had 11 staff at the time of inspection instead of 49

Access to skilled personnel requires that there is consistent monitoring of both the health personnel and health facilities. In 2012, the media reported incidents of people masquerading as doctors and health workers and operating unlicensed facilities. These unskilled people, conducted surgeries and treated patients which in certain cases led to loss of life. The reported incidents ranged from a masquerading doctor killing a woman in surgery to a patient being administered with Mirinda Fruity soda passing it off as blood.[311]

9.4.3. Equipment

Of the 329 health facilities inspected, 200 did not have ambulances and in the instances when they were available they did not have fuel. This was a challenge in mainly HC IIs and HC IIIs.



An ambulance at Nyahuka Health Center IV that was grounded for lack of funds to maintain it

311 Hussein Bogere, 'Quack doctor kills woman in fake surgery', The Observer 9th July 2012 and Zurah Nakabugo,'Police hunt fake doctor who gave patient soda drip', The Observer of 3rd -5th February 2012.

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9.4.4. Affordability of health facilities, goods and services

Health facilities, goods and services should be affordable to all whether they are public or privately held. Of the 329 facilities inspected, 166 health facilities did not demand payment for health services. However, there were instances where patients had to make payments for specialised services such as orthropedics or to purchase drugs when they were out of stock in cases where the facilities were privately owned such as Kiwoko Hospital in Nakaseke District and Bombo Hospital in Luweero District. Concerning affordability, it was alleged that in privately owned facilities such as Morulem HC III in Abim District children were charged UG.X 2000 while adults were charged UG.X 5000 in order to run the facilities.

9.4.5. Accountability

The Patients Charter introduces the concept of rights of patients and health workers, responsibilities and accountability by setting up a mechanism for resolution of complaints through a designated person or committee.[312] The Patients Charter is one of the tools that can be used to ensure that quality goods and services are availed to patients. However, only 120 health facilities inspected had health workers with knowledge of the Patients Charter. These included Pallisa District Hospital, Iganga District Hospital, Muterere Health Centre III in Bugiri District, Mbulamuti Health Centre III in Kamuli District, Busesa Health Centre IV in Iganga District, Mayuge Health Centre IV and Kigandalo Health Centre IV in Mayuge District. The UHRC also noted that in instances where the health workers knew about the Patients Charter it was not explained to patients due to shortage of staff.

9.4.6. High mortality ratio

Maternal Mortality Ratio and under 5 Mortality Rate are one of the five indicators used to assess the impact of Health Service Delivery under the Health Sector Strategic Investment Plan (HSSIP) 2010/11-2014/15. Focus has been specifically placed on two impact indicators because they do not only assess the distribution of health service delivery across different life groups but they are also used to track progress in achieving the Millennium Development Goals (MDGs). Table 8.3 shows the maternal and infant mortality trends in Uganda between 1990 and 2015.

Table 9.3: Maternal and Infant Mortality trends

Indicator	1990	1995	2001	2006	2011	% Reduction from Base line	HSSIP 2015 Target
Maternal Mortality Ratio (per 100,000 live births)	NA	506	505	435	438	16%	131
Under 5 mortality Rate (per 1,000 live births)	180	147	152	137	90	50%	56

Source: Uganda Demographic Health Survey 1990, 1995, 2001, 2006 and 2011

(i) High maternal mortality

MDG target 5 (A) aims at reducing the maternal mortality ratio by three quarters (75%) to 131 deaths per 100,000 live births by 2015. However, the recorded maternal mortality ratio increased by 1% from 435 deaths per 100,000 births in 2006 to 438 deaths per 100,000 births in 2011. It is estimated that the maternal mortality ratio outside health facilities could be 500 deaths per 100,000 births.[313] As previously reported, the common cause of death included the delay of women to seek medical help, lack of blood products and staff non-action.[314]

312 Ministry of Health, Department Of Quality Assurance, Patients Charter (2008).
313 As above, 14.
314 UHRC 13th Annual Report 2011,103.

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A teenage mother with a ruptured uterus in the maternity ward in Yumbe Hospital

(ii) High child mortality rate

MDG target 4 (A) aims at reducing by two-thirds the under-five mortality rate. Though the under five mortality reduced by a half from 180 deaths per 1000 births to 90 deaths per 1000 births the under five mortality rate remained at 50% which was above the HSSIP target of 41. The common causes of death included malaria which increased from 27 % in 2011 to 28 % in 2012, pneumonia and anaemia.[315]

9.4.7. Funding to the health sector

Though the overall funding to the health sector increased from UG.X 660 billion in FY 2010 /11 to UG.X 799 .11 billion in FY 2011/12, government spending to the health sector decreased from UG.X 596.56 billion in FY 2010/11 to UG.X 593.02 billion in FY 2011/12. This increase in GoU budget allocation to the health sector, not with-standing, the proportion of the GOU budget for health decreased from 8.9 % in FY 2010/11 to 8.3% in FY 2011/12 which is below the Abuja requirement target of 15%. In addition, only 15% of the government expenditure accounted for capital expenditure; 85 % accounted for wages, utilities and other operational costs which in essence left health service delivery to donor funding. Since the FY 2009/10 this proportion has been regressing as shown in Figure 8.2.

Donor funding to the health sector increased from UG.X 90.44 billion in FY 2010/11 to UG.X 206 billion in FY 2011/12. However, the withdrawal of donor support to the Government following the alleged corruption scandals reported in the OPM could negatively affect the delivery of quality health care and services. Table 8.4 shows government allocation to the Health Sector over the last seven years.

315 As above, 10.

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Figure 9.2: GoU Allocation to the Health Sector over the last seven years

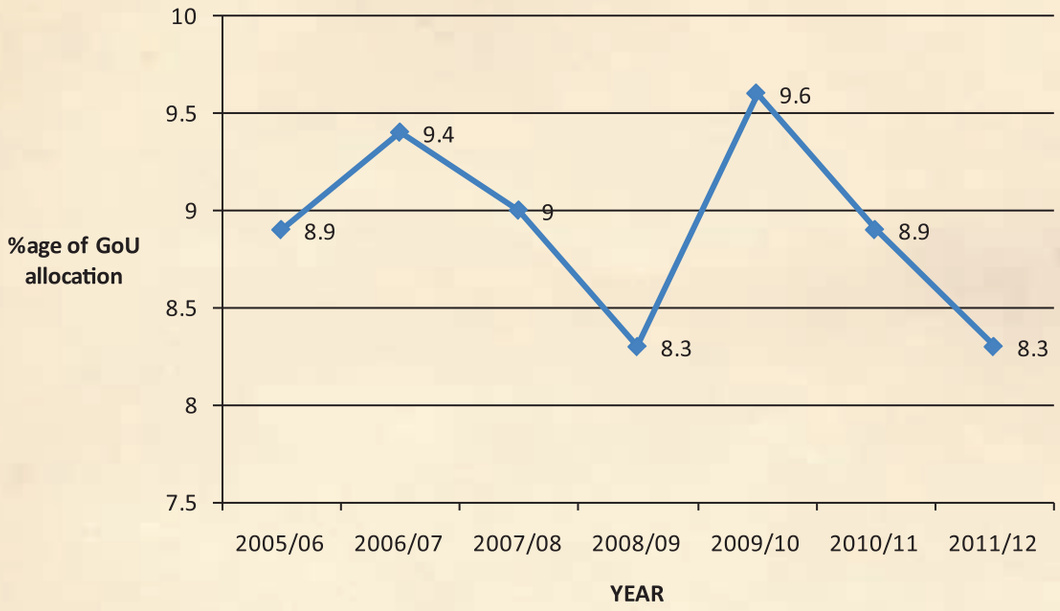


Table 9.4: Government allocation to the Health Sector over the last seven years

Year	GoU	Donor	Total	Per Capita Expenditure in UG.X	Per Capita Expenditure in USD	GoU allocation to health as % of total GoU allocation
2005/06	229.86	268.38	498.24	26,935	14.8	8.9
2006/07	242.63	139.23	381.86	13,518	7.8	9.3
2007/08	277.36	141.12	418.48	14,275	8.4	9
2008/09	375.46	253	628.46	20,810	10.4	8.3
2009/10	435.8	301.8	737.6	24,423	11.1	9.6
2010/11	569.56	90.44	660	20,765	9.4	8.9
2011/12	593.02	206.10	799.11	25,142	10.29	8.3

Source: Annual Health Sector Performance Report 2010/11

9.4.8. Constitutional Court Petition on maternal health

In 2011, the Centre for Health Human Rights And Development (CEHURD) and 3 Others petitioned the Constitutional Court *(Centre for Health Human Rights And Development (CEHURD) and 3 Ors Versus Attorney General.*[316] The grounds of the Petition were that the petitioners and public were affected by the non-provision of basic indispensable maternal health commodities and facilities due to the un-ethical behaviour of health workers and that the high maternal deaths were due to lack of Government's provision of the basic minimum maternal healthcare, non- attendance and improper handling and were contrary to the Constitution.

316 Constitutional Petition No 16 of 2011, 2-7.

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Though the Constitutional Court appreciated the concerns of the petitioners in regard to provision of basic health care services the court did not find any competent questions set out in the petition that require interpretation of Constitution by this court. The acts and omissions complained of fall under the doctrine of "**political question"**[317]

The Constitutional Court interpreted strictly the doctrine of separation of powers whereby a particular function is restricted to the corresponding organ of government where the personnel of the three organs of Government are distinct and the independence of each branch of government is immune from undue encroachment from any of the others.[318]

The Constitutional Court was of the opinion that the Executive has the political and legal responsibility to determine, formulate and implement polices of Government which is a preserve of the Executive and no person or body has the power to determine, formulate and implement these polices except the Executive.[319] Thus the Constitutional Court reasoned that the court did not have the power to determine or enforce its jurisdiction on matters that require analysis of the health sector government policies, make a review or assess their implementation.[320] The Constitutional Court was of the opinion that constitutional questions of a political nature are to be left to the Executive and the Legislature to determine.[321] This strict interpretation makes it a challenge to enforce the right to health including access to quality health care and services as a Constitutional right.

9.4.9. Inadequate remuneration and welfare

The conditions of service of health workers impact on the quality of health care that is provided. As observed in the previous annual reports, the health workers' remuneration and welfare were inadequate compared to their work load.

In 256 health facilities inspected, health workers complained of inadequate remuneration while 244 facilities had inadequate accommodation for them. For instance, the Health-In-Charge in Karenge HC IV in Kaabong District said he had not received his salary since 2009 because his name was not on the pay roll. Health workers in Kanungu, Kalangala, Bundibugyo and Kisoro said they were not given hard- to-reach allowances while some staff in Kiwagala HC IV in Lwengo District and Bwendero HC III in Kalangala District still earned the same salary though they had uraded their qualifications.

Staff in Kuru Hospital, Yumbe District had to share rooms while some staff at Kasagama HC III in Lyantonde District had not been vaccinated against Hepatitis B which was prevalent in the area.

317 As above, 22.
318 As above, 19.
319 As above.
320 As above ,19-20.
321 As above 20.

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Highlights of findings in Selected Health Facilities Regarding Access to Quality Health Care Services

KIBAALE DISTRICT

Mabaale Health Centre

The In-charge informed the UHRC that access to quality health care services was affected by cults that prevented followers from seeking health services from health facilities. It was reported by the In-charge that followers of "Bisaka" (abikiriza) and "Masuti" (leaders) did not take their children for immunization and in case they fell sick, they would instead be taken for prayers. It was further reported that 'Bisaka' was the only person who could grant permission to any follower to seek medical help. It was reported that at times patients were taken to health facilities when they were in critical conditions and ended up dying.

Sunga Health Centre

The In-Charge informed the UHRC that during their outreach activities in the communities they found instances where patients preferred traditional practices such as false teeth extractions and "millet" removal in children with pneumonia to modern medicines. The In- Charge reported that the Health Facility had no power and nurses had to use torches and candles at night for lighting.

PALLISA DISTRICT

Kabwangasi Health Centre III

The HC had new wards under construction. It also had a Health Committee which handled complaints from both patients and users of services

However, the HC In charge reported a stock out of essential drugs such as coatem and paracetamol two weeks before the UHRC inspection.

LYANTONDE DISTRICT

Kasagama Health Centre III

The health facilities were in dire need of renovation and one room was used for admission, immunization, clerking patients, dispensing and as a store.

The HC lacked a clinical officer.

KAABONG DISTRICT

Kamion Health Centre II

The health facility had new buildings with solar power. However, its location made it very difficult for elderly people to access. The communities live on the mountain slopes and hill tops far from the health facility so it was difficult for elderly persons to walk up and down the mountainous area.

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9.5. RECOMMENDATIONS

1.As recommended in the previous annual reports:

- The Government should increase the budget allocation to the health sector in line with the Abuja Declaration requiring 15% of the budget in order to address the poor quality of health care services and to revise the salary rate of health professionals;
- The Ministry of Local Government should recruit to fill the vacancies in health facilities as per the demands of the health standards based on the grading system with special consideration given to post conflict situations;
- The Ministry of Health should prioritise Neglected Tropical Diseases control as a development program and allocate it adequate funding;
- The Ministry of Health should strengthen the accountability system within the Health Sector including the supervisory and monitoring systems;
- Parliament should enact legislation in accordance with Article 8 A(1) of the Constitution; and

2. The Ministry of Health should put in place a mechanism to popularise the

Patients Charter in health facilities

9.6. CONCLUSION

The provision of good quality health facilities, goods and services is crucial in the realisation of the right to the best attainable standard of physical and mental health as a fundamental human right. Though progress has been registered in some areas regarding the provision of good quality health facilities, goods and services, there are still areas which require attention in order to fully realise the right to health.

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CHAPTER 10

ASSESSMENT OF ACCESS TO QUALITY EDUCATION

10.0. INTRODUCTION

Education is a fundamental human right and an indispensable means of realising other human rights. In order to match the increasing population and meet the demands for quality education, the current formal education system of Uganda has undergone modifications over the years. The duty to ensure quality education primarily falls on the Government of Uganda, which through the Ministry of Education and Sports (MOES) took some progressive steps in discharging the above duty in 2012.

This chapter assesses the developments towards ensuring access to quality education which included the implementation of the Universal Post Level and Training Programme (UPOLET); launching of the Skilling Uganda programme; initiating reform of lower secondary education curriculum and the enactment of the Special Needs Education and Non-Formal Education policies. The chapter further identifies challenges like inadequate budget allocation, high dropout rates, absenteeism and poor working conditions of teaching staff and concludes with recommendations for improving access to quality education service delivery.

10.1. LEGAL AND POLICY FRAMEWORK ON THE RIGHT TO EDUCATION

The right to education is guaranteed under international, regional and national legal frameworks.

10.1.1. International Legal Framework

At the international level, the ICESCR recognizes the right of every individual to education as one of the economic, social and cultural rights guaranteed by that Covenant. The ICESCR also requires that the right to education be directed to the full development of the human personality and to strengthen the respect for human rights and fundamental freedoms.[322] State parties have the primary obligation to ensure the full realisation of this right at primary, secondary, higher and fundamental levels of education.[323]

Like other economic, social and cultural rights, the right to education is to be realised progressively and to the maximum of the resources available to a State party. The United National Committee on Economic, Social and Cultural Rights has been interpreted the phrase progressive realisation to mean that all states parties have the obligation to begin immediately to take steps to fulfil their obligations under the Covenant. Progressive realisation does not imply that states indefinitely defer efforts for the full realisation of the right to education.[324] The enjoyment of the right to education may be subject only to such limitations as are determined by law only in so far as this may be compatible with the nature of the rights and solely for the purpose of promoting the general welfare in a democratic society.[325]

The right to education is also explicitly provided for in other international human rights instruments. These include the CEDAW which requires that all appropriate measures be taken to eliminate discrimination against women in order to ensure to them equal rights and freedoms with men in the field of education.[326] The CRC interprets a child's right to education to include compulsory primary education free and available to all children. [327]

322 As above (n294) Article 13 (1), 55
323 As above Article 13 (2)
324 Principle 21 of the Limburg Principles on the Implementation of the International Covenant on Economic Social and Cultural Rights
325 As above (n294) Article 4
326 Article 10 of CEDAW
327 As above (n193) Article 28 , 22

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Also relevant is the CRPD which guarantees entitles PWDs to the right of education without discrimination and on the basis of equal opportunity.[328]

The substantive content of the right to education has been elaborated by the Committee on Economic, Social and Cultural Rights in its General Comment No. 13.[329] The Committee explains that education in all its forms and at all levels should exhibit the following interrelated and essential features:

(a) **Availability:** Functioning education facilities and services to be available and in sufficient quantities;

(b) **Accessibility**: Physically and economically accessible to everyone without discrimination;

(c) **Acceptability**: The state is obliged to ensure that education services comply with minimum standards it has set as being acceptable to both parents and children; and

(d) **Adaptability**: Tailored to the needs of a given society.

10.1.2. Regional Legal Framework

At the regional level, the ACHPR provides for the individual right to education[330] while the ACRWC equally guarantees the right to education for the African child and lays out the objects of education and specific obligations of State Parties. The Protocol to the ACHPR on the Rights of Women in Africa provides for State parties to take appropriate measures to eliminate all forms of discrimination against women and guarantee equal opportunity and access in the sphere of education and training.[331]

10.1.3. National Legal and Policy Framework

Uganda has ratified a number of all the international and regional human rights instruments above and recognises the right of everyone to education in its various aspects. Thus, various education rights standards have been domesticated within legislations, complimented by plans and policies.

The 1995 Constitution of the Republic of Uganda, explicitly provides for the right of all persons to education.[332] The National Objectives and Directive Principles of State Policy contained in the Constitution provide for the state obligation to promote free and compulsory education; take appropriate measures to afford every citizen equal opportunity to attain the highest education standard possible. They also stipulate that individuals, religious bodies and other non-governmental Organisations shall be free to operate educational institutions if they comply with the general educational policy of the country and maintain national standards.[333]

The Education (Pre-Primary, Primary and Post-Primary) Act, 2008 seeks to improve the performance of the sector by highlighting the role of the different stakeholders in promoting primary education. The University and Other Tertiary Institutions Act 2001 provides for the regulation of the establishment, administration and standards of universities and other institutions of Higher Education. Policies on Universal Primary Education and Universal Secondary Education focus on attaining the Millennium Development Goals (MDGs) and Education for All (EFA) goals while the Updated Education Sector Strategic Plan (2010-2015) provides a framework for policy analysis and budgeting.

328 As above (n9)
329 As above (n95)
330 As above (n 45) Article 17 126
331 Article 12 (1) of the Protocol to the ACHPR on the Rights of Women in Africa
332 As above (n277) Article 30
333 As above Objective XVIII of the National Objectives and Directive Principles of State Policy

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Uganda's formal education[334] system is categorized into following levels: pre-primary education (early childhood development); primary education, secondary education; higher (university and tertiary[335]) education; technical and vocational education.

10.2. DEVELOPMENTS IN ACCESS TO QUALITY EDUCATION

In 2012, the UHRC observed that the Government made efforts made towards improving access to quality of education. The UHRC commends the Government for the positive developments noted. However there were still some issues of concern which need to be addressed to enhance quality education.

10.2.1. Universal Post O' Level Education Training Programme (UPOLET)

The rolling out by Government of the Universal Post O' Level Education and Training Programme (UPOLET) in both government and Public Private Partnership USE schools was a major development in the Secondary Education Sub sector. Under this programme, the Government took steps to increase access to Advanced Level education by enabling eligible Ordinary Level ('O' level) students enrol in tuition-free secondary and vocational training institutions. UHRC commends MOES for this positive step towards the progressive realisation of free secondary education.

Despite these developments, only 236 schools were selected to implement UPOLET under Private Public Partnership arrangements with only 36,000 beneficiaries and yet the MOES had earmarked 860 schools (645 government aided schools and 220 private schools) to implement the programme.[336] The UHRC also noted the failure of selected schools to meet set guidelines or standards and the inability to conduct Advanced Level classes due to inadequate teachers, infrastructure and failure to enrol students.[337]

10.2.2. Reform of the Lower Secondary Education Curriculum

In order to improve the quality and relevance of education, the MOES and the National Curriculum Development Centre (NCDC) reviewed the lower secondary education curriculum reform. The new curriculum is expected to be implemented in the year 2014. The forty three (43) Subjects that are currently on the Ordinary Level syllabus were to be replaced with seven (7) learning areas namely mathematics, science, social studies, creative arts, languages, technology and life education. The decision to reform lower secondary school curriculum was based on the finding that the existing Ordinary level curriculum was overloaded, outdated, emphasised passing of exams and did not adequately address contemporary demands of the job market.[338] The rolling out of the new holistic curriculum would ensure that a shift from the academic-based form of learning to life skills education, where students acquire practical skills. The NCDC also reviewed the curriculum for Sub mathematics and developed one for subsidiary ICT for 'A' level.

10.2.3. Early Childhood Development (ECD) Policy

The State has an obligation to provide free and compulsory education in the elementary and fundamental levels,[339] in addition to expanding and improving early childhood care and education. In Uganda, children aged 3 to 5 years are expected to be in pre-primary or nursery school, while those aged 6 to 12 years are expected to be enrolled in primary schools.

334 Formal education means a package of learning made available by recognized schools and institutions following approved curriculum standards and guidelines - Section 2 of the Education Act, 2008
335 Tertiary Education means post-secondary institutions other than universities which confer certificates, diplomas or degrees. – Section 2 of the Education Act, 2008
336 Paper presented by the Director of Basic and Secondary Education Ministry of Education and Sports at UHRC Consultative meeting on the 15th Annual Report 9th January 2013
337 Statement by the Assistant Commissioner Private Schools-in-charge of policy and regulation in the Daily Monitor Newspaper 25th November 2012. 12 private schools were kicked out of the UPOLET programme due to the above mentioned reasons
338 Labour Market Survey conducted by NCDC between November 2011 and May 2012. This was also cited in the UHRC 10th Annual Report.
339 As above (n322) Article 13 of ESCR and Education For All (EFA) Goal 1

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Since Early Childhood Development (ECD) is critical to the wellbeing and future holistic growth of a child,[340] the MOES launched the ECD Policy in 2007 to consolidate, streamline and regulate the development of early childhood education and create a conducive environment for the establishment of private ECD centres, kindergartens and nursery schools.

The UHRC noted that these efforts created more opportunities for children to attend school. Enrolment increased from 2% to 5% with the number of pre-primary schools, rising from 2,361 in 2011 to 3,953 in 2012. The number of children enrolled in ECD centres also increased from 289,862 in 2011 to 345,295 in 2012 with the number of males and females at 170,245 and 175,050 respectively.[341] The pupil classroom ratio also reduced from 32:1 in 2010/2011 to 28:1 in FY 2011/ 12 with a pupil teacher ratio of 35:1.[342]

Pre-school was however inaccessible to the majority of children in rural areas owing to financial constraints and negative attitude by local communities who considered it a waste of money. The distribution of ECD centres is highly driven by income levels with the central region having the highest number while the north eastern region has the least.[343] Although the quality of education slightly improved with the introduction of the ECD policy, the UHRC noted that majority of the centres did not meet quality standards. This was compounded by poor learning environment, poor hygiene, poor infrastructure, acute shortage of qualified teachers and poor quality playing kits due to inadequate resources.

10.2.4. Skills Development

The Government launched the Skilling Uganda Programme as a process of reform to shift from offering academic-based courses or theoretical vocational/ technical education to a more holistic competence-based skill training to meet the highly competitive job market. The Government approved the 10 year Business, Technical, Vocational Education and Training (BTVET) Strategic Plan that will run for a period of commencing in 2012-2022. The establishment of a Skills Development Authority (SDA), as a major and vital reform in the BTVET sub-sector was also approved by government to implement skills development. It will come into force by 2015.

Currently, Uganda has only 34 government post senior four technical and vocational education institutions which cater for only 6649 students. The programme will revamp 4 technical institutes which will be availed with the necessary equipment, staff and funding to cater for more students. The UHRC noted that only 40% of primary and secondary dropouts would be absorbed in the enriching skills training opportunities owing to perennial small budgets for the technical, business and vocational sub-sector and yet its costs were higher compared to other sub sectors. Critical interventions to implement Skilling Uganda includes the development of a comprehensive public-private partnership, increased funding, popularising vocational and technical education;[344] extending support to private sector BTVET institutions[345] and increasing salaries of instructors to attract and retain staff.

340 The Dakar Framework for Action (2000) to which Uganda is signatory, underscores the importance of Early Childhood Care and Education (ECCE) as part of a comprehensive approach to achieving Education For All (EFA).
341 Education and Sports Sector Fact Sheet 2000 – 2012. Data for 2012 includes both provisional and projections
342 Education Managment Information System 2010/11 2011/12
343 'The State of Early Childhood Education in Uganda' Statement by Mrs. Mary Ojacor, Chairperson, ECD Training Institutions Association in the New Vision Newspaper 10th May 2012
344 The Business, Technical and Vocational Education and Training Act 2008 provides an enabling environment to popularize vocational and technical training.
345 Over 45% of vocational, education and training providers are delivered privately – The Independent publication April to May 2011, . 22-23.

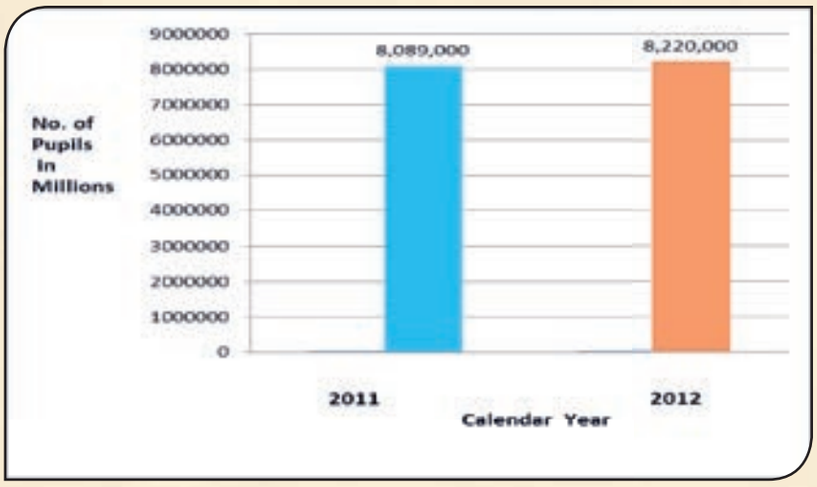
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10.2.5. Universal Primary Education (UPE)

The UHRC commends the MOES for the continued implementation of the UPE programme[346] since 1997 which has seen the number of children accessing basic education rise from 8,098,177 million in 2011 to 8,220,920 million in 2012.[347]

The UPE Policy has over the years increased enrolment of children from poor households hence reducing the poverty gap in terms of access to primary education. The Net Enrolment Rate improved from 0.7% in 2011 to 0.88% in 2012. The Net Enrolment Ratio increased from 96% in FY 2009/10 to 96.7% in FY 2010/11 to 97.5% in FY 2011/12. Figure 10.1 below the number of pupils that accessed basic primary education in 2011 and 2012.

Figure 10.1: Number of pupils that accessed Basic Primary Education in 2011 and 2012



Source: MOES

During the period under review, the developments that were recorded towards improving access to primary education are discussed below:

(i) Enrolment in Primary Schools

The number of primary schools in Uganda has increased over the years from 22,200 in 2011 to 22,501 in 2012, with a total of enrolled pupils at 8,220,920. The total number of children enrolled in Government and private schools in 2012 was 7,099,083 and 1,121,837 respectively; with the percentage of private to total enrolment at 14%.The proportion of special needs children attending primary school has remained constant since 2011 at 2.4% of the total school population.[348] In 2012, there was a 1% drop in enrolment of special needs pupils in schools (males 2.5%, female 2.3%).Table 10.1 below shows the trends of pupil enrolment in primary schools from 2010 to 2012.

346 UPE is the State funded universal primary education programme where tuition fees are paid by Government where the principle of equitable access to conducive, quality, relevant and affordable education is emphasized for all children of all sexes, categories and in special circumstances.
347 As above (n 343) 173.
348 Education and Sports Sector Fact Sheet 2000 – 2012.

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Table 10.1: Trends of Pupil Enrolment in Primary Schools from 2010 to 2012

Years	2010	2011	2012
Total Number of pupils enrolled in Gov't Schools	7,171,690	7,036,529	7,099,083
Total Number of pupils enrolled in Private Schools	1,202,958	1,061,648	1,121,837
Total Enrolment of pupils of Schools	8,374,648	8,098,177	8,220,920

Source: Education and Sports Sector Fact Sheet 2000 – 2012

(ii) Gender Parity

The state obligation to ensure the attainment of gender parity at primary level[349]has been achieved with the percentage share of pupils standing at 49.89% for boys to 50.12% for girls in FY 2010/11 to 49.7% for boys and 50.2% for girls in FY 2011/2012. Table 10.2 below shows the net enrolment by gender in Primary Schools.

Table 10.2: Net enrolment in Primary Schools

Years	2009/2010	2010/11	2011/12
Net Enrolment Ratio	96	96.5	97
Enrolment for Boys	4,150,000	4,179,000	4,002,000
Enrolment for Girls	4,147,000	4,195,000	4,050,000

Source: MoES Sector Budget Framework Paper

There was a general drop in enrolment for both girls and boys in 2012. Recurrent factors such as poverty, early pregnancies, early marriages and negative attitudes still affected girl child enrolment.

(iii) Pass rate

The UHRC noted a marked improvement in the quality of Primary Seven candidates pass rates for the Primary Leaving Examinations (PLE) over the years. This has been attributed to the MOES roll out of the thematic approach primary curriculum that pays attention to use of local languages as a medium of instruction. [350]The MOES effected this curriculum reform after realising the high failure rates of the children to attain acceptable levels of proficiency in reading and writing at Primary three (P.3) level, which was considered a barrier to the children's full enjoyment of their right to education. The pass rate for 2012 was 88.4% compared to 86.4% in 2011, a representative improvement of 2%. The pass rate for boys in FY 2011/12 was 88% while for girls it was 85%.[351] The number of candidates that passed increased from 431,706 in 2010 to 444,815 in 2011 and 480,067 in 2012. A total of 463,332 candidates were under the Government's UPE programme. Table 10.3 below shows the pass rates for PLE students in 2011 and 2012.

Table 10.3: Pass rates for PLE students in 2011 and 2012

Years	2011	2012
Number of P.7 candidates that passed	444,815	480,067
Pass Rate	86.4%	88.4%
No. of schools that had all candidates pass in Division 1	14	23
No. of schools that had candidates pass in Division 1	4,684	5,321
No. of students that sat PLE	514,916	543,071

Source: Education and Sports Sector Fact Sheet 2000 – 2012

349 The Education for All (EFA) goal 5
350 This new primary curriculum was introduced in 2007
351 Statement by UNEB Executive Secretary Saturday Vision 26th January 2013, 4

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A number of the best performing students came from private schools. These constituted 16.6% of all the 515,916 candidates that sat PLE. Urban schools registered better results than their rural counterparts.[352] This was attributed to access to quality education services of education in private and urban schools compared to rural and public schools.

(iv) Infrastructural Development

The Government is responsible for structural development of school facilities including classrooms, libraries, latrines, laboratories, and staff accommodation in line with the sector's objective to increase and improve equitable access to quality education. The sustained investment in infrastructural development of schools has led to a considerable increase in the number of classroom space from 142,802 in 2011 to 411,513 in 2012.[353]

(v) Classroom space and Pupil Teacher Ratio

The number of pupils per class is key in determining the effectiveness and efficiency of learning and teaching in schools. The national recommended pupil to teacher ratio is 53:1.Table 10.4 below shows the trends of the pupil to classroom and pupil to teacher ratios for the period 2010 – 2012.

Table 10.4: Trends of Pupil to Classroom and Pupil Teacher Ratio in Primary Schools

Years	2010	2011	2012
Pupil to Classroom ratio for all schools	58:1	57:1	58:1
Pupil to Classroom ratio for Government schools	67:1	65:1	67:1
Pupil to Classroom ratio for Private schools	32.1	31:1	32:1
Pupil to Teacher Ratio for all schools	49:1	48:1	46:1
Pupil to Teacher Ratio for Government schools	57:1	54:1	54:1
Pupil to Teacher Ratio for Private schools	26:1	27:1	24:1

Source: Education and Sports Sector Fact Sheet 2000 – 2012

The period under review registered an increase in the number of primary school teachers from 169,503 in 2011 to 181,232 in 2012 with 131,551 employed in Government schools and 49,681 work in private schools.[354]

However the situation in post conflict Acholi remained a concern. In 2012, the UHRC monitored a total of 638 government aided primary schools, 113 private and community primary schools in Acholi sub-region to assess the availability and accessibility of education as a social service under the Peace Building through Justice and Human Rights project. Its findings were that the staffing levels were at 5,152 teachers against a total of 287,704 pupils.[355] The overall teacher pupil ratio was at 1:56. Table 10.5 shows the performance indicators in the Acholi sub region.

Table 10.5: Performance indicators in Private and Public Schools in the Acholi Sub Region

District	No of Gov't aided schools	No of private and community schools	Enrolment in Government Aided Schools	Number of Teachers in Government aided schools	Teacher Pupil Ratio
Gulu	155	16	107,629	2,372	1:45
Nwoya	44	25	24,176	423	1:57
Amuru	51	36	46,488	638	1:76
Agago	111	03	70,000	836	1:84
Pader	107	04	62,918	876	1:72
Kitgum	99	19	62,230	1,102	1:56
Lamwo	71	10	45,196	620	1:73
TOTAL/AVERAGE	638	113	287,704	5152	1:56

Source: UHRC Peace Building Report for Acholi Sub Region

352 As above
353 Paper presented by the Director of Basic and Secondary Education Ministry of Education and Sports at UHRC Consultative meeting on the 15th Annual Report 9th January 2013
354 Education and Sports Sector Fact Sheet 2000 – 2012
355 As above (n291) 69

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(vi) Literacy levels

Overall, the percentage of pupils rated proficient in literacy at both primary 3 and 6 declined. In 2011, 47.9% (boys: 47.3% and girls: 48.5%) and 41.3% (boys: 42.1% and girls: 40.6%) of the pupils were rated proficient in primary 3 and 6 respectively. In FY 2012, the percentage rose to 58 % (boys: 58% and girls: 57.4 %) for Primary 3 and 50.3% (boys: 49.72 % and girls: 50.78%) for Primary 6.[356] The increase in pupil's performance in literacy has been attributed to the thematic approach primary curriculum and the decrease in the pupil -teacher ratio.

(vii) Quality of Teaching Staff

Interventions to enhance the quality and efficiency of teaching staff fall primarily in the hands of state through policies and measures such as teacher training and development. In 2012, MOES focused on training 220,327 primary school teachers, 267 Head Teachers, 23 Deputy Principals and 78 Coordinating Centre Tutors (CCTs). 110 Primary Teachers' Colleges (PTC) tutors and 164 student council members were also trained for the West Nile region. The sector inducted 262 head teachers and deputy head teachers of the 66 newly Grant Aided secondary schools and 121 Senior Accounts Assistants; facilitated 14 Secondary Science and Mathematics Teachers (SESEMAT) National trainers; trained 2,412 science and mathematics teachers; and facilitated the National Association of Head Teachers in Uganda (NASSHU) national conference to motivate and improve the quality and efficiency of secondary school educators through appointment, confirmation and validation of teachers. The percentage of qualified primary teachers improved from 93% in FY 2010/11 to 95% in FY 2011/12.

The Education Service Commission appointed 3,470 secondary teaching and non-teaching staff; promoted 384 under the Scheme of Service; confirmed 850 teaching personnel and validated 2,000 teachers. Despite these developments, the UHRC observed that the quality of teaching staff was still lacking due to the inadequate funding and facilitation to cater for frequent staff trainings, appointments and promotions.

10.2.6. Universal Secondary Education (USE)

In order to make universal secondary education[357] generally available and accessible to all, the Government has taken steps to progressively introduce free education.[358] The continued implementation of USE since its inception in 2007 was addressing the growing numbers of primary school leavers that were dropping out of school due to the high costs of secondary education. The number of USE schools increased from 1,647 in 2011 to 1,919 in 2012 of which 1,024 were government schools and 895 private. There was increased enrolment in USE from 689,541 in 2011 to 751,867 in 2012 through a deliberate policy of government to shoulder the cost of tuition. USE numbers constituted over 60% of the entire secondary school enrolment in 2012. Table 10.6 below shows the trends in students' enrolment under USE.

Table 10.6: Trends in students' enrolment under USE

Years	2010	2011	2012
Total Enrolment of USE students	600,328	689,541	751,867
Total Number of males under USE programme	334,639	377,293	408,441
Total Number of females under USE programme	265,689	312,248	343,426
Enrolment of USE students in government schools	407,953	449,585	461,960
Enrolment of USE students in private schools	191,706	239,956	289,907
Net Enrolment ratio	24.60%	25%	23.2%

Source: Education and Sports Sector Fact Sheet 2000 – 2012

356 Education and Sports Annual Performance Report FY 2011/12 October 2012 , 6
357 USE means the state funded universal secondary education programme providing obstacle free post primary education – Section 2 of Education Act 2008.
358 General Comment 13 by the Committee on Economic Social and Cultural Rights

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The implementation of USE has further resulted into improved transition rates from P7 to S1 from 46% in 2008 to 65% in 2011 and to 70% in 2012. The adoption of the public-private partnership arrangement in the implementation of the USE programme reduced distances travelled by students and has further enabled many students to access secondary school.

(i) Student Classroom and teacher ratio

The student classroom ratio reduced in the last two financial years despite the increase in secondary school enrolment. In 2011, the student classroom ratio was 44:1 and the student teacher ratio was 19:1. In 2012, the student classroom ratio was 50:1 and the student teacher ratio at 23:1.[359]

(ii) Pass rates in UCE Exams

There was a decline in the overall performance of S.4 candidates who sat in 2012 to 2.2% from 2.4% in 2011. Out of the 262,987 candidates who sat the exams, 18,826 passed in Division One (7.2%) compared to 22,630 (8.5%) in 2011. At least 248,513 candidates qualified to join higher institutions of learning. At least 124,957 female candidates (47.51%) and 138,030 (52.49%) males sat exams with boys performing better than the girls.[360] The poor performance of the girls can be attributed to absenteeism where females were subjected to heavy work at home, sexual harassment and negative attitudes towards girl child education.[361]

The number of absentees reduced from 2.4% in 2012 to 2.2% in 2011 with 5,903 candidates registered as absent in 2012 compared to 6,339 in 2011. The special needs candidates that registered for 2012 S.4 exams were 130 with 38 visually impaired, 49 with hearing impairments, 12 dyslexic and 31 severely handicapped.[362]

(iii) Pass rates for UACE Exams

The UHRC noted that there was an improvement in performance by the senior six candidates in 2012 with fewer cases of malpractices. Uganda National Examinations Board (UNEB) statistics indicated that of the 111,456 candidates who registered for the examinations in 2012, 109,974 candidates sat for the exams in which 99.3% qualified for the UACE awards compared to 99.2% in 2011. Of these students, 42,341 were female and 67,633 male.[363] A total of 715 candidates failed and 404 candidates had their results withheld for further investigations over suspected examination malpractices.

10.2.7. Science and ICT initiatives in Secondary Schools

During 2012, priority was given towards enhancing creativity and innovativeness in the teaching of sciences through digital science and other Information and Communication Technology (ICT) initiatives. A total of 26 secondary schools were supported with ICT materials in 2012 which brought the total number of schools supported in ICT initiatives to 226. ICT laboratories were also established for the purpose of making the education curriculum relevant to the current global trends. A total of 2297 science and mathematics teachers were trained in using digital science as a pedagogical tool. The sub-sector supplied 5400 science kits to 1342 private and government USE schools and chemicals to 5,101 private and government USE schools in the 4 regions countrywide to facilitate UCE science practical examinations.[364] UHRC noted that despite efforts to improve the performance of mathematics and science subjects, the pass rates were still low as portrayed PLE, UCE and UACE performance. Many Government and private schools had no laboratories or had laboratories without adequate equipment.

359 Education and Sports Sector Fact Sheet 2000 – 2012
360 Statement by UNEB Executive Secretary on the release of 2012 UCE results in the Daily Monitor Newspaper Friday 8th February 2013 . 4
361 As above
362 As above
363 Statement by UNEB Executive Secretary on release of results reported in New Vision 26th February 2013
364 Ministerial Policy Statement 2012

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In the Government schools with both laboratories and equipment, it was found that they were utilised properly. As a result, many of the students met the scientific experiments for the first time in the examination.[365] The shortage of qualified teachers also hindered the teaching of sciences.

10.2.8. Higher Education

During the period under review, the subsector made progress on a number of interventions. For quality assurance and monitoring, the National Council for Higher Education supervised and accredited universities and their programmes.[366] The institutionalisation of staff development allowing staff to pursue further training in their respective academic areas was one of the quality enhancement measures used in 2012 that improved lecturer/tutor teaching qualification hence positively impacting on the quality of skills passed on to the students. To enhance quality of education, the subsector continued to provide financial support amounting to UG.X 600 million to Kisubi Brothers' University College, a constituent College of Uganda Martyrs' University and UG.X 2 billion to Uganda Petroleum Institute Kigumba (UPIK) for rehabilitation and construction. The sector also disbursed funds for the construction of Muni University in Arua.[367]

10.2.9. Higher Education Financing Scheme

The Policy to guide the implementation of the Bill on the Students Higher Education Financing Scheme was approved by Cabinet in 2012 to ensure equity in access to education. Commencing FY 2013/14, the policy obliges the Government to take steps to implement the loan scheme targeting the bright but needy students who are eligible to study at higher institutions of learning but are unable to afford the high costs of education. Table 10.7 below shows the number of students admitted in FY 2011/12 to the seven (07) Public Universities.

Table 10.7: Number of students admitted in FY 2011/12

S/N	Tertiary Institution	Government Sponsorship	Private Sponsorship	Total
1.	Makerere University	6,575	27713	33,000
2.	Mbarara University of Science and Technology	734	774	1,114
3.	Makerere Business School	1,204	13,316	14,520
4.	Kyambogo University	3,000	50,348	53,348
5.	Gulu University	244	1,996	2,240
6.	Busitema University	-	-	905
7.	Uganda Management Institute	1,149	1,580	2,729

Source: EMIS 2011/12

The Higher Education Financing Scheme was mooted because of the Government merit system was funding the education of only 4,000 best students and this left many students with only one option of enrolment under private sponsorship scheme. Eventually, this resulted in high dropout rates (40%) due to high costs of private sponsorship. UHRC commends the efforts made by Government to increase availability and equitable access to and quality education for financially challenged students.

10.2.10. Special Needs Education (S/NE)

The Special Needs Education policy and the Non-Formal Education policy were developed and approved to improve quality of S/NE so as to enable students with disabilities acquire a more consolidated and comprehensive education. The S/NE policy was aimed at describing the provision of support for pupils and students with special educational needs and expected to identify them within local authorities since a small percentage of them benefit from the education system.

365 "Sciences Worst Done Subjects", Daily Monitor Friday 8th February 2013 , 4
366 Higher education sector is composed of universities, national teachers colleges, colleges of commerce, technical colleges, training institutions, and other tertiary institutions.
367 Education and Sports Sector Annual Performance Report July 2011 to June 2012

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The S/NE policy will also ensure that special needs schools are developed into centres of excellence for learners with low incidence disabilities including those with a degree of vulnerability.[368]

During the period under review, the Special Needs subsector procured and delivered instructional materials (1000 cartons of braille paper, 250 braille kits, 140 wheel chairs, and 300 sign language dictionaries) for special needs pupils and students; procured 5000 and 16500 copies for training Non-Formal education teachers. In order to improve the efficiency and quality of S/NE activities in schools, the sub-sector monitored and supervised 100 S/NE institutions in 35 selected districts and paid capitation grants to maintain and train 1500 Non-Formal Education teachers and instructors in six PTCs.

10.3. CHALLENGES IN ENSURING ACCESS TO QUALITY EDUCATION

10.3.1. Inadequate budgetary allocation for Education Sector

The total approved budget for the education sector in FY 2011/2012 was UG.X 1,416.27 billion out of the national budget of UG.X. 9,630 billion translating into 14.71% share.[369] The total education and sports sector budget (recurrent and development) allocation was UG.X 1,415.812billion, of which UG.X 174.27 billion was direct donor funding.

Though the total Government funding (donor inclusive) increased from UG.X 1,242.66 billion in FY 2010/11 to UG.X 1,416.27 billion in FY 2011 in 2012, the UHRC noted that the proportions allocated to MOES out of the national budget had declined from

16.8 in FY 2010/11 to 14.5% in FY 2011/12.[370] Figure 10.2 below shows Government of Uganda funding to the Education Sector; Figure 10.3 shows the Government and Donor Funding to the Education Sector and Figure 10.8 shows the Budget allocation for MOES Sub sectors in FY 2011/12.

Figure 10.2: Government of Uganda funding to the Education Sector



Source: MOES

368 Statement by the Commissioner in Charge of the Special Needs Desk MOES reported in the New Vision newspaper 2nd January 2012.
369 As above (n 367) 19
370 UHRC 14th Annual Report,119

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Figure 10.3: Government and Donor Funding to the Education Sector



Source: MOES

Table 10.8: Budget allocation for MOES Sub sectors in FY 2011/12

Sub Sector	Budget Allocation in Billions of UG.X for FY 2011/12	%age share
Primary Education	703.024	56.6%
Secondary Education	424.202	22.6%
BTVET	98.057	6.5%
Tertiary	141.820	10.5%
Others	48.709	3.9%
Total	**1,415.812**	**100.0%**

Source: Education and Sports Sector Annual Performance Report 2011/2012

10.3.2. Inadequate Funds allocated to UPE, USE and ECDs

(i) Although the budget allocation for UPE increased to UG.X 49.68 billion in 2011/12, the UHRC noted that there were still challenges in terms of inadequate capitation grants allocated to UPE and Government aided schools affected among others the construction and rehabilitation of school facilities. This has exacerbated the existing poor study and work environment for the pupils and teachers. These limitations contribute to low enrolment and retention rates as well as high drop-out and absenteeism rates of both pupils and teachers. In the Acholi Sub region, the UHRC observed low staffing level in districts like Amuru and Lamwo due to lack of staff accommodation.[371]

(ii) The trend of budget allocation to USE showed an increase in funding from UG.X 87,403 billion in FY 2010/11 to UG.X 89,960 billion in FY 2011/12. Although the Education Sector used part of the funds for the construction of Seed Secondary Schools in order to cater for the increased enrolment at the Post-Primary Education and Training institutions, the infrastructure was still inadequate. A total of 700 USE schools were found to be over enrolled while 95 sub-counties had no secondary schools due to the increasing number of sub-counties with new administrative units.[372]

371 As above (n355) 69
372 As above (n 353) 176

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The headmaster's office used as a store, staff room and library at Omee Primary School in Amuru district

(iii) Another concern was the minimal Government contribution for every child under the UPE and USE programmes and the inconsistency in the release of the insufficient funds against planned indicative figures. UHRC found in the Acholi Sub Region complaints by some of the head teachers of government-aided schools over the inadequate Government's termly contributions which did not correspond with the high rate of inflation and cost of living[373].

(iv) Inadequate funding by Government to boost ECD has led to a wide gap between pre-school enrolment and the population aged three to five years. The consolidation of pre-primary education funds with those of primary education subsector led to the latter being allocated more which has affected ECD development.[374]

10.3.3. Inadequate Funds allocated for Special Needs

The special needs sector continued to receive minimal funding despite the increase in numbers of special needs children in primary and secondary schools. Table 10.9 below shows the Special needs budget allocation in the MOES.

Table 10.9: Special needs budget allocation in the MOES

Financial Year	Education Budget in billion Ug. Shillings	Amount allocated in billion Ug. Shillings	% age of the Education Budget
2009/2010	177,674	0.470	0.075
2010/2011	206,271	1.307	0.63
2011/2012	155,443	1,217	0.78

Source: MOES

The challenges facing S/NE like limited numbers of special needs schools, inadequate number of special needs instructors to address the different levels of disabilities, costly instructional aids and materials could be addressed through substantial and proportionate increase in the funding allocated to special needs sub-sector for children with special needs.

373 As above (n 355) 71
374 The State of Early Childhood Education in Uganda' Statement by Mrs. Mary Ojacor, Chairperson, ECD Training Institutions Association in the New Vision Newspaper 10th May 2012

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10.3.4. Limited Parental capacity to meet costs of education

(i) Costs of scholastic materials

It is the joint responsibility of Government, parents/guardians and other stakeholders to provide education and training to children.[375]In 2012, the Government encouraged parents to supplement its efforts through meeting the costs of scholastic materials, uniforms, basic necessities, feeding and extra charges under UPE and USE. However, many parents did not meet this obligation not only because of poverty but also the misconception that government was providing all the requirements since it was free primary and secondary education. This resulted in poor performance, absenteeism and high dropout rates of school children since they lacked necessary scholastic materials and lunch.

(ii) Failure to Feed Children in Schools

According to UPE policy guidelines, feeding children at school is the responsibility of parents. However, most families were grappling with the challenge of poverty hence their inability to constantly provide food for their children at school. During the UHRC monitoring visits in the Acholi Sub region, the District Education Officers (DEOs) reported that over 85% of the pupils did not have lunch at school. A survey conducted by the DEO's office in Amuru District revealed that only 24% of pupils in Amuru district carried packed lunch implying that 76% missed lunch. This was responsible for the pupils' poor concentration especially in the afternoons.[376] Some families lacked appropriate containers in which to pack foods especially perishable foods that could turn disastrous if not properly managed.

10.3.5. High dropout rates and absenteeism

Uganda has the highest school dropout rate in the East African region.[377] The high dropout rates and absenteeism of children from school were a result of several factors including poverty, the high costs of scholastic materials, child labour, lack of feeding; inadequate number of teachers, elopement, early pregnancies, early marriages, negative attitude towards girl child education and the exam centred education system. Teacher absenteeism has caused deterioration in delivery of quality of education, resulting into high student absenteeism and dropout rates especially in rural public primary schools.[378] Another factor especially in rural areas was that most parents preferred to use their children as labour on market days and during rainy and harvest seasons in their gardens, which caused the high rate of absenteeism during farming seasons.[379]

More than 300,000 children (almost 40 per cent) who enrolled for P.1 in 2006 did not attend PLE in 2012 because they dropped out of school. A total of 565,663 pupils registered for PLE but 20,989 (3.7%) did not turn up to sit the exams. Of the 20,989 candidates, 9,637 were boys and 11,352 were girls with the rate of absenteeism 0.2 percent. In 2012, the Acholi sub-region had very high dropout rates which were mostly girls of upper primary and secondary schools with Gulu district at 46% for girls and 30% for boys, while in Nwoya district it stood at 77% for girls and 53% for boys. This was generally attributed to defilement, early marriage, concentration on domestic chores and negative attitude towards girl child education amongst others.[380]

10.3.6. Material Conditions of Work of Teaching Staff

The continuous improvement of material conditions of teaching staff should be actively pursued.[381] The UHRC observed low staff morale, high levels of staff absenteeism (25-30%) and attrition within the Education Sector

375 Section 4 (1) of the Education (Pre-Primary, Primary and Post-Primary) Act, 2008
376 As above (n 371)71
377 Study by UNESCO in 2010
378 'Nature, Causes and Magnitude of Teacher Absenteeism in the Rights, Education and Development project Schools in Uganda' by Henry Edison Okurut August 2012 . ix
379 Daily Monitor Friday 8th February 2013 ,4
380 As above (n 376) 72
381 As above (n 322) 171

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attributed to poor salaries, delayed payment, HIV/AIDS and related illnesses, inadequate/poor infrastructure including staff housing in addition to the increasing cost of living.[382]

From 16th to 17th July 2012, public school teachers across Uganda joined a massive industrial action under the leadership of the Uganda National Teachers' Union (UNATU). They petitioned the Parliament about the poor remunerations. Over 30,000 teachers had not been paid then. Inadequate funding towards improving the material conditions of work of for teachers has resulted in the loss of instructional time and low syllabus coverage hence a decline in the quality and delivery services in the Education Sector.



Public demonstration by primary school teachers over poor renumeration. Source New Vision

UHRC observed that in higher institutions of learning like Makerere University, there were high attrition levels for staff that were overloaded, fatigued and worked for little pay. The university was operating at less than 50% of established staff structure and this was further aggravated by the ban on recruitment of staff.[383]

The UHRC found that the teachers' low pay contributed to their high rates of absenteeism and attrition through getting involved in other ventures like business and part time teaching in private schools to get extra income to support their families. Whereas it was possible in other parts of the country for Parent's Teachers' Associations (PTAs) to top up the government pay for teachers with feeding and housing allowances, it was very difficult in some areas within the Acholi sub-region where poverty levels were exceptionally high.

10.3.7. Influence of the Private Education Sector

The private education service providers at all levels of Education have impacted on the quality of Education in Uganda. Most of these private institutions have provided better education services when compared to most Government funded schools. This is evidenced through their high retention, enrolment and pass rates (PLE, UCE and UACE) compared to the public school system.[384]

The responsibility of Government in private education institutions is to ensure that private education institutions conform to the rules and regulations governing the provision of education services in Uganda.[385] However, due to the increased demand for their services, private schools have commercialised the education services evidenced by the exorbitant school fees and this has made education economically inaccessible more so for children in rural areas. Furthermore, there is the reported surge of exam malpractices in private schools especially during PLE, UCE and UACE exams to increase the pass rates, gain popularity and attract more students.

382 Paper presented by the Secretary General, UNATU at UHRC Consultative meeting on the 15th Annual Report 9th January 2013
383 For the 50,000 students there are 1,403 Staff. New Vision Newspaper Wednesday 23rd January 2013 ,2
384 Most of the best performing students came from private schools much as they had a handful of 16.6% of all the 515,916 candidates that sat PLE in 2012. Saturday Vision January 26th 2013 , 4
385 Section 5 of the Uganda Education Act 2008

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10.3.8. Monitoring and Supervision by the Education Sector

As part of its mandate to monitor educational standards, the MOES through the Department of Education Standards (DES) is primarily responsible for managing, monitoring, supervising and disciplining of staff and students.[386] In 2012, there were low levels of continuous monitoring, inspection and support to UPE, USE and private schools due to inadequate facilitation and human resource constraints (inspectors and district officials), weak institutional management and the increasing number of districts. The MOES reduced the inspection funds by 25% and this inevitably compromised the monitoring and inspections of schools.[387] This partly contributed to the high levels of absenteeism and exam malpractices by teachers and head teachers because they could not be tracked and reported to district education officers and district school inspectors to take action against them. This in turn contributed to the high pupil/student dropout and repetition rates. There was inadequate inspection by Local Government Inspectors to assess compliance and implementation of recommendations because they were not well trained in this role.

10.3.9. Existing Systemic Corruption

Corruption in the education sector took many forms and occurred at the national, institutional district and school levels. Corruption hinders efforts to achieve Education for All (EFA) goals and the education-based MDGs by diverting resources away from investments in infrastructure and institutions and distorting incentives for quality service delivery.

The 2009 Commission of Inquiry on the mismanagement of funds under Universal Primary Education (UPE) and Universal Secondary Education (USE) was established in response to public complaints relating to implementation of the government policies of UPE and USE. The Commission's August 2012 report stated that there was indeed mismanagement of funds amounting to hundreds of billions of shillings. The mismanagement was found in shoddy school construction; creation of ghost teachers and defrauding government in terms of double salary payments, false arrears claims, inflated salaries, and secondary school teachers among others on the primary school payroll; ghost students/pupils; absenteeism; flaunting of procurement process, laws and standard procedures and tendency of the MoES to divert funds from intended budget lines to those not in the budget for a given financial year.[388]

Other contributing factors to the existence of corruption include weak institutional management, inadequate monitoring and supervision with corrupt officials and poor pay. The Pension Scandal that rocked the Public Service Commission in 2012 has also affected the livelihood of retired teachers whose payments were halted until investigations into corruption allegations involving ghost pensioners and verification process for current pensioners was concluded.

There are also reported cases of pupils or students bribing teachers to commit exam malpractices especially for PLE, UCE and UACE exams.[389] UHRC noted that at least 28 secondary schools had their results withheld due to exam malpractices such as the assistance received during UCE exams especially in science and mathematics papers. Compared to 1,455 results withheld in 2011, 1,277 were withheld in 2012. The number of candidates involved in exam malpractices in PLE increased from 740 to 965 in 2012. Such practices undermine the quality education system and tough measures should be taken to penalize offenders.[390]

10.3.10. Automatic Promotion of pupils

Under the UPE programme, pupils are not supposed to repeat a class irrespective of the grades. This Policy

386 Section 4 (1) of the Education (Pre-Primary, Primary and Post-Primary) Act, 2008 states that
387 Presentation by Dr. Yusuf Nsubuga at UHRC Consultative meeting on the 15th Annual Report 9th January 2013
388 2009 Commission of Inquiry on the mismanagement of funds under Universal Primary Education (UPE) and Universal Secondary Education (USE
389 Statement by UNEB Executive Secretary reported in the Daily Monitor Newspaper Friday 8th February 2013 . 4
390 As above

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has received heavy criticisms for compromising the academic standards in UPE schools as well as the calibre of pupils benefitting from the UPE programme. The UHRC observed that this automatic promotion policy negatively impacted on the quality of education of the pupils who moved on to the next level even without understanding what they had learnt at the previous one. Such pupils reached primary six, with very poor numeracy and literacy levels, resulting into absenteeism, high dropout and failure rates.[391]

10.4. RECOMMENDATIONS

1. As recommended in the previous annual reports:

   - The Ministry of Finance Planning and Economic Development (MOFED) should allocate adequate funds to the Ministry of Education and Sports (MOES) in order to carry out its function of quality education service delivery and meet the minimum core obligations under the ICESCR and the objectives of the National Development Plan;

   - Ministry of Education and Sports should implement the Special Needs Education Policy and provide sufficient funding towards this subsector to cater for the increased number of children with special needs;

   - Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports to implement a salary scale that attracts and retains adequate and qualified teaching professionals within the sector; and

   - Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports to cater for indirect costs such as lunch in order to retain children in schools;

2. Ministry of Finance Planning and Economic Development should allocate adequate funds to the Ministry of Education and Sports for UPE and USE schools for the construction of more schools, classrooms and staff housing in all counties and for the procurement of educational materials;

3. Ministry of Education and Sports should step up continuous monitoring, inspection and support supervision to all private and Government aided primary and secondary schools including Early Childhood Development Centres (ECD);

4. Ministry of Education and Sports and the National Curriculum Development Centre (NCDC) should review and reform the current education curriculum at all levels from academic-based forms of learning to life skills education; and

5. Parents and guardians should fulfil their obligation to provide for the education and training of their children by meeting the costs of scholastic materials, uniforms, basic necessities, feeding and extra charges.

10.5. CONCLUSION

Some progress has been made towards the realisation of the right to quality education through the legal frameworks, the established systems and processes. However, there if the bottlenecks like inadequate funding, poor working conditions, and inadequate monitoring and supervision within the Education sector are not effectively addressed, they could continue to impede the access to quality education in Uganda.

391 National Assessment of Progress in Education report of 2010 accessed from www.uneb.ac.ug

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CHAPTER 11

COMPLIANCE WITH INTERNATIONAL AND REGIONAL REPORTING OBLIGATIONS

11.0. INTRODUCTION

Uganda has signed and ratified several regional and core international human rights instruments without reservations.[392] By this, the state undertakes to promote, protect, respect and fulfil the obligations under these instruments and to submit regular reports on the measures undertaken to implement the recognised rights. In line with its mandate, the UHRC monitored Government's compliance with international treaty and convention obligations on human rights.[393] The prompt submission of state reports is a reflection of the commitment of the government to promote and protect human rights as member of the UN Human Rights Council and it provides an opportunity for the Government to seek financial and technical assistance in the event that the specific rights cannot be effectively implemented. This Chapter highlights Uganda's reporting status, notes some concluding observations, points out challenges and makes recommendations.

11.1. INTERNATIONAL HUMAN RIGHTS TREATY BODIES

After ratification, Uganda is expected to report regularly to the Human Rights Treaty Bodies on the measures adopted and progress made in realisation of the rights recognised in the various treaties. The government is therefore required to file an initial report with treaty bodies and thereafter periodic reports within a stipulated time frame provided in the specific treaty. The treaty bodies under the various treaties which Uganda has ratified are: the Committee on the Elimination of Racial Discrimination under the Convention on the Elimination of All Forms of Racial Discrimination (CERD); the Committee against Torture, under Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment (CAT); the Committee on Economic, Social and Cultural Rights (formed after the Economic and Social Council Resolution 1985/17) to monitor the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR) and its Protocols, the Committee on Migrant Workers under the International Convention on the Rights of Migrant Workers and Members of their Families (ICRMW), the Committee on the Rights of the Child under the Convention on the Rights of Children (CRC); and the Committee on the Rights of Persons with Disabilities under the Convention on the Rights of Persons with Disabilities (CPRD).[394] The treaty bodies have issued harmonised reporting guidelines which provide for a common core document that provides for general information about the country and treaty-specific documents that address provisions in the treaty.[395]

(i) International Convention on the Elimination of All Forms of Racial Discrimination

In 1980, Uganda acceded to the CERD.[396] Thereafter an Initial Report was required to be submitted to the Committee on the Elimination of Racial Discrimination and subsequent reports every after two years.[397] An initial report was submitted in 1985; however, the government did not submit subsequent reports and combined the 2nd to 10th reports which it submitted in October 2001. In the Concluding Observations, the Committee commended the government for the establishment of the UHRC and enactment of the 1995 Constitution which provides for equality before the law and prohibition of racial discrimination.

392 Ratification is the process by which a state is bound after signing a treaty
393 Article 52 (h) of the 1995 Constitution
394 The International Convention on the Protection of All Persons From Enforced Disappearance has not been ratified by Uganda which has a Committee on Enforced Disappearances.
395 http://www2.ohchr.org/english/bodies/treaty/CCD.htm accessed on 31st January 2013.
396 Accession is when a state agrees to be bound by terms of a treaty without initially signing it
397 As above (n 163) , Article 9

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However, the crucial issues raised included disaggregation of data, providing statistics of offences of sectarianism and additional information on implementation of the Durban Declaration and Programme of Action when implementing the Convention.[398]

The follow up on these recommendations would have been in the 11th to 16th state reports to the Committee. However, the government has not yet submitted the 16th report which was due in December 2011.

(ii) Convention on the Rights of the Child

The government ratified the CRC in 1990. In June 1996, the government submitted the Initial Report to the Committee on the Rights of the Child. Although the subsequent reports were expected to be submitted every after five years, the Government was not able to submit the report in the required time.[399] Government's second periodic report was submitted in November 2004.

The Committee commended the government for the establishment of the National Council of Children, the adoption of the Uganda National Plan of Action for Children and prioritisation of the elimination of female genital mutilation. However, the Committee made general observations regarding the implementation of previous recommendations, bringing domestic laws into full compliance with the Convention, strengthening institutions that monitor the implementation of the convention through adequate budgetary allocations and expediting the establishment of the Equal Opportunities Commission.[400]

The 3rd to 5th reports were combined and this Report was due for submission in September 2011. The Committee had invited the government to submit the combined Report eighteen months before the due date which was not done. By the end of 2012, the report had not been submitted.

(a) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

In 2002, the government acceded to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC). Uganda submitted the Initial Report in July 2008, and was required to submit subsequent reports every after two years.[401] The Initial Report was considered by the Committee on the Rights of the Child in September 2008 which commended the government for declaring upon ratification of the Optional Protocol 18 years as the minimum age for voluntary recruitment to the armed forces and affirming that there was no conscription. Uganda was also commended on the adoption of the National Orphans and Vulnerable Children Policy, and engagement with the Special Representative of the Secretary General for Children and Armed Conflict (SRSG on CAAC).

However, the Committee made observations on finalising the Plan of Action with adequate allocation of financial and human resources for its implementation; establishment of an efficient coordination mechanism in order to supervise the implementation of the Protocol in all its aspects; and strengthening the role of the UHRC in monitoring places of detention.[402] Additional information for the 3rd to 5th report was to be included in a combined report which was due in March 2011. However, by the end of 2012 this report had not been submitted.

(b) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

Uganda ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children,

398 http://www.unhchr.ch/html/menu3/b/d_icerd.htm accessed on 1st June 2009
399 Ratified by Uganda in 1987
400 As above (n 402) 171
401 Article 8 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
402 As above (n 407)

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Child Prostitution and Child Pornography (OPSC) in 2001. In 2008, Uganda submitted the Initial Report to the Committee on the Rights of the Child. Follow up reports were expected to be submitted every after five years.[403] The Government was commended for putting in place the Child Orphans and Other Vulnerable Children's Policy and Action Plan of 2004; the establishment of the Child Labour Unit within the Department of Labour to address the worst forms of labour; and the establishment of Child and Family Protection Units in Police stations.

However, the Committee made observations regarding the need to disaggregate data; to avail adequate financial and human resource to the coordinating ministry and National Council for Children and to comply with the recommendation of the UHRC to hold a public inquiry to investigate reports of the sale of children for sacrifices and ritual killings.[404] Additional information was to be included in the 3rd to 5th combined report which was due on 15 March 2011but was submitted by the end of 2012.

(iii) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Uganda ratified the CAT in June 1987. In June 2004, Uganda submitted the Initial Report to the Committee against Torture. Subsequent reports were required to be submitted every after four years.[405] The Committee commended the Government for the establishment of the UHRC in accordance with the Paris Principles; the abolition of corporal punishment following Criminal Appeal No. 16 of 1999 (Supreme Court) Kyamanywa vs. Uganda; the generosity in hosting more than 200,000 refugees and in paying full respect to the principle of non-refoulement; and the ratification of most major international human rights conventions; as well as the Rome Statute of the International Criminal Court.

After considering the initial report, the Committee's observations were that the State should take necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment; adopt a definition of torture; take steps to eliminate impunity for alleged perpetrators of acts of torture and ill-treatment; abolish the use of "ungazetted" or unauthorised places of detention; strengthen and implement the decisions of the UHRC with regard to compensation to victims of torture and prosecution of perpetrators.[406]

The implementation of these recommendations should have been included in the 2nd Periodic Report which was supposed to be considered in June 2008. A follow up on the recommendations would have been made in the 3rd report which was due in June 2012. However, this Report had not been submitted by the end of 2012.

(iv) International Covenant on Civil and Political Rights

In 1995 Uganda acceded to the ICCPR. Thereafter, Uganda submitted the initial report to the Human Rights Committee in February 2003. The general practice of the Human Rights Committee requires State Parties to present their periodic report every after four years.[407]

After considering the Initial Report, the Human Rights Committee welcomed the ratification by the State party of the Optional Protocol to the Covenant in November 1995 and the establishment of the UHRC. The Committee made recommendations for the implementation of decisions of the UHRC concerning awards, abolition of mandatory death sentences and to remedy shortcomings in the administration of justice in order to ensure full respect for the judicial guarantees enshrined in the Covenant.[408] The follow up Report was due in 2005 and the 2nd report was due in April 2008 but they had not been submitted by close of 2012.

403 Article 12 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
404 As above (n 409)
405 As above (n 77)Article 19.
406 As above (n 411)
413 http;//www2.ohchr.org/english/bodies/hrc/workingmethods.htm#accessed on 31st January 2013.
408 As above (n. 163)

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(v) Convention on the Elimination of All forms of Discrimination against Women

Uganda ratified the CEDAW in 1985. Uganda was expected to submit an Initial Report within one year after entry into force of the Treaty and thereafter periodic reports every after four years or whenever so requested by the Committee.[409] A Combined Report of the Initial and Second Report was submitted to the Committee in July 1992. The third report was considered in an Exceptional Session in 2002 while the 4th to 7th reports were considered in October 2010.

The Committee commended Uganda for the promulgation of the Refugee Act (2006); the Land Amendment Act (2004), The Employment Act (2006), the Equal Opportunities Commission Act (2007) and the National Equal Opportunities Policy, the Prevention of Trafficking in Persons Act (2010) and the Prohibition of Female Genital Mutilation Act (2010). The Committee recommended that Uganda expeditiously enacts the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill; effectively implements the Prohibition of Female Genital Mutilation Act 5 (2010); and improves women's access to health care services, maternal and mental health. The Follow-Up Report was due in October 2012 but was not submitted by the end of 2012.

(vi) International Convention on the Rights of Persons with Disabilities

In 2008, Uganda ratified the CRPD. Article 35 of the CRPD required the submission of an Initial Report to the Committee on the Rights of Persons with Disabilities within two years after entry into force if the treaty in respect of Uganda. The Initial Report which was due in October 2010 was submitted at the end of 2012.

(vii) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

In 1995, Uganda acceded to the ICRMW. Uganda was required to submit an Initial report to the Committee on Migrant Workers in July 2004 and thereafter periodic reports every after five years or as requested by the Committee.[410] The Initial Report was not submitted and the 2nd Report that was due in July in 2009 had not been submitted by the end of 2012.

(viii) International Covenant on Economic, Social and Cultural Rights

Uganda acceded to the ICESCR in 1987. Article 17 of the ICESCR requires that Uganda submits an initial report one year after entry into force of the treaty in respect to Uganda. The Initial Report to the Committee on Economic, Social and Cultural Rights was due in June 1990. The 2nd Report was due in June 1995, the 3rd Report in June 2000, 4th Report June 2005, the 5th Report June 2010 and the 6th Report 2015. The initial report was submitted at the end of 2012. (The date of consideration by the treaty bodies is after the date of submission by the state). (Table 11.0 shows Uganda's reporting status to the UN Treaty Bodies.

409 As above (n333) Article 18
410 Article 73 of the international Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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TABLE 11.0: REPORTING STATUS TO THE UN TREATY BODIES

Treaties	ICERD	CRC	CEDAW	OPAC	OPSC	CAT	ICCPR	ICRMW	CRPD	ICESCR
Ratification	1985	1990	1985	2001	2002	1986	1995	2003	2008	1987
Date of consideration	1st Report-1984 2nd -10th 2003	1st Report-1997 2nd Report 2005	1st-2nd Report 1995 3rd Report 2002 4th-7th Reports -2010	1st Report -2008	1st Report-2008	1st Report-2005	1st Report-2004	No Initial Report submitted	Initial Report submitted in 2012	Initial Report submitted in 2012
Duration since the last report	Due since 2005	Due since 2011		Due since 2011	Due since 2011	Due since 2008	Due since 2008	Due since 2004		

Extracted from the Report of the OHCHR on Uganda and the UN Human Rights Mechanisms

11.2. International Labour Conventions

Under the International Labour (ILO) Conventions the Committee of Experts (CERAC) receives comments on implementation of the conventions. Uganda has ratified 31 ILO Conventions including the core conventions on the minimum wage-fixed machinery, forced labour, freedom of association and protection of the right to organise, employment policy worst forms of child labour, abolition of forced labour, minimum age, the right to organise and collective bargaining.[411] These conventions require the government to submit them to Parliament to consider for ratification and thereafter a report on ratification is provided to the ILO.

In 2012, the CERAC had not received comments on implementation of 15 conventions out of 22 conventions requested for.[412] These ILO conventions are the : Workmen's Compensation (Agriculture) (1921), Equality of Treatment (Accident Compensation) 1925, Underground Work (Women) (1935), Freedom of Association and Protection of the Right to Organise (1948), Labour Inspection Convention (1947),Right to Organise and Collective Bargaining (1949), Equal Remuneration(1951), Abolition of Forced Labour (1957), Discrimination (Employment and Employer Convention) (1958), Medical Examination of Young Persons (Underground work) (1945), Minimum age (Underground Work) (1965), Migrant Workers (Support Provisions) (1975), Tripartite Consultation (International labour Standards Convention) (1976), Collective bargaining (1981), and the Worst Form of Child Labour (1999)

11.3. African Charter on Human and Peoples' Rights

Uganda ratified the ACPR in 1986. Under the ACHPR, reports are required to be submitted every two years on the legislative and other measure taken to implement the rights and freedoms in the Charter.[413] The 1st Periodic Report was submitted to the African Commission on Human and People's Rights in 2000. The 2nd Periodic Report was submitted in 2006, the 3rd Periodic Report in 2008 and the 4th Periodic Report in 2011. However, the African Commission on Human and Peoples' Rights noted that the 4th Periodic Report did not adequately address the provisions of the charter.[414] In addition, the 5th report had not been submitted by the end of 2012.

11.4. Interventions by the UHRC in State Reporting

(a) In October 2011, the UHRC presented an alternative report during the Universal Periodic Review Process. The UHRC report highlighted progress and challenges as had been documented in the UHRC's Annual Reports assessing the human rights situation from 2007 to 2009.[415] The UHRC also publicised the recommendations from the UPR and is following up on them.

411 C26, C29,C87, C122, C182, C105, C138 and C98.
412 http://www.ilo.org/dyn/normlex/en/f?p=1000:14100:0::NO :14100:P14000_COUNTRY-ID.103324 accessed on 13th February 2013
413 As above (n 337) Article 62.
414 Report of Uganda to the African Commission on Human and Peoples' Rights presented at the 44th Ordinary Session Abuja , Federal Republic of Nigeria November 10th -24th 2008.
415 See the Information Note For National Human Rights Institutions regarding the Universal Periodic Review Mechanism -10th,11th and 12th UPR sessions, held in Geneva from 17-28 January , from 2-13th May and from 3rd to 14th October 2011. Accessed at http://www.ohchr.org/EN/HRBodies/UPR/PageS/NteS/NHRIs.aspx on 12th March 2012.

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(b) The UHRC has engaged with special procedures of the UN Human Rights Council, that have been put in place to address specific themes of human rights or to examine the specific country situations in order to promote and protect human rights. The UHRC has worked with the UN Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya to promote the rights of human rights defenders.

At the African regional level, the UHRC has worked with the Special Rapporteur on Prisons and Conditions of Detention in Africa, Commissioner Med S. Kaggwa to strengthen the monitoring of conditions in places of detention.

(c) During the reporting process of the various treaty bodies, the UHRC provided technical support and contributed to the state reports to various treaty bodies such as the Committee Against Torture, the Committee on the Rights of the Child its Optional Protocols and the Human Rights Committee.

(d) The UHRC publicised recommendations from different treaty bodies especially regarding the Convention on the Rights of Children, Convention on the Elimination of Discrimination Against Women, Convention Against Torture, the International Covenant on Civil and Political Rights and the Universal Periodic Review.

(e) The UHRC sensitised the Standing Committee on Human Rights in Parliament on key human rights standards, concepts and principles in order for it to guide Parliament on the incorporation of human rights in the legislative process. As a result the Standing Committee on Human Rights agreed among others to play a more active role in the domestication of treaties to ensure compliance with all our international and regional human rights obligations and in the development of the National Action Plan on Human Rights.

(f) Inter-Ministerial Technical Committee

One of the voluntary pledges and commitments made by the government during the UPR was to establish a Cabinet Sub-Committee to provide policy oversight and guidance on human rights issues. The UHRC provided technical support to the Inter- Ministerial Technical Committee which is assisting with the development of the National Action Plan on Human Rights and overseeing the coordination of state reporting to various regional and international bodies.

11.5. CHALLENGES IN REPORTING

(i) Delays and non submission of reports

There are still delays in reporting and non-submission of reports to treaty bodies such as Committee on the Elimination of Discrimination, the Committee on the Rights of a Child and the Committee Against Torture. These delays have been noted by the human rights treaty bodies. The reasons for these delays include the various reports required by different monitoring bodies which is not complimented with the corresponding capacity at the national level, the lack of a sanction mechanism in the event of delayed or non- submission of state reports and the non-binding nature of the recommendations.

(ii) Ineffective Coordination Mechanism

There is ineffective coordination between lead agencies, the coordinating ministry and civil society. Under each treaty body there is a lead agency to implement the obligations under the convention, other concerned ministries while the Ministry of Foreign Affairs oversees and coordinates the process both internally and externally to ensure that the report presented is an accurate reflection of the human rights situation. Though both the Lead agency and other ministries are required to have up to date information on the implementation

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of the various conventions this information is not readily available. Due to ineffective coordination, there is lack of a strong mechanism to follow up on periodic reporting which ultimately affects the frequency and the quality of the reports presented.

(iii) Lack of effective implementation

Effective implementation of recommendations has to go together with regular reporting in order to assess progress made. However, this was not the case and in several instances recommendations were overtaken by events. At times the implementation of recommendations or observations requires other state organs which are beyond the control of the Lead Agency or other concerned ministries. Implementation of recommendations that are structural in nature could at times have financial implications. Thus initiatives by the Government to promote and protect human rights are likely to exclude recommendations that have an impact on the laws, policies and programmes especially considering that most of the concluding observations are interrelated.

(iv) Limited capacity

Treaty bodies require specific information of both qualitative and quantitative nature. This requires adequate technical staff in various government institutions to analyse data for follow up of the various reports. In addition, several committees have requested for disaggregated data. For instance, the concluding observations of the Committee on the Elimination of Racial discrimination *noted the lack of disaggregated data or precise information on the ethnic composition of the population and social ethnic and national groups.*[416]

(v) Participation of Stakeholders

Treaty provisions by their very nature impact on laws, polices and programmes. This therefore requires wide consultation with and participation of all stakeholders at the commencement of treaty negotiations and conclusion in order to appreciate the measures that would have to be taken in order to make laws, policies and programmes comply with the treaties that have been ratified. However due to budgetary constraints and at times lack of appreciation of treaty obligations, this has been disregarded which has in turn, affected monitoring and reporting.

11.6. RECOMMENDATIONS

1. The Ministry of Foreign Affairs should strengthen the Inter-Ministerial Technical Committee which provides technical support to the Cabinet Sub–Committee that provides policy oversight and guidance on human rights issues. Stakeholders under each treaty should be identified and their roles defined. This includes line ministries, coordinating ministries, the UHRC, civil society and international agencies. In addition, the role of the Uganda National Bureau of Statics should be strengthened as a source of data collection and analysis.

2. The Ministry of Foreign Affairs should ensure that the process of compiling the State reports should be open and as inclusive as possible to ensure objective and analytical reports. Such a process would help Government fulfil its obligations under the treaties it has ratified and assess the effectiveness of mechanisms it has put in place.

3. The Ministry of Foreign Affairs should strengthen the reporting and monitoring role of the Inter-Ministerial Technical Committee among others through training and the learning from best practices. In addition, financial and technical assistance from treaty bodies or specialised agencies should be accessed for purposes of sustainability.

416 As above (n 415)

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4. Parliament should ensure that laws that are passed do not violate human rights standards which the Government has committed to. In addition, Parliament should request Ministries to include in their policy statements a status of implementation of treaty obligations under their mandate.

5. The Minister of Foreign Affairs should extend an invitation to the Special Rapporteurs including those that focus on economic, social and cultural rights thematic mandates in order for them to provide their expertise on the effective promotion and protection of economic, social and cultural rights.

11.7. CONCLUSION

Uganda has an obligation to report on treaties that it has ratified. Therefore efforts have to be made to ensure that state reporting to the various monitoring mechanisms is up to date. The Inter-Ministerial Technical Committee is a mechanism that could address the coordination of the implementation of State Party obligations and reporting to the various regional and international bodies. This would in turn assist with the systematic follow up of specific treaty body recommendations.

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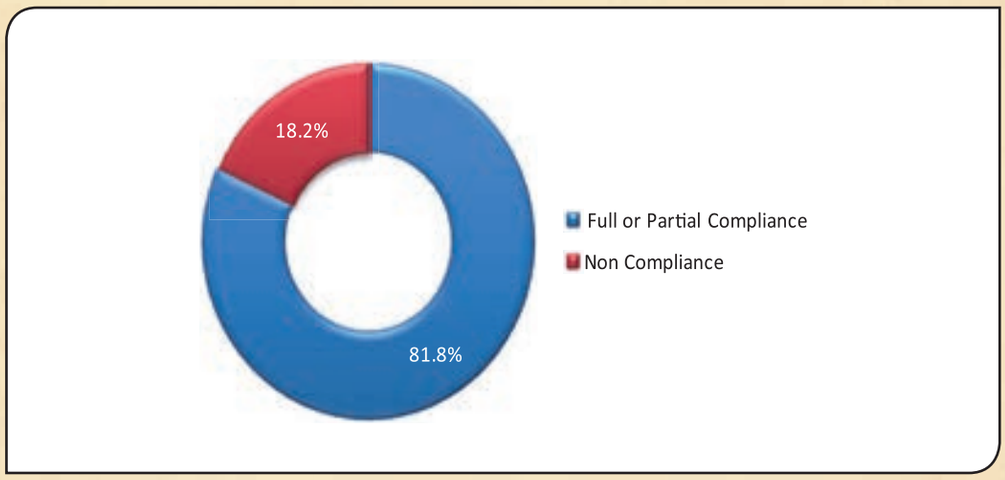
CHAPTER 12

GOVERNMENT COMPLIANCE WITH UHRC RECOMMENDATIONS

12.0. INTRODUCTION

The UHRC has over the last 14 years continued to make recommendations to Government and other stakeholders for the improvement of the human rights situation in the country. The UHRC commends Government's efforts towards ensuring full compliance its recommendations in a number of respects. However, there were recommendations that were either partially implemented or not complied with at all. In 2012, 81.8% of the recommendations were fully or partially complied with compared to 77.5% documented in 2011. In addition, of the recommendations, 18.2% were not implemented at all compared to 22.5% documented in 2011. Figure 12.1 below shows Government compliance with UHRC recommendations in 2012.

Figure 12.1: Government Compliance with UHRC Recommendations in 2012



In 2012, the UHRC continued to follow up with Parliament and other specified stakeholders with regard to compliance with its recommendations. This Chapter takes stock of the recommendations that have been made since the inception of the UHRC but which continue to be pending and the extent to which Government has implemented them.

12.1. RECOMMENDATIONS FULLY COMPLIED WITH

12.1.1. Enactment of a law Prohibiting Torture

For several years, the UHRC had been recommending to Parliament to enact a law that would domesticate the Convention Against Torture (CAT). The UHRC commends the Parliament for implementing this recommendation by passing the Prevention and Prohibition of Torture Bill on 26th April 2012. Also commended is His Excellency the President of Uganda, Yoweri Kaguta Museveni who assented to the Bill on 27th July 2012. This law gives individual perpetrators of torture both criminal and civil liability which is expected to reduce the incidence of torture committed by state agents and awards paid by the Government in compensation.

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12.1.2. Appointment of Commissioners to the UHRC

The UHRC in the 14th Annual Report recommended that Government appoints new Commissioners to fill up the gap left by those that had resigned between July and August 2010 to take on other assignments. On 12th July, 2012 two Commissioners: Ms. Violet Akurut Adome and Mr. Stephen Basaliza (Col.) were appointed. These appointments are expected to boost the outputs of the UHRC.

12.1.3. Parliamentary Committee on Human Rights

The UHRC in the previous annual reports recommended the establishment of a Parliamentary Committee on Human Rights. The Parliament set up the Standing Committee on Human Rights on 7th March, 2012 which will ensure timely review of human rights reports from not only the UHRC but also CSOs. This committee will also ease the burden of the Legal and Parliamentary Affairs Committee and the Equal Opportunities Committee that had been mandated to oversee the human rights sector.

12.1.4. Submission of the initial report on ICESCR

The UHRC had previously recommended to Government to submit as soon as possible its Initial Report to the UN Committee on ICESCR that had long been overdue. The MoGLSD compiled a draft report that was shared with the Ministry of Foreign Affairs for consideration which was submitted to the Committee on Economic, Social and cultural Rights 2012.

12.2. RECOMMENDATIONS PARTIALLY COMPLIED WITH

12.2.1. Prompt payment of the UHRC Tribunal Awards

As indicated in Chapter 1 above, investigating and resolving complaints of human rights violations is one of the core functions of the UHRC. Prompt compensation is crucial for an effective remedy. The UHRC held tribunal hearings for some of the complaints and awarded compensation to some of the victims. Most of the victims who were awarded compensation were to be paid by the Office of the Attorney General.

The Attorney General indicated to the UHRC that 28 files had been approved for payment during the FY 2011/12.

A total of UG.X. 240,255,568/- was paid in compensation, leaving an outstanding balance of UG.X.89,634,432/- (See Table 11.1). by close of 2012, the Government had paid up UG.X.1,093,899,461/- of all tribunal awards made by the UHRC since 2003, leaving an outstanding balance of UG.X.2,815,035,513/-. Figure 12.2 shows the status of payments of awards against the Attorney General as at December 2012. The UHRC appreciates the Attorney General's efforts to compensate the victims but continues to call for prompt payment of all outstanding awards.

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Figure 12.2: Status of Payments of awards against Attorney General as at December 2012

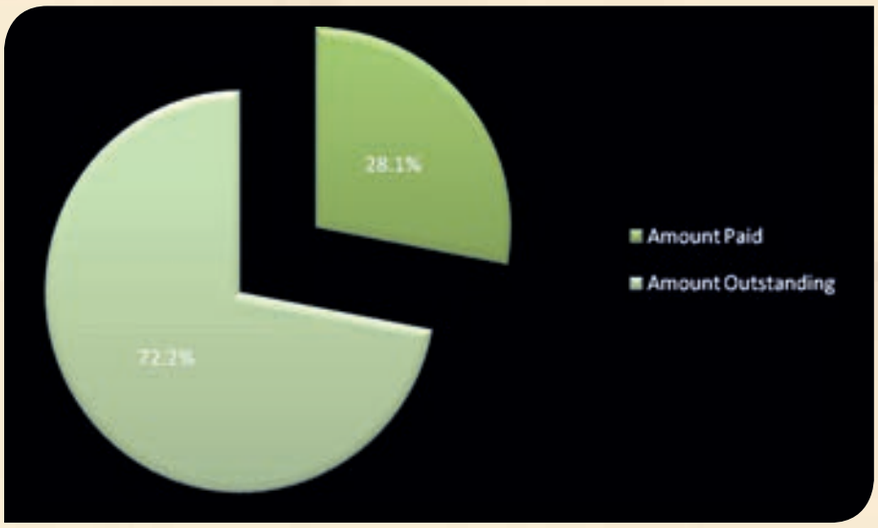
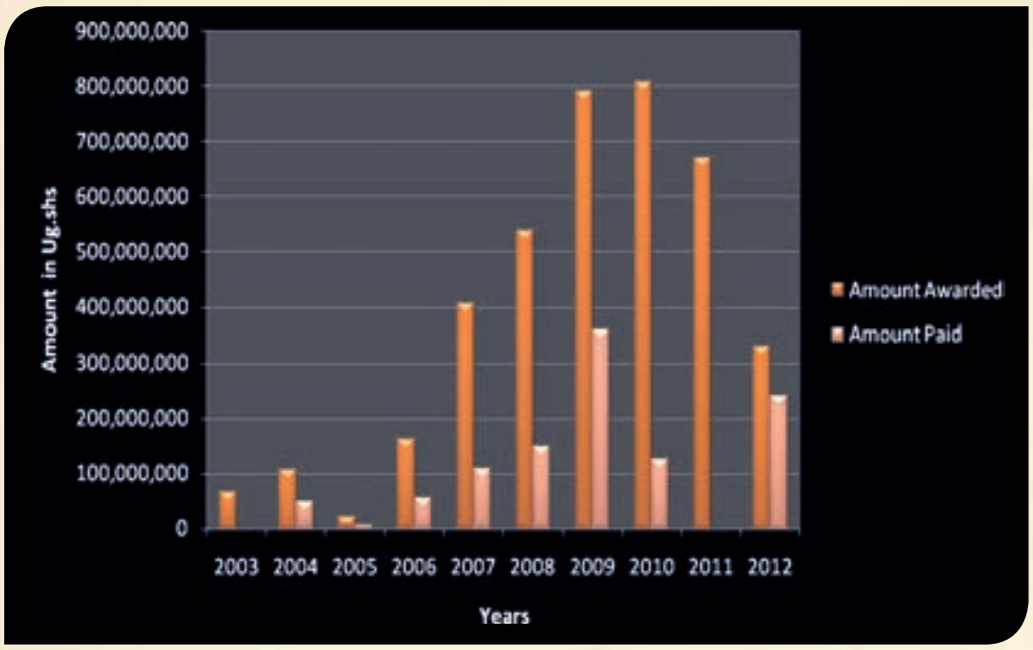


Table 12.1: Summary Status of Payments of Awards from 2003 to 2012

Year	Amount Awarded	Amount Paid	Outstanding
2003	67,112,967	0	67,112,967
2004	107,511,892	50,000,000	57,511,892
2005	20,868,000	6,000,000	14,868,000
2006	160,797,600	54,518,000	106,279,600
2007	406,431,000	108,124,000	298,307,000
2008	538,407,350	149,280,425	389,126,925
2009	790,282,147	360,300,000	439,982,147
2010	808,412,468	125,421,468	682,991,000
2011	669,231,550	0	669,231,550
2012	329,880,000	240,255,568	89,624,432
Total	**3,898,934,974**	**1,093,899,461**	**2,815,035,513**

Source: UHRC

Figure 12.3: Comparison between Awards and Amount Paid from 2003 to 2012



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12.2.2. Establishment of a Victim's Compensation Fund

The UHRC urged Government to establish a Victims Compensation Fund so as to enable timely payment of the compensations awarded by the UHRC Tribunal to victims of human rights violations committed by state agents. The UHRC welcomes the fact that human rights awards were prioritised by the Court Awards and Compensation Committee under MoJCA, but noted that the funds to cover these awards were often insufficient. The UHRC believes that a separate fund would ease the process. The UHRC continues to recommend to Parliament to establish a Victim's Compensation Fund that will ensure timely payment to victims.

12.2.3. Establishment of District Human Rights Desks /Committees (DHRC)

The UHRC recommended the establishment of District Human Rights Desks/Committees (DHRD/C) in all districts in order to promote and protect human rights at the district and other local government levels. DHRC have so far been established in 76 districts with the exception of Amolatar, Amuria, Bukwo, Kaberamaido, Kalangala Katakwi and the newly created districts of Aleptong, Buikwe, Bulambuli, Butambala, Buvuma, Buyende, Gomba, Kalungu, Kiryandongo, Kisoko, Kyankwanzi, Kyegegwa, Lamwo, Luuka, Lwengo, Namayingo, Ntoroko, Otuke, Serere, Kayunga, Kyakwanzi and Zombo. The UHRC commends all the districts that set up the DHRD/C and urges those that have not done so to have them established. The UHRC also appeals to districts that have established DHRD/C to avail funds to make them operational.

12.2.4. Enhancement of Peace Efforts in Uganda

The UHRC welcomed the operationalisation of the International War Crimes Division of the High Court responsible for trying crimes against humanity, war crimes and genocide.[417] The UHRC appreciates Government's effort to set up the division and recruit five judicial officers for it. However, the UHRC appeals to Government to recruit and train additional judges, a registrar, legal researchers, clerks and interpreters in the Division to particularly work on issues concerning international criminal law and international humanitarian law.

12.2.5. Funding to the UHRC

In its 14th Annual Report, the UHRC requested Government to increase funding to the Commission to enable it effectively carry out its mandate. The appropriations for the UHRC in the FY 2009/10, to FY 2012/13 was UG.X 4,781,364,000/-, UG.X 7,273,878,000/-, UG.X 7,220,438,000/- respectively and UG.X 8,336,404,522/- in the FY 2012/13. This showed an increase of 52.1% in FY 2010/11, a slight decrease of 0.5% in FY 2011/12 and a little increase of 15% in FY 2012/13. The overall movement in budget allocation from the FY 2009/10 to 2012/13 is 134% (Reference is made to Table 4.1 and Figure 4.2 in Annex 2 and 3). There was minimal increase in the funding of the UHRC in view of the ever increasing demand on it to deliver human rights services to the grassroots. The appropriations are not adequate to cover the desired level of activities in a year. The UHRC continues to appeal to Government to increase its funding to fully meet its budgetary needs and enable it perform its functions effectively.

12.2.6. Anti-Corruption Strategy

The UHRC has previously recommended that an anti-corruption strategy be developed purposely focusing on detention, investigation, prosecution, and adjudication of corruption cases. The UHRC appreciates efforts by JLOS to develop an Anti-Corruption Strategy; which however, was not implemented as the programme had just started. The UHRC appeals to JLOS to implement the strategy.

417 Information provided by from the Ministry of Justice and Constitutional Affairs, in April, giving an update on implementation of recommendations made in UHRC's 12th Annual Report.

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12.2.7. The cost of Anti-Retroviral Drugs (ARVs)

By June 2010, the availability of Anti-Retroviral Therapy (ART) services had been improved in both private and public health facilities. Nonetheless, The UHRC noted that disparities in access to ART still existed in 2012; perpetuated by social and economic factors such as poverty.[418] The UHRC appeals to the Government to increase domestic funding to the health sector to be able to provide free ARVs.

12.2.8. Simplified Version of the Constitution

In its previous reports, the UHRC recommended that Government produces a simplified version of the Constitution of Uganda and translates it into key local languages. The UHRC commends Government for the efforts made so far through the Uganda Law Reform Commission (ULRC) to translate the Constitution into Acholi, Langi, Ateso and Luganda. However, the UHRC still appeals to ULRC to translate the simplified version into more local languages and produce more copies of the already translated versions.

12.2.9. Elimination of 'Safe Houses'

The UHRC has over the years urged Government to eliminate un-gazetted places of detention usually referred to as 'safe houses'. During 2012, the UHRC did not receive any complaints of detention in safe houses. However, there were some unverified claims of people allegedly detained in un-gazetted places.

12.2.10. Hunger and the right to adequate food

a) Programmes and Policies to ensure Food Security

The UHRC recommended programmes and policies to ensure food security especially in areas that are prone to food insecurity. According to the Ministry of Agriculture, Animal Industry & Fisheries (MAAIF), in 2012 Uganda produced enough food to feed over 34 million people and exported some surplus to the regional market including South Sudan, DRC, Rwanda, Burundi and Kenya (where an estimated 600,000 MT of maize was exported). However, there were sections of the population that had the nutritional security situation slightly below the Food and Agriculture Organisation (FAO) recommended ratios. The UHRC urges Government to strengthen the multi-sectoral approach to enhance fulfilment, respect and protection of the right to adequate food.

b) System of Food Storage

The UHRC recommended that Government should put in place a system of food storage to ensure food supply during famine. According to MAAIF, grain storage facilities were established in the districts of Nakaseke, Sembabule, Masindi, Gulu and Kapchorwa. MAAIF operationalised a Warehouse Receipt System (WRS) through the Uganda Commodity Exchange under MTIC.

c) Provision of agricultural inputs to the Communities

The UHRC recommended to MAAIF to provide agricultural inputs to communities. The MAAIF reported that communities were provided with seeds by the MAAIF Tea Project and 24 million coffee seedlings were generated, 15.5 million seeds were planted and benefited 103,333 households. Other agencies providing farmers with agricultural inputs were Uganda Coffee Development Authority (UCDA) that gave coffee seedlings. A total of 739,200 food security farmers received 'food security production technologies'. 39,000 market-oriented national farmers were availed with improved technologies and fruit trees were given by the Farm Income Enhancement and Forestry Conservation (FIEFOC) Project.

418 See Information provided by Mr. Denis Odwe, Action Group for Health, Human Rights and HIV/AIDS at the Annual Report Consultative Meeting on 7th January 2012.

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However, the UHRC urges the MAAIF to ensure that all communities relying on agriculture have access to agricultural inputs to enable them purchase food for consumption.

12.2.11. Freedom of the Media

a) Proposed Press and Journalist (Amendment) Bill (2010)

In its 11th Annual Report, the UHRC recommended that Government should apply only justifiable and acceptable limits in trying to regulate the freedom of speech and expression. Government proposed the Press and Journalist (Amendment Bill) 2010, aimed at empowering the Media Council to close media houses and also criminalising the publication of information deemed prejudicial to national security, stability, unity or economic interests among other things; but which grounds were not clearly defined by the proposed bill. The proposed Bill in the form it was would unreasonably restrict freedom of the media and in effect, freedom of speech and expression. Although Government did not table the proposed Bill, the UHRC continues to urge the Ministry of Information and National Guidance to ensure that the Bill complies with international human rights standards and the constitution of Uganda before it is tabled to Parliament.

b) Regulation of Interception of Communications Act 2010

Parliament passed the Regulation of Interception of Communication Act (2010) which authorise government security agencies to intercept private phone conversations as part of wider efforts to combat terrorism-related offences in the country. The Act also provides for the establishment of a monitoring centre manned and controlled by designated technical experts appointed by the Security minister. The UHRC urges Parliament to amend the sections of the legislation that do not comply with human rights standards enshrined in the Constitution of Uganda and other international human rights instruments.

12.2.12. Promotion of the Right to a Clean and Healthy Environment

The UHRC in its previous Annual Reports made recommendations for increased levels in environmental monitoring and enforcement of environmental laws and policies.[419] In 2010, the National Environmental Management Authority (NEMA) created awareness on environmental issues through radio programmes, community meetings, and reports such as the National State of Environment Reports and the District State of Environment Reports. NEMA also encouraged public participation in environmental management for instance through, Public hearings on Environmental Impact Assessments (EIAs) concerning Oil and Gas, and the re-introduction of indoor spraying of DDT. In 2012, NEMA established an environmental law police to strengthen the enforcement mechanism. However, the enforcement of environmental policies such as the ban on polythene bags is not effective. The UHRC continues to urge the Government to strengthen the enforcement of environmental laws and policies.

12.2.13. Partial Progress on Bills

The UHRC in its annual reports made recommendations for various bills to be enacted into law. Table 12.2 below shows the status of the bills. The UHRC noted some progress made so far.

419 See Uganda Human Rights Commission; 10th, 11th and 12th Annual Reports.

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In spite of the noticeable 24.3% reduction in the registered complaints against the UPF from 457 in 2011 to 346 in 2012, the statistics show that there is still a gap between the gained human rights knowledge from trainings and protection of rights of suspects in practice. As such, there is a need to tailor the human rights education to address the practical challenges of the UPF.

12.2.17. Construction of Police stations

In 2012, Government took positive steps towards improving police facilitation. New buildings were constructed for Nyero Police Station in Kumi District, Maracha Police Station, Awachi Police Station, Amuru Police Station and Bushenyi Police Station. Other stations were by end of 2012 under construction in the districts of Kaabong, Kotido, Moroto and Abim. However, the newly built police stations though commendable, fully did not meet the required standards. They still lacked beddings, independent isolation rooms for suspects with mental impairments those with infectious diseases such as tuberculosis.

12.2.18. Elimination of the use of buckets for toilets in prisons

This practice was still noticeable in 2012 in 163 prisons out 232 units used buckets at night despite the increase in the number of prisons with water borne toilets from 154 in 2011 to 163 in 2012. As was the case in 2011, only 58% of the prisons provided safe and clean water to staff and prisoners 2012.[422] The UHRC recommends that Government translates budgetary allocations and renovation plans into prioritisation of complete elimination of the use of buckets for toilets in detention facilities.

12.2.19. PWDs right to participate in cultural and sporting activities

Disability issues are cross-cutting thus the Ministry of Gender Labour and Social Development's (MoGLSD), close cooperation with Disability People's Organisations (DPOs), Ministry of Education and Sports (MoES), Handicap International and the NUDIPU is commendable.

In 2012, the MoGLSD procured sports equipment for children with disabilities in Gulu and Busia Districts.[423] The equipment included Goal Balls for the visually impaired children. However, the UHRC urges the National Sports Council in the MoES needs to make sure that the playing grounds accommodate the needs of children with disabilities. Government should also procure specialised wheel chairs to enable children with disabilities participate in athletics and subsidise the importation of such equipment.

12.2.20. Aligning the Persons with Disabilities Act, 2006 with international Standards

The UHRC in its previous reports recommended that Government amends the Persons With Disabilities Act, 2006 to ensure that it complies with the Convention on the Rights of People with Disabilities (CRPD). In 2012, the MoGLSD developed Principles for the Amendment of the Act which were approved by Cabinet. The Ministry in consultation with stakeholders working with and for PWDs and DPOs identified the provisions in the Act that required amendment.

In order to harmonise them with other existing legislations, domesticate specific provision of the CRPD and reflect the policy intentions. The drafting instructions were developed for the First Parliamentary Council to kick start the process.

422 Mr. Victor Aloka, Assistant Commissioner of Prisons, Presentation on 'Conditions in Prisons in 2012: Achievements, Challenges and Recommendations' at the UHRC 15th Annual Report Consultative Meeting on 7th -11th January 2013 at Speke Resort Munyonyo.
423 Interview with the Commissioner In charge of Disability and Elderly.

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12.2.21. Compiling of Disaggregated Data on PWDs

In 2012, the MoGLSD in conjunction with Uganda Bureau of Statistics (UBOS) developed a draft Data Collection Tool on Disability to enable compilation of disaggregated data on PWDs. The UHRC recommends that the tool be quickly finalised so that UBOS captures disaggregated information on PWDs in the next census.

12.3. RECOMMENDATIONS THAT HAVE NOT BEEN COMPLIED WITH

12.3.1. Continuous Civic Education

The Government support to civic education is still inadequate for the UHRC to fulfil its constitutional obligations. The UHRC appeals to Government and particularly MoFPED to support a continuous and country-wide programme of civic education for an informed and accountable citizenry.

12.3.2. Report on findings by a Commission of Inquiry into burning of Kasubi Tombs

In the 13th and 14th Annual Report, the UHRC recommended that the MoGLSD presents to the President the report of the Commission of Inquiry into the burning of Kasubi Tombs, share findings with the public and implement the recommendations of the report. Accordingly the commission of inquiry was set up and a report was filed with Ministry of Gender. However, the Ministry has not yet presented the Report of the Commission. The UHRC once again urges MoGLSD to release the report.

12.3.3. Operationalisation of the Industrial Court

In 2009, the UHRC recommended that Government provides funding to operationalise the Industrial Court. In 2010, this funding was included in the JLOS work plan under the Commercial Justice Component.[424] However a Judge to head the Industrial Court, a registrar and other officers were not recruited. The UHRC appeals to the MoJCA to ensure that the necessary officers are recruited so that the Industrial Court can operate.

12.3.4. Setting a Minimum Wage

The minimum wage in Uganda is still at UG.X 6,000/- as set in 1984 by Statutory Instrument No. 38/1984. The UHRC once again appeals to Government to enact a law establishing a new minimum wage as an initial step in addressing workers rights.

12.3.5. Establishing a Disaster Preparedness and Management Commission

In 2012, the Government did not establish a Disaster Preparedness and Management Commission as stipulated in Article 249 (1) of the Constitution. This Commission if established would be responsible for addressing natural and man-made disasters. The UHRC therefore urges Parliament to establish.

12.3.6. Ratification of the Optional Protocol to the UN Convention Against Torture

The UHRC has over the years appealed to Government to ratify the Optional Protocol on the Convention Against Torture and other Cruel, inhuman or Degrading Treatment or punishment (OPCAT). Ratification of the OPCAT would strengthen both the national and international mechanisms for monitoring places of detention. The UHRC therefore urges Government to ratify the OPCAT.

12.3.7. Amending or repealing outdated laws

The UHRC in the 11th Annual Report recommended that out-dated laws be repealed or amended in order to create a conducive legal environment for the realisation of press freedoms.

424 As above (n 225) 138

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The Parliament has not repealed these laws. Although, some of the provisions have been invalidated by the Constitutional Court.

An example is the Constitutional Court judgment in *Andrew Mujuni Mwenda and Others v Attorney General (2010) UG CC 5* in which the Court declared the law on sedition null and void. The Court ruling nullified sections 39 and 40 of the *Penal Code Act* which defined and established the offence of sedition, declaring them unconstitutional and inconsistent with Article 29(1) which guarantees freedom of speech and expression.

The UHRC urges the ULRC to review the laws on criminal libel and sectarianism with the view to have them repealed.

12.4. SUMMARY OF GOVERNMENT'S COMPLIANCE AT A GLANCE

The Table below gives a summary of Government's compliance with the Uganda Human Rights Commission's key recommendations.

Table 12.2: Summary of Government Compliance with key recommendations

Recommendation	Full Compliance	Partial Compliance	Non Compliance	Responsible Institution
Enactment of a law Prohibiting Torture				Parliament
Appointment of new members of the UHRC				JSC
Parliamentary Standing Committee on Human Rights				Speaker, Parliament
The National Council for Older Persons Act 2010				Parliament
Prompt payment of UHRC Tribunal Awards				Parliament, MoJCA
Establishment of a Victim's Compensation Fund				MoJCA, MoFPED
Enactment of a law regulating cultural leaders				Parliament
Establishment of District Human Rights Desks / Committees (DHRC)				MoLG
Enhancement of Peace Efforts in Uganda				OPM
Funding to the UHRC				MoJCA, MoFPED
Anti-Corruption Strategy				OPM
The cost of Anti-Retroviral Drugs (ARVs)				MoH, MoFPED
Simplified Version of the Constitution				ULRC, MoJCA
Elimination of 'Safe Houses'				MIA, UPF, UPDF
Review of the Anti-homosexuality Bill				ULRC, Parliament
Programmes and Policies to ensure Food Security				MAAIF
System of Food Storage				MAAIF
Provision of agricultural inputs to the Communities				MAAIF
Proposed Press and Journalist (Amendment) Bill (2010)				ULRC, Parliament
Regulation of Interception of Communications Act 2010				Mo
Promotion of the Right to a Clean and Healthy Environment				NEMA
The Uganda Anti-Narcotics Drug and Psychotropic Substance Bill				JSC
The Prevention and Control of HIV/AIDS Bill, 2010				MoH, Parliament
The Public Order Management Bill				MIA, Parliament

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Recommendation	Full Compliance	Partial Compliance	Non Compliance	Responsible Institution
A law on disaster preparedness and management				OPM, Parliament
A law on the right to health				MoH, ULRC, Parliament
The Domestic Relations Bill				ULRC, Parliament
The Food and Nutrition Bill				OPM, Parliament
Access to information Regulations				Min. Information & National Guidance
Establishment of a Human Rights Department in the UPF				UPF
Provision of Human Rights Training for Uganda Police Force				UPF, UHRC
construction for the Uganda Police Force				UPF, MoFPED
Elimination of the use of buckets for toilets in prisons				UPS
Continuous Civic Education				UHRC, MoFPED
Report on findings by a Commission of Inquiry into burning of Kasubi Tombs				UPF, MoGLSD
Operationalisation of the Industrial Court				MoGLSD
Setting a Minimum Wage				MoGLSD
Establishing a Disaster Preparedness and Management Commission				OPM
Ratification of the Optional Protocol of the UN Convention Against Torture				MoFA
Submission of the initial report on ICESCR				MoFA
Align the Persons with Disabilities Act, 2006 with international Standards				MoGLSD
Amending or repealing outdated media laws				Parliament
Compiling of Disaggregated Data on PWDs				MoGLSD
PWDs right to participate in cultural and sporting activities				MoGLSD

12.5. RECOMMENDATION

1. The UHRC urges Government and other specified stakeholders to ensure timely and comprehensive implementation of its recommendations in order to improve the human rights situation in the country.

12.6. CONCLUSION

The UHRC observes that in 2012 the Government continued to make efforts to comply with the UHRC recommendations. However, a lot remains to be done by the Government to ensure full compliance with all the UHRC recommendations, made in accordance with Article 52 of the Constitution; so that human rights can be effectively promoted.

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ANNEXES

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Annex 1: Decided Cases against the Attorney General and Status of Payment from 2003 to 2011

Decided Cases in 2003					
No.	File No.	Beneficiary	Amount warded	Amount paid	Balance
1.	UHRC/110/1998	Mohamood F.E. Hassouna	18,712,967	-	18,712,967
2.	UHRC/219/1998	Lydia Nabuwembo	10,000,000	-	10,000,000
3.	UHRC/335/1998	Hafasha James	1,500,000	-	1,500,000
4.	UHRC/882/1998	Lutalo Ronald	10,000,000	-	10,000,000
5.	GLU/76/1998	Akera Eric Bosco	22,000,000	-	22,000,000
6.	UHRC/202/1998	S. Muwonge	4,900,000	-	4,900,000
	Total		67,112,967		67,112,967
Decided Cases in 2004					
7.	UHRC/122/2000	Onek Manasi Latigo	2,000,000	-	2,000,000
8.	UHRC/153/2000	Akora Patrick & Anor	28,334,392	-	28,334,392
9.	UHRC/167/2000	Cpl Nampogo Robert and DC Tumwesigye Moses	33,040,000	33,040,000	33,040,000
10.	UHRC/263/2000	Martha Akulu and 10 Others	1,200,000	-	1,200,000
11.	UHRC/283/2002	Abby Juma Kayira	5,000,000	-	5,000,000
12.	JJA/10/2003	Edirisa Omulongo Isabirye	54,777,500	40,000,000	14,777,500
13.	SRT/180/2003	Ajuro Teresa	200,000	-	200,000
	Total		124,551,892	73,040,000	84,551,892
Decided Cases in 2005					
14.	UHRC/1182/1999	Lukyamuzi Peter	6,000,000	6,000,000	-
15.	UHRC/145/2000	Moro Keneri	6,400,000	-	6,400,000
16.	UHRC/224/2001	David Adelimo	2,500,000	-	2,500,000
17.	UHRC/271/2003	Langol Justin	900,000	-	900,000
18.	UHRC/93/2003	Onek F Albino	1,068,000	-	1,068,000
19.	MBA/2/2003	Patrick Koraho	4,000,000	-	4,000,000
	Total		20,868,000	6,000,000	14,868,000
Decided Cases in 2006					
20.	UHRC/383/2001	Twinomugisha Ronald	4,500,000	-	4,500,000
21.	UHRC/155/2002	Kapunju Zaverio	14,000,000	14,000,000	-
22.	UHRC/007/2003	Kazibwe Charles	17,000,000	10,000,000	7,000,000
23.	UHRC/266/2003	Musa Ssali	2,000,000	2,000,000	-
24.	SRT/421/2003	Etiau Gusberito	9,500,000	9,500,000	-
25.	UHRC/48/2003	Ruhweza Seperiano	6,000,000	-	6,000,000
26.	UHRC/49/2003	Okema David Odokonyero	7,018,000	7,018,000	-
27.	FPT/50/2003	Rwinkesha K Wilberforce	13,650,000	-	13,650,000
28.	FPT/58/2003	Tibahwa Stephen	12,000,000	-	12,000,000
29.	FPT/64/2003	Yosefu Serukerra	20,000,000	-	20,000,000
30.	UHRC/18/2003	Opio Thomson	15,000,000	-	15,000,000
31.	UHRC/263/2003	Ojwang Mark	10,000,000	10,000,000	-
32.	UHRC/44/2003	Rusoke Leo	22,000,000	-	22,000,000
33.	UHRC/254/2004	Ocen Robert	2,000,000	2,000,000	-
34.	GLU/151/2004	Opio Yuventino E tal	700,000	-	700,000
35.	UHRC/M/006/2004	Nakabugo Loyce	5,000,000	-	5,000,000

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36	UHRC/14/2004	Lukwago Musa	61,660,000	61,660,000	-
	FPT/09/2002	Sunday Benson	8,000,000	8,000,000	-
	Total		230,028,000	124,178,000	105,850,000
Decided Cases in 2007					
37.	GLU/253/2003	Ouma Christopher	3,000,000	3,000,000	-
38.	GLU/335/2003	Kocheng N. Odongmon	62,000,000	62,000,000	-
39.	SRT/253/2003	Kubai Alex et al	41,250,000	19,000,000	22,250,000
40.	SRT/91/2003	Olupot Stephen	8,000,000	-	8,000,000
41.	UHRC/222/2003	Mutenderwa Faddy	18,493,500	17,000,000	1,493,500
42.	UHRC/345/2003	Desire Njalwe	2,500,000	2,500,000	-
43.	UHRC/462/2003	Begumanya Bosco Etal	18,000,000	18,000,000	-
44.	UHRC/55/2003	Kibate Joseph	16,350,000	-	16,350,000
45.	FPT/30/2004	Yongiri Tadeo	10,000,000	10,000,000	-
46.	FPT/5/2004	Kisembo	7,000,000	-	7,000,000
47.	FPT/51/2004	Byaruhanga Yusuf	5,000,000	5,000,000	-
48.	GLU/068/2004	Leza Nicholas	8,000,000	8,000,000	-
49.	GLU/07/2004	Omach Robert	5,500,000	-	5,500,000
50.	GLU/110/2004	Pte. Felix Byamugisha	18,000,000	-	18,000,000
51.	GLU/127/2004	Opio Nicholas	5,000,000	5,000,000	-
52.	GLU/132/2004	Atare Vinansio	1,000,000	-	1,000,000
53.	GLU/145/2004	Simon Okema	13,000,000	-	13,000,000
54.	GLu/150/2004	Okello V. Lajany	23,000,000	-	23,000,000
55.	GLU/55/2004	Nimanoni O. Okidi	20,000,000	-	20,000,000
56.	GLU/64/2004	Madara Alex	18,000,000	-	18,000,000
57.	GLU/74/2004	Ebong Levi	34,977,500	34,977,500	-
58.	SRT/243/2004	Akello Gladys	4,460,000	4,460,000	-
59.	SRT/24/2004	Malisa Ernest	17,000,000	-	17,000,000
60.	UHRC/22/2004	James Watetena	5,000,000	-	5,000,000
61.	UHRC/313/2004	Kalanzi Christine	12,600,000	-	12,600,000
62.	SRT/19/2005	Alubo Stella	5,000,000	5,000,000	-
63.	FPT/25/2005	Tusiime Bruce	18,000,000	18,000,000	-
64.	SRT/61/2005	Oluka Edison	17,000,000	-	17,000,000
65	UHRC/388/2002	Kakomo Suliaman	10,000,000	10,000,000	-
66	GLU/295/2005	Ojok Richard	20,000,000	20,000,000	-
67	MBA/082/2002	Nyirinkwaye Alifunsi	12,515,000	12,515,000	-
68	SRT/438/2004	Etimu Opio Sam	20,000,000	-	20,000,000
	Total		479,646,000	254,452,500	225,193,500
Decided Cases in 2008					
69.	UHRC/197/1998	Mary Wambewo	8,000,000	5,493,085	2,506,915
70.	UHRC/197/1998	Ida Namome	7,115,000	4,608,085	2,506,915
71.	UHRC/197/1998	Victor Nabuti	7,000,000	4,493,085	2,506,915
72.	UHRC/197/1998	Jessica Nandeda	6,000,000	3,493,085	2,506,915
73.	UHRC/197/1998	Lydia Wanyeze	5,000,000	2,493,085	2,506,915
74.	UHRC/382/1998	Komakech Joseph	10,000,000	10,000,000	-
72.	UHRC/727/1998	Francis Jimmy Opiny	5,269,850	-	5,269,850
75.	UHRC/32/1999	Oryem John Baptist	18,000,000	10,000,000	8,000,000

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76.	UHRC/394/1999	Nalongo Imelda	26,000,000	26,000,000	-
77.	UHRC/397/1999	Erua Stephen	8,500,000	-	8,500,000
78.	UHRC/1150/1999	Mwebaze V PC Muhumuza Sebastian ; Sgt Odwar Edward	3,000,000	-	3,000,000
79.	UHRC/767/2000	Abdu. Kiranda	1,200,000	-	1,200,000
80.	UHRC/232/2001	Hatega B George	20,000,000	10,000,000	10,000,000
81.	UHRC/318/2001	Denis N Sengooba	12,000,000	-	12,000,000
82.	UHRC/358/2001	Lillian Tumuhibise	1,500,000	1,500,000	-
83.	UHRC/117/2002	Himashu Dalia	6,000,000	6,000,000	-
84.	UHRC/169/2002	Kasuka Godfrey	3,000,000	3,000,000	-
85.	UHRC/173/2002	Okello Joseph	11,000,000	-	11,000,000
86.	UHRC/180/2002	Nanyonga Janat	9,000,000	4,500,000	4,500,000
87.	UHRC/224/2002	Mwebesa Myers	3,500,000	3,500,000	-
88.	UHRC/249/2002	Peace Nshemereirwe	30,000,000	-	30,000,000
89.	UHRC/260/2002	Masha Aggrey	4,000,000	-	4,000,000
90.	UHRC/299/2002	Sewanyana Samuel	12,000,000	-	12,000,000
91.	UHRC/312/2002	Ntambwe Abdu	10,000,000	10,000,000	-
92.	JJA/74/2003	Mwangu Yahaya Yarabi	9,270,000	9,000,000	270,000
93.	MBA/241/2003	Muhumuza Isaac	30,000,000	30,000,000	-
94.	MBA/26/2003	Khalid Mutekisa	11,000,000	-	11,000,000
95.	UHRC/156/2003	Abbey Higeyi	100,000	-	100,000
96.	UHRC/166/2003	Okot Charles	10,000,000	-	10,000,000
97.	UHRC/174/2003	Mucunguzi Annet	1,200,000	1,200,000	-
98.	UHRC/191/2003	Kaliisa Joseph	7,000,000	7,000,000	-
99.	UHRC/208/2003	Lwere Ibrahim	7,000,000	7,000,000	-
100.	UHRC/245/2003	Tugume Mariam Rajab	36,000,000	-	36,000,000
101.	SRT/521/2003	Akullo Grace	1,202,500	-	1,202,500
102.	UHRC/275/2003	Kuranga Rapheal	27,000,000	-	27,000,000
103.	UHRC/280/2004	Egesa Nour	10,000,000	10,000,000	-
104.	UHRC/339/2004	Omadi Hydro Joram	1,300,000	-	1,300,000
105.	UHRC/519/2004	Ali Hirya	20,000,000	-	20,000,000
106.	FPT/39/2005	Kirya .B. Solomon	16,500,000	-	16,500,000
107.	FPT/66/2005	Tedro Irumba	40,000,000	-	40,000,000
108.	UHRC/123/2005	Muwaya Ishaka	5,000,000	-	5,000,000
109.	SRT/51/2005	Mr. Ocen & St. Stephen Education Centre	7,000,000	-	7,000,000
110.	MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
111.	MBA/115/2006	Mubangizi Mulensio	6,500,000	-	6,500,000
112.	GLU/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
113.	GLU/55/2000	Ongom Nimanoni	20,000,000	10,000,000	10,000,000
114	UHRC/392/1997	Pte Godfrey Birungi	30,000,000	20,000,000	10,000,000
115	UHRC/48/2001	Kamanyire Boniface	10,000,000	10,000,000	-
116	GLU/88/2003	Odoki OS/Neri	8,000,000	8,000,000	-
117	UHRC/056/2002	Agaba Bernard	4,000,000	4,000,000	-
118	UHRC/337/2003	Kafeero Jonathan	12,000,000	12,000,000	-
119	UHRC/405/2004	Ngomya Enock	31,000,000	31,000,000	-
120	FPT/70/2003	Masereka Venanuso	3,000,000	3,000,000	-

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121	GLU/66/2003	Ogwang George	9,000,000	9,000,000	0
122	GLU/326/2003	Okello Dickens	10,000,000	5000000	5,000,000
123	GLU/326/2003	Ebong Sam	54,000,000	46000000	8,000,000
124	GLU/326/2003	Ogwang Tony	26,927,279	18927279	8,000,000
125	UHRC/1807/2000	Omara Dan	8,370,000	5,500,000	2,870,000
	Total		714,704,629	351,707,704	362996925
Decided Cases in 2009					
126	UHRC 413/1998	Kamengo James	33,000,000	23,000,000	10,000,000
127	UHRC/116/1998	Nakirya Sarah	4,000,000	-	4,000,000
128	UHRC/167/1998	Omong Juk	20,000,000	20,000,000	-
129	UHRC/172/1998	Idrisa Kasekende	48,285,000	40,000,000	8,285,000
130	UHRC/180/1998	Kauta	10,000,000	-	10,000,000
131	UHRC/382/1998	Komakech Joseph	10,000,000	-	10,000,000
131	UHRC/502/1998	Johnson Kasaija	22,000,000	9,000,000	13,000,000
132	UHRC/527/1998	Dulu Bernard	14,949,647	13,400,000	1,549,647
133	UHRC/908/1998	Dan Okello	1,500,000	1,500,000	-
134	GLU/167/1998	Omong Juk	20,000,000	20,000,000	-
135	UHRC/112/1999	Nsereko Sajjabi Christopher	32,000,000	25,000,000	7,000,000
136	UHRC/1128/1999	Kabagenyi Beatrice	17,000,000	10,000,000	7,000,000
137	UHRC/210/1999	Stephen Gidudu	59,000,000	59,000,000	-
138	UHRC/837/2000	Emukule Ismail	1,800,000	1,800,000	-
139	UHRC/58/2000	Acen Rose	22,500,000	22,500,000	-
140	UHRC/445/2001	Bukenya George	30,000,000	-	30,000,000
141	UHRC/482/2001	Samuel Wasswa	20,000,000	-	20,000,000
142	MBA/ 84/2002	Ahimbisibwe J.B	5,000,000	-	5,000,000
143	UHRC/318/2002	Nsiimenta Justus	3,260,000	2,200,000	1,060,000
144	UHRC/34/2002	Bateganya Ramazzan	800,000	-	800,000
145	UHRC/350/2002	Ojangole David	500,000	-	500,000
146	UHRC/402/2002	Kasozi Ronald	10,000,000	5,000,000	5,000,000
147	UHRC/5/2002	Baguma J B	3,500,000	-	3,500,000
148	UHRC/88/2002	Atoo Margaret	10,000,000	10,000,000	-
149	UHRC/254/2002	Pa 33305 Sgt. Tumwine	40,560,000	38,000,000	2,560,000
150	UHRC	Trustees of Church of Uganda	8,100,000	-	8,100,000
151	JJA/54/2003	Iwolit Dismas	35,000,000	10,000,000	-
152	MBA/97/2003	John Bosco Mugisha & Bizumungu Alex	12,000,000	-	12,000,000
153	JJA/21/2003	Abdallah Kayira	9,000,000	-	9,000,000
154	UHRC/373/2003	Walter Nyangas Vs ISO	32,000,000	-	32,000,000
155	UHRC/251/2003	Katosi George	9,400,000	9,400,000	-
156	UHRC/35/2003	Kiwule Peter Isabirye	15,000,000	10,000,000	5,000,000
157	UHRC/36/2003	Dinky Rusoke Chris	5,500,000	5,500,000	-
158	UHRC/4/2003	Omara David	11,000,000	-	11,000,000
159	UHRC/403/2003	Joseph Oburu	4,000,000	4,000,000	-
160	UHRC/41/2003	Okello Donato	25,000,000	22,000,000	3,000,000
161	UHRC/41/2003	Leonard Mugerwa	8,000,000	8,000,000	-
162	UHRC/445/2003	Bagonza Ronald	35,090,000	35,090,000	-

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163	UHRC/460/2003	Anna Kinyambera	32,367,500	-	32,367,500
164	UHRC/5/2003	Akera Johnson	12,120,000	-	12,120,000
165	MBA/82/2004	Goodman Edwards	2,000,000	-	2,000,000
166	MBA/136/2004	Safari Edward & Tumusiime Godffrey	1,000,000	-	1,000,000
167	MBR/053/2005	Mwambutsya Charles	20,000,000	8000000	12,000,000
168	FPT/43/2005	Friday Francis	300,000	-	300,000
169	UHRC/208/2005	Chris Kamya	41,000,000	-	41,000,000
170	JJA/123/2005	Muwaya Ishaka	5,000,000	-	5,000,000
171	MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
172	MBA/115/2006	Mubangizi Mulensio	6,500,000	-	6,500,000
173	GLU/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
174	MBA/79/2007	Mwebembezi Justus	6,000,000	-	6,000,000
175	UHRC/48/2000	Kamanyire Boniface	10,000,000	10,000,000	-
	Total		800,282,147	422,390,000	352,892,147
Cases Decided in 2010					
176	SRT/32/2001	Waniala Issah et al	44,813,000	-	44,813,000
177	SRT/226/2001	Owona Joseph D. & Anor	27,000,000	16,000,000	11,000,000
178	UHRC/482/2001	Samuel Wasswa	20,000,000	-	20,000,000
179	UHRC/445/2001	Bukenya George	30,000,000	-	30,000,000
180	SRT/221/2002	Nabwana Barbara	200,000	-	200,000
181	UHRC/299/2002	Sewanyana Samuel	12,000,000	-	12,000,000
182	UHRC/402/2002	Kasozi Ronald & Operation Wembley	10,000,000	-	10,000,000
183	GLU/1/2003	Cpl. Etalu Charles -and- Maj. Moses Bakubanja	9,000,000	4,000,000	5,000,000
184	FPT/114/2003	Mugisa Juma	35,000,000	-	35,000,000
185	FPT/123/2003	Baluku Steven	25,000,000	-	25,000,000
186	MBA/203/2003	Isaaya Birungi	10,000,000	-	10,000,000
187	MBA/174/2003	Baguma Stephen	17,000,000	-	17,000,000
188	MBA/258/2003	Murumba Tedious	6,500,000		6,500,000
189	GLU/258/2003	Labogi Jeska	16,575,000	-	16,575,000
190	JJA/40/2003	Kapere Moses	5,000,000	-	5,000,000
191	FPT/075/2003	Bwango James	29,421,468	29,421,468	-
192	UHRC/007/2003	Kazibwe Charles	17,000,000	17,000,000	-
193	GLU/122/2003	Okech Rickson (Opio Charles)	215,000,000	96,425,213	118,574,787
194	UHRC/316/2004	Bakaliraku Vincent & Nampogo Patrick	12,000,000	12,000,000	-
195	UHRC/182/2004	John Aligawesa & WilliamKityo	22,000,000	-	22,000,000
196	UHRC/519/2004	Ali Hirya	20,000,000	-	20,000,000
197	MBA/89/2004	Kairu Musa	10,000,000	-	10,000,000
198	MBR/101/2004	Barigye Christopher	9,000,000	-	9,000,000
199	UHRC/438/2004	Joseph Sempira	2,000,000	-	2,000,000
200	JJA/69/2004	Mutuba Abubaker	35,000,000	10,000,000	25,000,000
201	UHRC/344/2004	Zirimu Johnson	21,780,000	-	21,780,000
202	UHRC/324/2004	Mombwe Silas	5,000,000	5,000,000	-
203	UHRC/316/2004	Nampogo Patrick and Bakaliraku Vincent	6,000,000	-	6,000,000
204	FPT/39/2005	Kirya .B. Solomon	16,500,000	-	16,500,000

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205	FPT/66/2005	Tedro Irumba	40,000,000	-	40,000,000
206	GLU/124/2005	Odyek Bonny	8,500,000	-	8,500,000
207	MBA/23/2006	Barigye Deo	3,250,000	-	3,250,000
208	MBA/115/206	Mubangizi Mulensio	6,500,000	-	6,500,000
209	UHRC/229/2006	Ocheng Thomas	5,373,000	-	5,373,000
210	GLU/71/2006	Tooyeronga C. Wisky	12,000,000	-	12,000,000
211	MBA/79/2007	Mwebembezi Justus	6,000,000	-	6,000,000
212	FPT/58/2007	Muhammed Kalyebara	5,000,000	-	5,000,000
213	FPT/19/2008	Joseph Kisembo. K	14,000,000	14,000,000	-
	Total		789,412,468	203,846,681	585,565,787
Cases Decided in 2011					
214	JJA/78/2003	Emiriat James	26,000,000	8,000,000	18, 000, 000
215	JJA/64/2006	Kones Mohammed	55,000,000		55,000,000
216	JJA/10/2007	Bagume John	28,000,000	28,000,000	-
217	GLU/68/2005	Laber Luwaya Michael	39,000,000	-	39,000,000
218	GLU/344/2003	Otim Jimmy, Odongo Robson Odala	11,320,000	-	11,320,000
219	SRT/208/2006	Okia John &Emuge Joseph	58,940,000		58,940,000
220	SRT/87/2005	Enyiku Daniel	18,625,000		18,625,000
221	FPT/47/2006	Akuguzibwe Amon	13,000,000	-	13,000,000
222	FPT/09/2007	Byaruhanga Charles	6,000,000	-	6,000,000
223	SRT/208/2005	Omoding Joseph	16,000,000	-	16,000,000
224	MRT/44/2004	Jimmy Ayen Et Al	8,000,000	-	8,000,000
225	MRT/8/2004	Loriet Felix	5,000,000	-	5,000,000
226	MRT/46/2004	Otim Keseron	4,000,000		4,000,000
227	UHRC/185/2002	Senabulya Katerega	2,000,000	2,000,000	-
228	SRT/116/2006	Ojamal Michael and Malinga Kharim	6,000,000	-	6,000,000
229	UHRC/495/2001	Mubeera Akiiki	16,000,000	-	16,000,000
230	GLU/286/2002	Olum Geoffrey	15,000,000	-	15,000,000
231	JJA/57/2004	Katantazi Wilson	25,000,000	-	25,000,000
232	SRT/493/2003	Mwanga Julius	26,000,000	-	26,000,000
233	SRT/168/2003	Ekongot Micheal	25,000,000	-	25,000,000
234	MBA/16/2007	Muhereza Alpha	14,000,000	-	14,000,000
235	MBA/117/2005	Bashishana Francis	38,000,000	-	38,000,000
236	MBA/66/2005	Kiruta Richard & Anor	93,940,000	-	93,940,000
237	UHRC/528/2001	Wasswa Joshua	8,000,000	8,000,000	-
238	JJA/37/2003	Ibrahim Muwereza	15,906,550	-	15,906,550
239	JJA/122/2005	Mutwalibu Mulempi	4,000,000	-	4,000,000
240	SRT/206/2005	Omola Moses	3,000,000	-	3,000,000
241	SRT /24/2005	Ekodeu Peter Et al	200,000	-	200,000
242	JJA/49/2003	James Okello and Okello Cissy	8,100,000	6,000,000	2,100,000
243	UHRC/05/2005	Adukule Abraham	9,000,000	-	9,000,000
244	FPT/13/2006	Busingye David & Anor	15,000,000	-	15,000,000
245	GLU/40/2003	Mohammed Draku	3,000,000	-	3,000,000
246	GLU/168/2003	Ojul P'Otuboi	4,000,000	-	4,000,000

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247	UHRC/254/2003	Ali Faraj	200,000	-	200,000
248	GLU/956/1998	Alyao Richard	27,000,000	-	27,000,000
249	GLU/238/2003	Odong Charles	15,000,000	-	15,000,000
250	MBA/13/2008	Veronica Tindyebwa & Ors	300,000	-	300,000
251	MBR/25/2005	Mutatina Patson	3,000,000	-	3,000,000
252	UHRC/192/2006	Musaale Innocent	5,700,000	5,700,000	-
253	UHRC/1137/2000	Ssonko Zubaili	3,000,000	-	3,000,000
254	MBR/222/2003	Twesigye Fortunate	25,000,000	25,000,000	-
254	JJA/49/2003	Okello James	6,000,000	6,000,000	-
	Total		705,231,550	88,700,000	598,531,550
Grand total			3,931,837,653	1,524,314,885	2,397,562,768

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Annex 2

Table 2.6: Categories of in mates in selected prisons, military detention centres and remand homes at the time of UHRC inspections

Name of detention facility	Number of convicts	Number of inmates on remand	Lodgers/ debtors	Total no of inmates	Planned capacity
Butiti Prison	14	21	-	35	80
Kyenjojo Prison	9	49	-	58	43
Buliisa Prison	1	21	-	22	5
Biiso Prison	11	15	-	26	4
Mubuku Prison	210	156	-	366	210
Rusese Prison	9	54	-	63	50
Rukoki Prison	9	33	-	42	30
Nyabirongo Prison	18	17	-	35	50
Isimba Prison Farm	488	0	-	488	420
Maiha Prison	53	0	-	53	30
Masindi Male Prison	258	482	3	743	366
Masindi Female Prison	15	16	1	31	36
Kasssanda Prison	28 (all male)	21 (all male)	-	49	40
Myanzi Prison	23(male)	8 (Male)	-	31	45
Kijjumba Prison	56 (all male)	-	-	56	54
Muinaina Farm Prison	173 (male only)	74	-	291	250
Kaweri Prison	23 (19 male, 4 female)	95 (86 male, 9 female)	-	118	80 (40 for male, 40 for female)
Mityana Prison	24 (all male) 24 (22 male, 2 female)	97 (96 male, 1 female) 109 (104 male, 5 female)	- 2 debtors	121 135	80 (60 for male, 20 for female)
Magala Prison	12 (only male) 24	14 (only male) 17	- -	26 41	3 wards with total capacity of 50 (the 2 wards that are operational have a total capacity of 30)
Mwera Prison	16(only male) 23	13 10	- -	29 33	30 (only male)
Kitalya Farm Prison	306 (all male) 345	- -	- -	306 345	200 (at the time of the first visit there was congestion because only 5 wards were in use) 360 (At the time of the visit, 9 wards were in use) Wards will be 24 upon completion of the renovations.
Muduuma Prison	4	56	-	60	60 (40 for male, 20 for female)
Nkozi Prison	10	108	-	118	180 (135 male, 45female)
Mpigi Prison	59 (57 male, 2 female)	23 (all male)	-	83	130 (100 male, 30 female)
Butoolo Prison	39 (all male)	60 (all male)	-	99	73 (No female ward)

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Name of detention facility	Number of convicts	Number of inmates on remand	Lodgers/ debtors	Total no of inmates	Planned capacity
Sentema Prison	19 (14 male, 5 female)	177 (169 male, 8 female)	-	201	86 (80 for male, 6 female)
Kigo (Male) Prison	303	685	1 (debtor)	989	465 (31 wards, each with a capacity of 15 inmates)
Kigo (Female) Prison	43	31	-	74 (and 1 baby)	20 inmates
Kitala prison	30	60	-	90	Total capacity 80 (all male)
Nakasongola Prison (both male and female section)	670 (650 male, 20 female)	7 (5male, 2 female)	-	670	650 (600 for male, 50 for female)
Ntwetwe Prison	19 (all male)	-	-	19	25-30 (male only)
Bukomero Prison	15	20	-	37	42 (40 for male, 2 for female)
Kiboga Prison	41(40 male, 1 female)	176 (170 male, 6 female)	1 debtor	218	128 (120 male, 8 female) male inmates were congested.
Buwambo Prison	7 (all male)	106 (all male)	-	113	176 (male only)
Wakyato Prison	37 (male)	21 (male)	1 debtor	59	90 (male only)
Butuntumula Prison	47 (46 male, 1 female)	178 (172 male, 6 female)	-	228	(220) 200 male 20 female
Wabusana Prison	21 (male)	8 (male)	-	29	67(60 for male, 7 for female)
Bamunanika Prison	19(male)	26(male)	-	46	80 (60 for male, 20 for female)
Makulubita Prison	9(male)	10 (male)		19	50 (male only)
Kapeeka Prison	29 (male)	15(male)	-	45	50 (45 for male, 5 for female)
Adjumani Government Prison Farm	131	50	-	181	200
Mukungwe prison	13	3	-	16	Not stated
Ssaza prison	38	115	1 male	153	40
Buwunga prison	13	-	-	13	Not stated
Bukulula prison	16	4	-	20	Not stated
Lukaya prison	21	11(2 females)	-	32	Not stated

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Name of detention facility	Number of convicts	Number of inmates on remand	Lodgers/ debtors	Total no of inmates	Planned capacity
Lwabenge prison	6	8 (in court)	-	14	Not stated
Kyamulibwa prison	33	3	-	36	Not stated
Kalungu prison	26 (1 female)	7 (2 females)	-	33	45
Bigasa prison	No officer found at prison	-	-	-	Not stated
Kitanda prison	16	-	-	16	Not stated
Butenga prison	11	6 (1 females)	-	17	Not stated
Lwengo prison	17	39 (4 females)	-	56	Unplanned
Ndagwe prison	25	-	-	25	Not stated
Kalisizo prison	14	66 (6 females)	1	80	45
Kakuuto prison	07	9		16	12
Mutukula prison	81	-		81	40
Kabira prison	15			15	23
Kasaali prison	19	18(2females)		37	15
Rakai Prison	15	-		15	60
Kabula prison	21	63		84	16
Kiseka prison	34	-		34	Not stated
Kabonera prison	35	-		35	Not stated
Kyanamukaka prison	19	1		20	Not stated
Kisoro Government Prison	50	66 +1 civil debtor	-	117	35
Kanungu Government Prison	76	45 + 6- civil debtors	1 Lodger	128	50
Bushenyi Government Prison	37	532		569	120
Kiruhura Government Prison	18	118		136	50
Amita Government prison	100(I female)	28 (2 females)	-	128	Suspects are accommodated in unipots with each unipots estimated to accommodate 15 person. NB. UHRC observed that more than 15 persons slept in one unipot.
Kotido Government prison	33 (2 females)	75 (5 females)	-	109	50 inmates

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Name of detention facility	Number of convicts	Number of inmates on remand	Lodgers/ debtors	Total no of inmates	Planned capacity
Ngogwe prison	35	14	-	49	30
Bugungu Young Offenders	125	-	-	125	200
Buikwe prison	27	21	02	50	53
Bugungu Young prisoners	189	156	1	246	350 but only 4 wards are operational hence 200
Lugazi prison	45	44	2	91	Not stated
Bulawula Farm prison	155	-		155	200
Ntenjeru prison	25	50	-	75	160
Kauga prison	61	194	-	255	250
Nakisunga prison	54	33		87	90
Nagojje	39	-	-	39	50
Kamuge prison	44	82	-	126	60
Kaiti prison	44	9	-	53	80 but only 1 ward is operational hence 40
Ivukula Remand prison	9	2		11	15
Bugiri prison	35	41	-	76	115
Mukuju prison	19	-	-	19	
Kisoko prison	24	17	-	41	100
Tororo Main prison (Morokatipe)	261	171		432	300
Tororo Women prison	12	5	3	17	50
Kityerera prison	11	05	-	16	15
Ikulwe prison	26	31	3	60	40
Bufulubi Farm prison	212	9	-	221	400
Kigandalo prison	18	5	-	23	15
Busese Prison	30	3	-	33	70
Namalemba prison	21	-	-	21	30
Namungalwe prison	21	1	-	22	50
Kiyunga Farm prison	55	6	-	61	Not stated
Kibuku prison	15	-	-	15	10
Agule prison	5	-	-	05	15
Kamuge prison	21	81	05 (Civil debtors)	107	60
Kaiti prison	67	10	-	77	125
Ivukula remand prison	12	-	-	12	24
Bugiri prison	25	34	-	59	82
Butaleja prison	9	20	-	29	152
Kamuli prison	58	47	2	107	190

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Name of detention facility	Number of convicts	Number of inmates on remand	Lodgers/ debtors	Total no of inmates	Planned capacity
Nawanyago prison	28	1	-	29	30
Arua government prison	124	656		780	200
Ragem Farm Prison (Nebbi)	101	3		104	50
Paidha government prison	46	73		119	130
Manafwa/Bubulo Government Prison	23	48	-	71	145
Maluku Government Prison	185	575	-	760	740
Mbale Remand Home	-	40	-	40	40
Kapchorwa Government Prison	10	90	-	100	75
Amolator Government Prison	27	41	-	68	60-100
Mutufu Government Prison	48	65	-	113	100
Bukwo Government Prison	-5	04	-	09	20
Serere Government Prison	23	48	-	71	150
Kumi Government Prison	33	101	-	134	160
Kaberamaido Government Prison	21	39	-	60	30
Bukedea Government Prison	34	28	-	66	68
Soroti Male Government Prison	104	218	-	322	200

Source: UHRC

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Annex 3 :Table 2.7: Number of suspects in selected Police Cells

Name of the detention facility	Number of suspects at the time of inspection	Planned capacity of the detention facility
Mubende Police Station	34 (32 male , 2 female)	85 (70 for male, 15 for female)
Kasambya Police Station	4 (all male)	35 (20 for male, 15 for female)
Kiganda Police Station	3 (all male)	5-8 (No female cell)
Kassanda Police Station	7 (all male)	10 (No female cell)
Myanzi Police Post	3(all male)	8 (No female cell)
Kakungube Police Post	1 (male)	5-6 (No female cell)
Kyenda Police Post	8 (all male)	112 (No female cell)
Mityana Police Station	16 (15 male, 1 female) 10 (8 male, 2 female)	30 (15 for male, 15 for female)
Ssekanyonyi Police Post	1 (male) 1(male)	3-4 (No female cell)
Namugongo Police Post	-	15 (No female cell)
Zigoti Police Post	-	15 (No female cell)
Kakindu Police Post	-	8 (4 for male, for female)
Kikonge Police Post	-	3 (No female cell)
Kiwawu Police Post	-	10 (No female cell)
Nkozi Police Station	-	15 (No female cell)
Wakiso Police Post	6 (all male)	15-18 each (male & female)
Kakiri Police Station	2 (all male)	10 – 12 each (male & female)
Nansana Police Station	12 (10 male, 2 female)	Not ascertained
Namayumba Police Post	1 (male)	3-4 (no female cell)
Nsangi Police Station	-	- (_Station has no cells)
Najeera Police Post	1 (male)	8 (No female cell)
Mbalwa Police Post	-	10 (No female cell)
Nalya Police Post	-	10 (No female cell)
Kiwatule Police Station	-	No cells
Kiira Division Police Station	36 (all male)	
Jinja Road Police Station	30 (all male)	60 (45 for male, 15 for female)
Kitintale Police Station	3 (all male)	15 (male only)
Kinawataka Police Post	3 (all male)	15 (only male)
Bweyogerere Police Station	13 (all male)	8 (male only)
Kireka Police Post	16 (15 male , 1 female)	20
Kyambogo Police Station	6 (5 male, 1 female)	20
Kikaya Police Post	1 (male)	1

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Name of the detention facility	Number of suspects at the time of inspection	Planned capacity of the detention facility
Central Police Station – Nakasongola	3(3 male)	10 (male only) for the female, they improvise (old unipot)
Kibuye Police Post (Nakasongola)	4(all male)	10 (male only)
Namaasa Police Post	-	10 (only male)
Nabiswere Police Post	-	10(only male)
Lwampanga Police Station	2 (male)	10 (5 for male, 5 for female)
Lwabyata Police Post	-	6-8 (male only)
Kakooge Police Post	1 (male)	8 (male only)
Nakitooma Police Post	-	5 (only male)
Wabigalo Police Post	-	1 (male only)
Migyera Police Station	-	12 (male only)
Katuugo Police Post	-	5 (male only)
Bukwiri (Kyankwanzi) Police Station	4 (male)	10 (only male)
Kikonda Police Post	1 (male)	10 (male only)
Wattuba Police Post	1 (male)	10 (male only)
Ntwetwe Police Post	4(male)	10 (male only)
Gayaza Police Post	2 Male	23(20 for male, 3 for female)
Kiboga Police Station	13 (12 male, 1 female)	18 (15 for male, 3 for female)
Bukomero Police Station	4 (male)	10 (only male)
Dwaniro Police Post	3 (male)	10 (5 for male, 5 for female)
Muwanga Police Post	1(male)	8 (only male)
Lwamata Police Post	1 (male)	20 (10 for male, 10 for female)
Starling Police Post	-	10 (male only)
Kibiga Police Post	-	5 (male only)
Nakaseke Police Station	4 (3male, 1 female)	20 (10 for male, 10 for female)
Makulubita Police Post	4 (male)	Has no cell (sometimes keep suspects at Prison in a small room)
Kapeeka Police Post	2 (1male, 1 female)	7 (male only)
Semuto Police Station	1 (male only, 2 of them were Juvenile) 1 (male)	40 (15 for male, 15 for female, 10 for juvenile)
Kiwoko Police station	10 (all male)	25 (15 for male, 10 for female)
Wakyato Police Post	-	-
Lwemwede Police Post	-	10 (male)
Masulita Police Post	-	10
Kikandwa Police Post	-	10

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Name of the detention facility	Number of suspects at the time of inspection	Planned capacity of the detention facility
Gobero Police Post	-	5
Bubdibugyo Police Station	15	10
Kagadi Police Station	28	10
Masindi Police Station	21	20
Kasese Police Station	47	20
Kyenjojo Police Station	26	5
Adjumani Police station	9	-
Obilokongo police post	3	-
Kitgum CPS	7	-
Masaka police station	15 (1 female &2male juveniles)	30 (20 males, female unplanned & 6 juveniles)
Nyendo police station	6	5 males
Lukaya police station	5 (1 female)	Unplanned
Kalungu police station	5 (1 female &2 male juveniles)	Unplanned
Bukomansimbi police station	2 (1 male juvenile)	Unplanned
Buwunga police post	-	No cells; suspects are detained at Buwunga prison ward
Mpugwe post	-	Unplanned
Bukulula post	-	Unplanned
Lwabenge post	-	Unplanned
Kyamulibwa post	-	Unplanned
Butenga post	-	Unplanned
Bigasa post	1	Unplanned
Kitanda post	1	No cells, suspects are detained in a house for an SPC.
Kinoni police station	3	Unplanned: estimated at 15 (estimated at 8 & estimated at 7)
Mbirizi police station	18	
Kyotera police station	6	Estimated at 6 male
Rakai police station	8 (1 juvenile)	10
Lwengo police post	-	Room also used to accommodate crime preventer.
Ndagwe police post	2 (I female)	Unplanned (Room also used to accommodate staff)
Katovu police post	1	6
Mpumudde police post	1	2
Kakuto police post	4 (I female)	5
Kabonela police post – Rakai	1	7
Kabonera police post – Masaka.	3	No cells. Suspects detained in a room at Kabonera prison
Kyanamukaka police post	-	
Kirimya police post	1	
Kyabakuza police post	-	
Matete police station	4	Unplanned:
Lwebitakuli police post	3	6
Sembabule police station	12	Unplanned

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Name of the detention facility	Number of suspects at the time of inspection	Planned capacity of the detention facility
Mitima police Post	-	Unplanned
Lwemiyaga police station	3	Unplanned
Lugusulu police post	-	Unplanned
Mulabana police post	3(2 females)	Unplanned
Kalangala Police Station	6	5
Lyantonde Police Station	7	Unplanned
Ntuusi Police post	-	Unplanned
Buyamba police post	-	Unplanned
Ndeeba police post	-	Unplanned
Bwendero Police post	-	Unplanned
Rushere Police Station	12	8
Bushenyi Police Station	28	20
Kotido police Station	20	5
Kaabong Police Station	4 females and 06 males	02 for females and 03 for males
Nakapiripirit Police Station	-	-
Napak Police Station	-7	5
Nakapelimoru Brigade Head quarters		
Matany Brigadae Headquarters	14	10
Kaabong Brigade Head quarters		
Arua central police station	47	10
Zombo police station	3	10
Manafwa Central Police Station	9	15
Bududa Central Police Station	5	30
Bulambuli Central Police Station	13	10
Mbale Central Police Station	32	55
Kapchorwa Central Police Station	10	60
Amolator Central Police Station	4	50
Sironko Central Police Station	12	20
Bukwo Central Police Station	-	10
Kween Central Policed Station	2	15
Serere Central Police Station	12	10
Amuria Central Police Station	12	10
Kaberamaido Central Police Station	7	30
Kumi Central Police Station	5	45
Bukedea Central Police Station	8	12
Katakwi Central Police Station	7	10
Bulago Police Station	2	6
Busiu Police Station	4	12

Source: UHRC

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Annex 4: Human Rights Education Activities held in 2012

S/N	Institution	Target group of people	Theme	District/Place	No. of participants	Key output
1.	Uganda Police Force	Top Police Leadership Police officers Special Police Constables (SPCs)	Human Rights Protection and promotion: The role of the Police	Entebbe (Wakiso District) Nakasongola, Luweero, Kiboga, Bugiri, Namayingo, Busia, Tororo, Budaka, Pallisa, Kibuku Kamwenge, Kasese, Kabarole, Pader, Kitgum, Amuru, Gulu, Bukwo, Kapchorwa, Kween.	47 237 670	Knowledge on domestic and international human rights standards, use or reasonable force, right of suspects,constitutionalism and the role of the police in the protection and promotion on human rights was shared Detailed discussion and analysis of the Prevention and Prohibition of Torture Bill
2.	Uganda Peoples Defence Forces	UPDF Field officers Military Police personnel	Role of UPDF in the protection of human rights Human Rights protection and promotion: The role of Military Police	Detaches in the districts of Kotido, Kaabong, Napak and Nakapiripirit Bombo Militarty Headquarters, Luweero	1024 50	UPDF field officers from 3rd Brigade, 5th Batallion and 10 detachments were equipped with knowledge on human rights issues related to the topics presented. Discussions relating the to the realisation of human rights in respect of the duties and responsibilities were conducted, awareness on Constitutionalism was enhanced
3.	Local Government	District government officials Local Council officials Local Council Courts officials	Human Rights a key to development Enhancing respect of human rights by Local Council Officials in executing their duties" The Role of Leaders in the Promotion and Protection of Human Rights The role of Local council courts in the protection and promotion of human rights	Zombo, Gulu, Iganga, Luuka, Kabale Koboko, Nebbi, Arua, Lyantonde Kaberamaido	177 253 406	District officials trained on the Human Rights Based Approach to Planning and Development, the role of citizens in determining development initiatives The LC court members appreciated the relationship between human rights and their work.

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S/N	Institution	Target group of people	Theme	District/Place	No. of participants	Key output
4.	Education Institution	Training Principals or Primary Teachers Training Colleges School administrators Secondary and Primary School teachers Secondary, primary and university students	Human rights protection and promotion: The role of a teacher Realizing Human Rights in Schools: My Duties & Responsibilities	Jinja Soroti Masaka, Kalungu, Bukomansimbi, Lwengo, Rakai, Lyantonde, Kalangala and Sembabule Kalungu, Kalangala, Lwengo, Rakai, Bukomansimbi, Masaka, Lwengo, Masaka	47 30 200 2093	Participants gained knowledge on domestic and international human rights standards, their role in the promotion and protection of human rights, constitutionalism, the establishment of human rights clubs in schools and children's rights Guidelines for the formation of school clubs disseminated, 19 human rights clubs formed.
5.	Health sector	Health workers	The role of health workers in the protection and promotion of human rights	Lira, Gulu	86	Health workers appreciated the role they play in the protection and promotion of human rights and particularly the rights of vulnerable persons.
6.	Persons with Disabilities	Persons with hearing impairments	Human rights protection and promotion: A responsibility for us all	Soroti	70	Participants gained knowledge on domestic and international human rights standards, the rights of vulnerable persons and constitutionalism
7.	Grassroot communities	Dispensers of traditional justice (local clan elders) Community members	Role of clan elders in the dispensation of justice Empowering communities on their role in the protection and promotion of human rights	Nakapiripirit, Kotido Abim, Amudat, Kaabong, Kotido, Nakapiripirit, Moyo, Arua, Koboko, Gomba, Entebbe, Mubende, Mpigi, Kyenjojo, Kasese, Kibaale, Ntoroko, Oyam, Adjumani, Gulu, Kitgum, Pader, Amuru, Alebtong, Buyende, Pallisa, Budaka, Kaliro, Masaka, Lwengo, Kalungu, Lyantonde, Ibanda, Rukungiri, Isingiro, Kaberamaido, Kapchorwa, Kumi, Serere, Bukedea, Amolatar	100 13,859	Participants gained knowledge on the complementary role played by traditional justice mechanisms to the formal justice system and their roles and limitation in dispensing justice Visibility of UHRC enhanced, people sensitized on human rights concepts and empowered to claim their rights through reporting their complaints to UHRC

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Annex 5: Schools with Human Rights clubs

S/N	Name of School	District
1.	Lefori Seed Secondary School	Moyo
2.	St. Andrew's College Moyo Secondary School	Moyo
3.	Moyo Town Day Secondary School	Moyo
4.	Logoba Secondary School	Moyo
5.	Lohwa Secondary School	Moyo
6.	Moyo Secondary School	Moyo
7.	Okufura Secondary School	Arua
8.	Arua Public Secondary School	Arua
9.	Sartori Memorial High School	Arua
10.	Najah Muslim Secondary School	Arua
11.	Adumi Secondary School	Arua
12.	Ulepi Secondary School	Arua
13.	Anyafio Role Model	Arua
14.	Mt. Wati Secondary School	Arua
15.	Logiri Girls' Secondary School	Arua
16.	Ombatini Secondary School	Arua
17.	St. Mary's Ediofe Girls' Secondary	Arua
18.	Wandi Progressive Secondary School	Arua
19.	Rainer High School	Tororo
20.	Masinya Secondary School	Busia
21.	Riverside High School	Busia
22.	Lumino High School	Busia
23.	Buhehe Secondary School	Busia
24.	Busia Secondary School	Busia
25.	St. John Secondary School Wakitaka	Jinja
26.	Mother Kevin Secondary School	Jinja
27.	Jinja Secondary School	Jinja
28.	Lord Medde Vocational College	Jinja
29.	Busoga Light College	Jinja
30.	Busoga College Mwiri	Jinja
31.	Wanyange Girls' Secondary School	Jinja
32.	Jinja Parents' College	Jinja
33.	Rockside Secondary School	Lyantonde
34.	St. Gonzaga Secondary School	Lyantonde
35.	Kyabuuza Moslem Secondary School	Lyantonde
36.	Nakatete Secondary School	Lwengo

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37.	Nakyenyi Secondary School	Lwengo
38.	Holy Family Secondary School Kyamulibwa	Kalungu
39.	St. Balukudembe Secondary School Lwabenge	Kalungu
40.	Kiryasaka Secondary School	Bukomansimbi
41.	St. Peters Secondary School	Bukomansimbi
42.	Sembabule Church of Uganda Secondary School	Sembabule
43.	Mawogola High School	Sembabule
44.	Matete College School	Sembabule
45.	Mainland High School	Sembabule
46.	St. Andrews Senior Secondary Mitete	Sembabule
47.	Kako Senior Secondary School	Masaka
48.	Mutesa 1 Royal University	Masaka
49.	SerwangaLwanga Memorial Secondary School	Kalangala
50	Bumangi Primary School	Kalangala
51.	Kangole Girls Senior Secondary School	Napak
52.	Moroto High School	Moroto
53.	Moroto Core PTC	Moroto
54.	Nadiket Seminary	Moroto
55.	Kotido Senior Secondary School	Kotido
56.	Teso College Aloet	Soroti
57.	Alliance High School	Soroti
58.	Olila High School	Soroti
59.	Soroti Senior Secondary School	Soroti
60.	Jeressar High School	Soroti
61.	Kingstone Secondary School	Soroti
62.	Bethany Girls Senior Secondary School	Soroti
63.	Pioneer Primary School	Soroti
64.	Swaria Primary school	Soroti
65.	Light Senior Secondary School	Soroti
66.	Aloet Parents Senior Secondary school	Soroti
67.	Community Senior Secondary School	Soroti
68.	Tubur Senior Secondary School	Soroti
69.	Kamuda Senior Secondary School	Soroti
70.	Gweri Senior Secondary School	Soroti

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Annex 6. Radio talk shows conducted in 2012

S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to communicate
1.	Spirit FM, Koboko District	• Mob Justice, Pubic Demonstration • Mandate of UHRC and the Rights of People living with HIV/AIDS,	04 talk shows	English and Kakwa
2.	FM 100.9 Voice of Life	• Rights of Women	02 talk shows	English and Lugbara
3.	Kyenjojo FM	• Concept of human rights • Right to personal liberty • Rights of suspects during and after arrest • Mandate of the Commission • Chapter 4 of the Constitution • Right to freedom from torture	02 talk shows	Runyoro, Rutoro, Runyankore, Rukiga
4.	Kagadi Community radio	• Concept of human rights • Right to personal liberty • Rights of suspects during and after arrest • Mandate of the Commission • Chapter 4 of the Constitution • Right to freedom from torture	01 talk show	Runyoro, Rutoro, Runyankore, Rukiga
5.	Voice of Bundibugyo	• Concept of human rights • Right to personal liberty • Rights of suspects during and after arrest • Mandate of the Commission • Chapter 4 of the Constitution • Right to freedom from torture	01 talk show	Runyoro, Rutoro, Runyankore, Rukiga
6.	Hits FM, Kabarole District	• Concept of human rights • Right to personal liberty • Rights of suspects during and after arrest • Mandate of the Commission • Chapter 4 of the Constitution	01 talk show	Runyoro, Rutoro, Runyankore, Rukiga
7.	Mega FM	• Duties of a citizen • Women's rights	01 talk show	English and Luo
8.	Voice of Lango	• UHRC complaints Handling Procedures • Vulnerable groups and their rights • Duties of a citizen	03 talk shows	Luo
9.	Rupiny FM	• UHRC mandate • UHRC complaints handling procedure	01 talk show	Luo
10.	Radio Unity	• Workers' rights	01 talk show	Luo
11.	Oyam FM	• UHRC mandate • UHRC complaints handling procedures	01 talk show	Luo

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S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to communicate
12.	BAABA FM	• Right to personal liberty • Rights of Children • Rights of PWDs • Rights of suspects • Understanding freedom from torture, cruel, inhuman and degrading treatment or punishment • The concept of Human Rights and duties of a citizen • The Commission; its establishment, powers and functions, • Complaints Handling • Right to fair hearing	8 talk shows	English, Lusoga, Ateso, Lumasaaba, Luganda
13.	Rock Mambo FM	• Rights of women • Right to personal liberty and what it entails • Torture; Its definition, reasons for its prohibition and efforts made by UHRC in eradication of torture	3 talk shows	Lumasaaba
14.	Open Gate FM	• Mandate of the Commission and concept of Human Rights • Rights of Suspects during arrest , while in transit and detention	2 radio talk shows	Lumasaaba
15.	Radio Buddu,	• UHRC:Mandate,Functions and Powers • The UHRC Complaint handling procedure • Rights and responsibilities of citizens. • Children's rights • Mob justice • Rights of women • Workers' rights	9 talk shows	Luganda
16.	Top Radio FM, Masaka	• UHRC:Mandate,Functions and Powers • The UHRC Complaint handling procedure • Rights and responsibilities of citizens. • Children's rights • Mob justice • Rights of women • Workers' rights	1 talk show	Luganda
17.	Rwenzori FM, Ibanda District	• UHRC; Establishment, functions and powers • Right to freedom from torture, cruel, inhuman or degrading treatment or punishment • Rights of suspects from the time of arrest to the time their cases are disposed off • Right to personal liberty with emphasis on the circumstances that can lead to the restriction of one's personal liberty • Rights and responsibilities of children and laws governing the rights of children • Non derogable rights. • Duties and responsibilities of citizens • Complaints handled by the Commission and ways/modes of lodging a complaint • Right to assemble and demonstrate peacefully	02 radio talk shows	Runyankole, Rukiga
18.	BFM Radio, Bushenyi District	• UHRC; Establishment, functions and powers • Right to freedom from torture, cruel, inhuman or degrading treatment or punishment	02 radio talk shows	Runyankole, Rukiga

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S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to communicate
19.	Radio Rukungiri	• Rights of suspects from the time of arrest to the time their cases are disposed off • .Right to personal liberty with emphasis on the circumstances that can lead to the restriction of one's personal liberty	04 radio talk shows	Runyankole, Rukiga
20.	Vision Radio, Mbarara District	• Rights and responsibilities of children and laws governing the rights of children • Non derogable rights	02 radio talk shows	"
21.	Radio West, Mbarara District	• Duties and responsibilities of citizens and who can lodge a complaint with the Commission • Complaints handled by the Commission and ways/modes of lodging a complaint • Right to assemble and demonstrate peacefully	03 radio talk shows	"
22.	104.7 Nenah FM	• Complaint handling. • Local and international remedies on addressing torture • Duties of citizens as guranteed under the Constitution of the Republic of Uganda 1995 • Mob Justice and the Right to Life	06 radio talk shows	English, Ngakarimojong
23.	Delta FM, Soroti District	• Concept of human rights and the Mandate of UHRC • rights of suspects and rights of prisoners • Women's rights • Mob justice as a human rights violation	08 radio talk shows	Ateso, Kumam, English
24.	Teso Broadcasting Service	• Rights of suspects • rights of women, rights of children	03 radio talks shows	Ateso and English
25.	Kyoga Veritas	• Women's rights • the right to a fair hearing • the role of local leaders in administration of justice	04 radio talk shows	Ateso and English
26.	Elgon FM, Kapchorwa	• UHRC and its Mandate • Concept of Human rights • the rights of suspects	06 radio talk shows	Kupsabiny and English
27.	Signal FM, Mbale	• Rights of children	01 radio talk show	Lumasaba, English
28.	Continental FM	• Rights of suspects	01 radio talk show	Ateso, English
29.	Radio One	• Sensitised the public on the Uganda Human Rights, Mandate and functions of the commission • Publicized the newly enacted Prevention and Prohibition of Torture law • Press freedom in Uganda • Launch of 14th Annual Report	03 radio talk shows	English
30.	Radio 2/Akaboozi	• Sensitised the public on the Uganda Human Rights, Mandate and functions of the commission • Publicized the newly enacted Prevention and Prohibition of Torture law	02 radio talk shows	Luganda
31.	Radio Simba	• Sensitised the public on the Uganda Human Rights, Mandate and functions of the commission • Publicized the newly enacted Prevention and Prohibition of Torture law	03 radio talk shows	Luganda
32.	CBS Radio	• Sensitised the public on the Uganda Human Rights, Mandate and functions of the commission • Publicised the newly enacted Prevention and Prohibition of Torture law	03 talk shows	Luganda

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S/N	Name of Radio Station	Topic Discussed/Theme	No. of talk shows	Language used to communicate
33.	93.3 KFM Radio	• Sensitised the public on the Uganda Human Rights, Mandate and functions of the commission • Publicised the newly enacted Prevention and Prohibition of Torture law • Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	03 radio talk shows	English
34.	Radio Sapiencia	• Sensitise the public on their rights and duties as citizens • Publicised the newly enacted Prevention and Prohibition of Torture law	12 radio talk shows	Luganda
35.	Voice of Africa	• Sensitise the public on their rights and duties as citizens • Publicised the newly enacted Prevention and Prohibition of Torture law	02 radio talk shows	Luganda
36.	Metro FM	• Sensitise the public on their rights and duties as citizens • Publicised the newly enacted Prevention and Prohibition of Torture law	01 radio talk show	Luganda
37.	Suubi FM	• Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	02 radio talk shows	Luganda
38.	Pearl FM	• Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	01 talk show	Luganda

Annex 7: Radio Spot Messages

S/N	Name of Radio Station	Topic/Theme	Number of spot messages	Language used to communicate
1.	Voice of Life FM	Right to Health	90 spot messages	English, Lugbara
2.	Buwama FM	Information about impending human rights activities by UHRC, UHRC campaign against mob justice	528 spot messages	English, Luganda
3.	Kiboga FM	Information about impending human rights activities by UHRC	297 spot messages	Luganda
4.	BAABA FM	The Uganda Human Rights Commission: Its powers and functions	420 spot messages	Lusoga, English, Atesot
5.	Radio Buddu	UHRC: Mandate, functions and powers	200 spot messages	Luganda
6.	Vision Radio	Mob justice as a human rights violation	63 spot messages	Runyankore/Rukiga
7.	BFM Radio	"	63 spot messages	"
8.	Nenah FM	-Role of witnesses in enhancing justice at the tribunal. -Right to protection from torture, cruel in human and degrading treatment or punishment. -Police bond	128 spot messages	English and Ngakarimojong
9.	Signal FM	Public announcements on masqueraders purporting to be employees of the Commission and general human rights awareness	195 spot messages	English, Lumasaaba and Luganda

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S/N	Name of Radio Station	Topic/Theme	Number of spot messages	Language used to communicate
10.	Radio Simba	Publicising the launch of the UHRC 14th Annual Report -Joint advocacy on new Anti-Torture law -Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	192 spot messages	Luganda
11.	Vision Voice	Publicizing the launch of the UHRC 14th Annual Report	120 Spot messages	English
12.	Kasese Guide Radio	UHRC campaign against mob justice, Human rights awareness	240 radio spot messages	Rukonjo
13.	West Nile B.S Radio	UHRC campaign against mob justice, Human rights awareness	240 radio spot messages	Alur
14.	Voice of Teso	UHRC campaign against mob justice	120 DJ mention	Ateso and English
15.	Radio One	Launch of UHRC 14th Annual Report, Joint advocacy on new Anti-Torture law	42 radio spot messages	English
16.	Capital FM	Launch of UHRC 14th Annual Report -Joint advocacy on new Anti-Torture law - Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	52 radio spot messages	English
17.	Bukedde FM	Launch of UHRC 14th Annual Report	12 radio spot messages	Luganda
18.	CBS radio	Launch of UHRC 14th Annual Report	12 radio spot messages	Luganda`
19.	All Karamoja 94.7 FM	Human rights Awareness	120 radio spot messages	N'gakaramojong
20.	Kamuli Broadcasting Services	Human rights Awareness	120 radio spot messages	Lusoga
21.	93.3 KFM	Joint advocacy on new Anti-Torture law	30 radio spot messages	English
22.	Pearl FM	Joint advocacy on new Anti-Torture law -Joint advocacy on the theme 'Inclusion and the rights to participate in public life' to commemorate the International HR Day	39 radio spot messages	Luganda
23.	Mega FM	Joint advocacy on new Anti-Torture law	30 radio spot messages	Luo
24.	Continental FM	Joint advocacy on new Anti-Torture law	30 radio spot messages	Ateso

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Annex 8. IEC materials developed by UHRC in 2012

S/N	IEC Material	Theme	Number produced	Language of publication
1.	Brochures	General Information on UHRC	2,000	English
2.	Brochures	Frequently Asked Questions about the role of UHRC in promoting and protecting the rights of persons living with HIV and AIDS	2,300	English
2.	Pocket Book for Police	Basic Human Rights Standards	300	English
3.	Handbook	Conducting Community Public Meetings (Barazas)	200	English
4.	Thematic banners	-Announcing the launch of UHRC 14th Annual Report -Publicising activities to commemorate the International Day in Support of Victims of Torture -Respect for Human Rights Promotes Constitutionalism and good governance	11	English
5.	Branded T-shirts	-New Voices; Helping Media to transform Society -Torture Affects Development -My Voice Counts: Inclusion and the rights to participate in public life	550 pcs	English

Annex 9. Newspaper supplements and adverts run by the UHRC in 2012

S/N	Name of newspaper/ publication	Topic/Theme	Size of advert	Language used to communicate
1	New Vision Newspaper	UHRC statement on its role in the release of the September 2009 Buganda Riot suspects	1 page	English
2	Bukedde Newspaper	UHRC statement on its role in the release of the September 2009 Buganda Riot suspects	1page	Luganda
3.	New Vision Newspaper	UHRC congratulatory Message on Nordic National Day	¼ page	English
4.	New Vision, Bukedde, Orumuri, Etop & Rupiny newspapers	UHRC and Coalition Against Torture joint advertorials featuring testimonies of torture survivors to commemorate the International Day in Support of Victims of Torture	2 pages	English, Luganda, Runyankore/Rukiga, Ateso & Luo
5.	New Vision, Bukedde, Orumuri, Etop & Rupiny newspapers	UHRC, OHCHR and Coalition Against Torture organisations joint advertorials to commemorate the International Day in Support of Victims of Torture on the theme 'Torture affects development, Stop it.'	2 pages	English, Luganda, Runyankore/Rukiga, Ateso & Luo
6.	New Vision Newspaper	UHRC advert announcing the official launch of its 14th Annual Report and the Disability Report	¼ page	English
7.	New Vision Newspaper	Joint supplement by JLOs institutions on Constitutional Day on the theme 'Constitutionalism: A prerequisite for political, social and economic transformation.'	2 pages	English

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S/N	Name of newspaper/ publication	Topic/Theme	Size of advert	Language used to communicate
8.	The Daily Monitor Newspaper	Joint supplement by JLOs institutions on Constitutional Day on the theme 'Constitutionalism: A prerequisite for political, social and economic transformation.'	2 pages	English
9.	New Vision Newspaper	UHRC, OHCHR and HURINET joint advertorial to commemorate the International Human Rights Day on the theme 'Inclusion and the right to participate in public life.'	2 pages	English
10.	The Daily Monitor Newspaper	UHRC, OHCHR and HURINET joint advertorial to commemorate the International Human Rights Day on the theme 'Inclusion and the right to participate in public life.'	2 pages	English
11.	New Vision Newspaper	Statement on UHRC position on government proposal of policy to carry out forced HIV testing	1 page	English
12.	New Vision Newspaper	Joint supplement by JLOs institutions on the 6th National JLOS Open Day Forum and the JLOS Strategic Investment Plan III	2 pages	English
13.	Daily Monitor News paper	Joint supplement by JLOs institutions on the 6th National JLOS Open Day Forum and the JLOS Strategic Investment Plan III	2 pages	English
14.	The East African News paper	Joint supplement by JLOs institutions on the 6thNational JLOS Open Day Forum and the JLOS Strategic Investment Plan III	2 pages	English
15.	The Observer News paper	Joint supplement by JLOs institutions on the 6th National JLOS Open Day Forum and the JLOS Strategic Investment Plan III	2 pages	English
16.	New Vision Newspaper	Announcement of re-location of UHRC Central Regional Office	¼ page	English
17.	Daily Monitor Newspaper	Announcement of re-location of UHRC Central Regional Office	¼ page	English
18.	Bukedde Newspaper	Announcement of re-location of UHRC Central Regional Office	¼ page	Luganda

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Annex 10: International, Regional and National Engagements

Date	Place	Purpose
17th – 18th Jan 2012	Addis Ababa, Ethiopia	Enhancing cooperation between the African Regional and UN Special Procedures Mechanisms for the Promotion and Protection of Human Rights.
31st Jan – 2nd Feb 2012	Vienna	Exchange information on best practices, as well as national legislation and existing international law and revision of United Nations Standard Minimum Rules for the treatment of prisoners.
21st Feb – 1st Mar 2012	Banjul, Gambia	11th Extra-Ordinary Session of the African Commission on Human and People's Rights.
5th – 6th Mar 2012	Mauritius	Discussion on the work plan for the year 2012 and activities to be carried out for the prevention of HIV as well as treatment and care services for people using drugs in prisons.
20th – 22nd Mar 2012	Geneva, Switzerland	Sharing best practices in following up recommendations made during the UPR, the role of NHRIs in monitoring various ESCR as well as Transitional Justice Mechanisms
12th – 13th April 2012	Addis Ababa, Ethiopia	Assisting the CEDAW Committee in developing the provisions of its General Recommendation on Women in Conflict and Post Conflict situations.
13th – 14th April 2012	Dakar, Senegal	The main objective of the workshop was to explore the complexities of sexuality and its relationship to human rights and HIV.
16th – 17th April 2012	Banjul, Gambia	To familiarise the African NHRIs with reporting processes to the African Regional Human Rights mechanism
25th – 27th April 2012	Lusaka, Zambia	Discussions focused on ways of strengthening the relations between anti-corruption agencies, NHRIs, Media and CSOs in the fight against corruption.
10th – 12th May 2012	Naivasha, Kenya	Sharing experiences on litigating torture cases and advocating for legal and institutional reforms.
18th April – 2nd May 2012	Banjul, Gambia	51st Session of the African Commission on Human and People's Rights.
10th – 12th May 2012	Naivasha, Kenya	Discussions focused on National and Regional mechanisms for the protection of human rights in Africa.
19th May – 1st June 2012	Lesotho, Maseru	Election Monitoring Exercise on behalf of the Commonwealth. Report compiled and submitted to the Commonwealth.
7th – 9th June 2012	Nairobi, Kenya	Sharing information and reviewing the current status of reproductive health rights in Africa.
20th – 21st June 2012	Berlin, Germany	4th UN International Corrections in Peace Keeping Conference. Discussions focused on the role of correctional services in the process of peace-keeping and peace-strengthening - improving the impact of the international assistance".
3rd – 24th June 2012	Montreal, Canada	International Human Rights Training Programme
27th – 29th June 2012	Addis Ababa, Ethiopia	Annual Meeting of Treaty Bodies
1st – 8th July 2012	Six UHRC Regional Offices	Monitoring visits to oversee operations of regional offices. Meetings with staff, various stakeholders who partner with the UHRC were held to discuss human rights issues in the various regions.
9th – 13th July 2012	Mombasa, Kenya	Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sub-Regional Training. The training was meant to strengthen participant's knowledge on instituting an effective complaints handling system.

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Date	Place	Purpose
24th – 25th July 2012	Algiers, Algeria	First Annual Meeting between the African Court on Human and People's Rights and the African Commission on Human and People's Rights in Accordance with their Harmonized Rules of Procedure. The meeting was held to discuss challenges in the contemporary relationship between both institutions.
26th – 27th July 2012	Algiers, Algeria	Drew up strategies to be devised by the two Institutions for the Protection and Promotion of Human Rights on the continent.
30th July – 4th Aug 2012	Algiers, Algeria	12th Extra-Ordinary Session of the African Commission on Human and People's Rights
21st – 23rd Aug 2012	Johannesburg, South Africa	Commemoration of the 10th Anniversary of the Robben Island Guidelines. The seminar was organised by the Committee for the Prevention of Torture in Africa in collaboration with the Office of the High Commissioner for Human Rights, the South African Human Rights Commission and the Association for the Prevention of Torture in Africa. The purpose of the seminar was to take stock of the progress made in the prevention and criminalization of torture in Africa. The Outcome Document is the Johannesburg Declaration and Plan of Action on the Prevention and Criminalization of Torture in Africa.
23rd – 24th Aug 2012	Johannesburg, South Africa	Eighth meeting of the Working Group on the Death Penalty in Africa. Meeting held to start the process of drafting an Additional Protocol to the African Charter on Human and People's Rights.
3rd – 7th Sept 2012	Lesotho, Swaziland	Members of the African Commission undertook the promotional mission to promote the African Charter through the exchange of views Government of the Kingdom of Lesotho and the main stakeholders working in the field of human rights, on how to improve the enjoyment of human rights in the country;
17th Sept 2012	Addis Ababa	Discussions focused on the role of AU bodies in following up decisions of the African Commission on Human and People's Rights.
24th – 28th Sept 2012	Saharawi Arab Democratic Republic	A fact finding mission meant to establish the status of human rights in the occupied territory of the Saharawi Arab Democratic Republic, the liberated territory, and the refugee camps of Tindouf and to make recommendations to the appropriate authorities for action.
9th – 22nd Oct 2012	Yamoussoukro, Cote d' Ivoire	52nd Ordinary Session of the African Commission on Human and People's Rights to receive the UHRC award for Best NHRI in Africa.
4th – 7th Nov 2012	Amman, Jordan	The overall objective of the conference was to explore potential roles and strategic engagement for NHRIs at national, regional and international level both individually and collectively with an aim of realising the human rights and gender equality of women and girls with a particular focus on two priority areas.
8th Nov 2012	Amman, Jordan	Business and Human Rights side event designed to build capacity of NHRIs on important cross-cutting themes related to business and human rights.
12th – 13th Nov 2012	Geneva, Switzerland	Meeting was to build the capacity of Parliamentarians across Commonwealth countries to understand and actively engage in the UPR process and to understand their role in the effective implementation of accepted recommendations.
27th – 29th Nov 2012	Livingstone, Zambia	AHPPN Sixth Steering Committee Meeting. Commemoration of the World Aids Day at Livingstone Central Prison.
3rd – 4th Dec 2012	Johannesburg, South Africa	Commemoration of the 10th Anniversary of the Robben Island Guidelines. Discussions focused on shaping the discourse on redress for victims/survivors of torture in Africa and identifying gaps and areas of need for the Committee for the Prevention of Torture among other issues.
12th – 14th Dec 2012	Geneva, Switzerland	Discussions focused on enhancing cooperation between the United Nations and regional mechanisms for the promotion and protection of human rights

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Annex 11: Health facilities inspected in 2012 by the UHRC

Health Centre 11	Health Centre III	Health Centre IV	Hospital	Regional Referral Hospital
Pupu Kamuya HCII in Abim District Adea HCII in Abim District Obolokome HCII in Abim District Gangming HCII in Abim District Kiru HCII in Abim District Awach HCII in Abim District Toroi HCII in Abim District Koya HC II in Abim District Kamion HCII in Abim District Lochom HCII in Abim District Otalabar HCII in Abim District Kanu HCII in Abim District Oreta HCII in Abim District Wilela HC II in Abim District Lobalangit HCII in Kaboong District Lokori HCII in Kaboong District Kidepo HCII Kaboong District St. Jude Kapapedo HCII in Kaboong District Narengepak HCII in Kaabong District Lotim HCII in Kaboong District Kaimesee HCII in Kaboong District Lomeris HC II in Kaboong District Lokerui HC II in Kaboong District Karenge HC II in Kaboong District Lomodooch HC II in Kaboong District Lokanayana HCII Kakamar HC II in Kaboong District Kaabong East HC II in Kaboong District Kaabong West HC II in Kaboong District Sidok HC II in Kaboong District Pire HC II in Kaabong District Lochom HCII in Abim District Kamion HCII in Abim District Bukolwa Health Centre II in Luwero District Bulyake Health Centre II in Luwero District Nakaseeta Health Centre II in Luwero District Bubuubi Health Centre II in Luwero District Kaweri Health Center II in Mubende District Kasaalizi Health Centre II in Nakasongora District Lwabyata Health Centre II in Nakasongora District Kirambala Health centre II in Nakasongora District Kazwama Health centre II in Nakasongora District Wampiti Health centre II in Nakasongora District Kiralamba HC II in Nakasongola District Bira Health center II in Adjumani District Alwara Health Center II in Adjumani District Zoka Health II in Adjumani District Kaduku Health Center II in Adjumani District Engaju Health Centre II in Buhweju District Bwoga Health Centre II in Buhweju District Karungu Health Centre II in Buhweju District Mabaare Health Centre II in Sheema District Kitojo Health Centre II in Sheema District Migina Health Centre II in Sheema District Kiziba Health Centre II in Sheema District Kiyora Health Centre II in Ntungamo District Rwamabondo Health Centre II in Ntungamo District Bugongyi Health Centre II in Kanungu District Mazoldi Health Centre II in Kanungu District Bukuba Health Centre II in Mitooma District Bukongoro Health Centre II in Mitooma District Kyeibare Health Centre II in Mitooma District Nyajishojwa Health Centre II in Mitooma District Kigyenda Health Centre II in Mitooma District Nteko Health Centre II in Kisoro District Budenge HC II in Sironko district Atar Health Center 11 in Kween District Kwosir HC11in Kween District Kyera HCII in Sembabule District Mulabana HCII in Kalangala District Matale HCII in Kibaale District Kigwera HC II in Buliisa District Butiaba HC II in Buliisa District Bugoigo HC II in Buliisa District Kyehoro HC II in Hoima District Kyakapeya HC II in Hoima District Buseruka HC II in Hoima District Kathohu HC II in Kasese District Kilembe HC II in Kasese District Muhokya HC II in Kasese District Butama HC II in Bundibugyo District Bubandi HC II in Bundibugyo District Ntooma HC II in Masindi District Kyamaiso HC II in Masindi District Kikingula HC II in Masindi District Bweramura HC II in Ntoroko District Rwangara HC II in Ntoroko District Biko H/C II in Amolatar district Bukimanayi Health Center 11 in Manafwa District Kirwot H/C II in Bukwo district Usuk HC II in Katakwi District Bulago HC II in Katakwi District Benet HC II in Bukwo District	Kyetume HC III in Lwengo District Lwemiyaga HCIII in Sembabule District Kyera HCII in Sembabule District Kasagama HCIII in Lyantonde District Kaliiro HC III in Lyantonde District Bwendero HC III in Kalangala District Mugoye HCIII in Kalangala District Kapedo HCIII in Kaboong District Kopoth HC III in Kaboong District Kathile HCIII in Kaboong District Lokolia HCIII in Kaboong District Koyoro HC III in Kaabong District Kalapata HCIII in Kaabong District Alerek HCIII in Abim District Orwamuge HCIII in Abim District Morulem HCIII in Abim District Nyakwae HCIII in Abim District Rogom HCIII in Abim District Kikandwa Health Centre III in Mityana District Biddabujja Health Centre III in Luwero District Wakyato Health Centre III in Nakaseke District Wabusana Health Centre III in Luwero District Bamunanika Health Centre III in luwero District Nakatonya Health Centre III in Luwero District Bombo Health Centre III in Luwero District Kamira Health Centre III in Luwero District Maanyi Health Centre III in Mityana District Kakooge HC III in Nakasongola District Kikandwa HC III in Mityana District Muduuma Health Centre III in Mpigi District Kitenga Health Centre III in Mubende District Kasambya Health Centre III in Mubende District Myanzi HC III in Mubende District Lwampalga Health Centre III in Nakasongola District Nabiswera Health Centre III in Nakasongola District Nakayonza Health Centre III in Nakasongola District Kakooge Health Centre III in Nakasongola District Karungi Health Centre III in Nakasongola District Ofua Health center III in Adjumani District Ukusijoni Health Center III in Adjumani District Ciforo Health Center III in Adjumani District Agoro Health Center III in Lamwo district Masindi Port Health Center III in Kiryandongo District Kigumba Health center III Panyadoli Health center III Bihanga Health Centre III in Buhweju District Kigarama Health Centre III in Sheema District Kyangyenyi Health Centre III in Sheema District Ndaija Health Centre III in Mbarara District Kagongi Health Centre III in Mbarara District Rubindi Health in Mbarara Disstrict Bukiro Health Centre III in Mbarara District Kakiika Health Centre III in Mbarara District Biharwe Health Centre III in Mbarara District Rugarama Health Centre I11 in Ntungamo District Ngoma Health Centre III in Ntungamo District Rweikiniro Health Centre III in Ntungamo District Ruhama Health Centre III in Ntungamo District Nyakyera Health Centre III in Ntungamo District Kitondo Health Centre III in Ntungamo District Bwongyera Health Centre III in Ntungamo District Rukoni Health Centre III in Ntungamo District Katete Health Centre III in Kanungu District Rugyeyo Health Centre III in Kanungu District Kirima Health Center III in Kanungu District Kanyantorogo Health Centre III in Ntungamo District Bitereko Health Centre III in Mitooma District Kanyabwanga Health Centre III in Mitooma District Kashenshero Health Centre III in Mitooma District Mutara HC III in Mitooma District Kabira Health Centre III in Mitooma District Nyarubuye Health Centre III in Kisoro District Nyarusiza Health Centre III in Kisoro District Muramba Health Centre III in Kisoro District Nyabihoniko Health Centre III in Kisoro District Busanza Health Centre III in Kisoro District Kobulubulu HC III in Kaberamaido Buginyiny Health Centre III in Kween District Kidongole HC III in Bukedea district Asamuk HC III in Amuria district Obalang HC III in Amuria district Wera HC III in Amuria district Nyero Health Centre III in Kumi District Chemwom Health Center 111 in Kween District Benet H/C III in Kween District Chewon HC III in Bukwo District Bumumilisha HC III in Sironko District Sironko HC III in Sironko District Bunambutye HC III in Sironko District Buyaga H/C III in Sironko District Bumwambu H/C III in Sironko District Kapir H/C III in Ngora District Kobwin H/C III in Ngora District Mukura H/C III in Ngora District Ngariam Health Center 111 in Katakwi District Magoro Health Center 111 all in Katakwi District Aketa HC in Katakwi District Sunga HCIII in Kibaale District Mabaale HCIII in Kibaale District Bwikara HCIII in Kibaale District Kyebando HCIII in Kibaale District Kilyanga HCIII in Kibaale District Kihungya HC III in Buliisa District Biiso HC III in Buliisa District Bugambe HC III in Hoima District Kabaale HC III in Hoima District Katooke HC III in Kyenjojo District Kyakatara HC III in Kyenjojo District Bufunjo HC III in Kyenjojo District Kyinyamaseke HC III in Kasese District Nyabugondo HC III in Kasese District Nyabirongo HC III in Kasese District Muhokya HC III in Kasese District Bubkwang HC III in Bundibugyo District Ebenezer SDA HC III in Bundibugyo District Kisuba HC III in Bundibugyo District Kimengo HC III in Masindi District Kijunjubwa HC III in Masindi District Pakanyi HC III in Masindi District Kyatiri HC III in Masindi District Rwebisengo HC III in Ntoroko District Ntoroko HC III in Ntoroko District Etam H/C III in Amolatar district Aputi H/C III in Amolatar district Namasale H/C III in Amolatar district Kalaki HC 111 in Kaberamaido district Bululu H/C III in Kaberamaido district Ochero Health Centre III in Kaberamaido district Kobulubulu HC III in Kaberamaido district Buluchеke H/C III in Bududa district Bukimayi H/C III in Bududa district Butiru Health 111 in Manafwa District Bubulo HC III in Manafwa District Kachumbala H/C111 in Bukedea district Malera H/C 111 in Bukedea district Kaserem Health Centre III in Kapchorwa district Tegres Health Centre III in Kapchorwa district Kwoti Health Centre III in Kapchorwa district Chesower H/C III in Bukwo district Bugondo Health Centre III in Serere District Kadungulu Health Centre III in Serere District .	Amolatar HC 1V in Amolator District Kaberamaido HC IV in Kaberamaido District Amuria HC1V in Amuria District Ngora HC IV in Ngora District Bukedea HC IV in Bukedea District Bubulo HC IV in Manafwa District Katakwi HC IV in Katakwi District Bukwo HC IV in Bukwo District Kaproron HC IV in Bukwo District Kumi HC IV in Kumi District Serere HC IV in Serere District Kasilo Health Centre IV in Serere district Karenga HCIV in Kaboong District Nyimbwa Health Center IV in Luwero District Kassanda Health Centre IV in Mubende District Ssekanyonyi Health Centre IV in Mityana District Mwera Health Centre IV in Mityana District Nakasongola Health Centre IV in Nakasongola District Mungula Health Center IV in Adjumani District Nsiika Health Centre IV in Buhweju District Kabwohe Health Centre IV in Sheema District Shuuku Health Centre IV in Sheema District Bugamba Health Centre IV in Mbarara District Bwizibwera Health Centre IV in Mbarara District Kinoni Health Centre IV in Mbarara District Rubaare Health Centre IV in Ntungamo District Kitwe Health Centre IV in Ntungamo District Rwashamaire Health Centre IV Ntungamo District Kanungu Health Centre IV in Kanungu District Makiro Health centre in Kanungu District Mitooma Health Centre IV in Mitooma District Mutara Health Centre III in Mitooma District Amolator Health Center 1V in Amolator Town Council. Kaberamaido health center 1V in Kaberamaido District Amuria Health center 1V in Amuria District Budadiri Health Center in Sironko District Ngora Health Center 1V in Ngora District Bukedea Health center 1V in Bukedea District. Magale HC IV in Manafa District District Katakwi HCIV in Katakwi district Bukwo HC IV in Bukwo district Katakwi HC IV in Katakwi District Kyazanga HCIV in Lwengo District Kiwangala HCIV in Lwengo District Lwengo HCIV in Lwengo District Ntusi HCIV in Sembabule District Kalangala HCIV in Kalangala District Buliisa Health Center IV in Buliisa District Kyarushozi HC IV in Kyenjojo District Kikyo HC IV in Bundibugyo District Nyahuka HC IV in Bundibugyo District Busalu HC IV in Bundibugyo District Karugutu HC IV in Ntoroko District Amolator Health Center 1V in Amolatar district Magale Health Center 1V in Manafwa District Kaproron H/C IV in Kween District	Lyantonde Hospital in Lyantonde District Kaabong government hospital in Kaboong District Mityana Hospital in Mityana District Kiwoko Hospital in Nakaseke District St Joseph's Hospital in Kitgum District Kambuga Hospital in Kanungu District Kisoro Hospital in Kisoro District Kumi Hospital in Kumi district Atutur Hospital in Kumi district Kyenjojo Hospital in Kyenjojo District Kagando Hospital in Kasese District Bundibugyo Hospital in Bundibugyo District Kapchorwa hospital in Kapchorwa district Itojo Hospital in Ntungamo District	Mubende Referal Hospital in Mubende District Mbarara university Teaching Referral Hospital in Mbarara District Katakwi Regional Referral Hospital in Katakwi District Kapchorwa Referral Hospital in Kapchorawa District

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Annex 12: Members and staff of the UHRC as at end of December 2012

S/N	Name and Location	Designation	Gender	
	OFFICE OF THE CHAIRPERSON		Female	Male
1	Med S. K. Kaggwa	Chair person	-	1
2	Farouk Nyende	Senior Human Rights Officer	-	1
3	Gloria Namuleme	Acting Senior Human Rights Officer	1	-
3	Winnie Kabeije Rubanonzya	Human Rights Officer	1	-
4	Margaret Nakawuka Luwaawo	Senior Administrative Assistant	1	-
5	Margaret Nakakande	Assistant Administrator	1	-
5	Moses Lwanga	Driver	-	1
S/N	COMMISSION MEMBERS' OFFICES			
1	Joseph .A. A Etima	Commissioner	-	1
2	Felistas Atim Odyek	Assistant Administrator	1	-
3	Issa Mugabe	Driver	-	1
4	Dr. Katebalirwe Amooti Wa Irumba	Commissioner	-	1
5	Bernadette Nabasirye Byasigaraho	Assistant Administrator	1	-
6	Meddy Nsimbe Musitafa	Driver	-	1
7	Agaba Maguru	Commissioner	-	1
8	Elizabeth Bosa	Assistant Administrator	1	-
9	Alex Kasaija	Driver	-	1
10	Fauzat Mariam Wangadya	Commissioner	1	-
11	Celine Rose Alonyo	Assistant Administrator	1	-
12	ObelTomson	Driver	-	1
13	Violet Akurut Adome	Commissioner	1	-
14	Justine Kaahwa Mwesigwa	Assistant Administrator	1	-
15	John Emorut	Driver	-	1
16	Stephen Basaliza	Commissioner	-	1
17	Mary Immaculate Nyanzi	Assistant Administrator	1	-
18	Hassan Nakooli	Driver	-	1
S/N	Units/ Section Under Secretary's Office			
	Office of the Secretary			
1	Gordon T. Mwesigye	Secretary to the Commission	-	1
2	Rose Mary Kemigisha	Senior Human Rights Officer/ Editor	1	-

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3	Paula Biraaro	Human Rights Officer	1	-
4	Stella Kirenga	Assistant Administrator	1	-
5	Sam Kaahwa Ateenyi	Driver	-	1
	Public Affairs Unit			
1	Florence Mukyala Munyirwa	Public Affairs Manager	1	-
2	Justus Muhanguzi Kaampe	Public Affairs Officer	-	1
3	Jenipher Namuyanja	Receptionist	1	-
	Internal Audit Unit			
1	Thadeus Sempijja	Senior Internal Auditor	-	1
2	Kabirigi Immaculate	Internal Auditor	1	-
	Planning Unit			
1	Charles Mukasa	Planner	-	1
	Procurement & Disposal Unit			
1	Jacqueline Musimenta	Assistant Procurement Officer	1	-
	Directorate of Finance and Administration			
1	Margaret Lucy Ejang	Director Finance and Administration	1	
2	Christopher Turigye	Senior Accountant - Project		1
3	Robert Muhwezi	Senior Accountant G.O.U		1
4	Dennis Kakeeto	Accountant G.O.U		1
5	Tadeo Wamala	Assistant Accountant – Projects		1
6	Scolarh Kalibagwa Kaahwa	Assistant Accountant G.O.U	1	
7	Joseph Ndebwoha	Stores Assistant		1
8	Samuel Kamya Kitanda	Office Assistant		1
9	Maxwell Onyait	Transport Assistant		1
10	Benson Omonding	Driver		1
11	Muzafalu Semakula	Driver		1
12	Timothy Munialo	Driver		1
13	Caleb Mugira Kiiza	Gate Attendant		1
14	Agapitus Lukyamuzi	Human Resource Manager		1
15	Joan Kaampe - Wasswa	Human Resource Officer	1	
16	Loiyrose Nantale Kakeeto	Records Officer	1	-
17	Jane Claire Nantumbwe	Assistant Records Officer	1	-
18	Sulaiman Omita	Systems Manager	-	1

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S/N	Name and Location	Designation	Gender	
19	Winifred Logose	Systems Officer	1	-
20	Ben Emong	Driver	-	1
	Research, Education and Documentation			
1	Dorah Bolla Kabuye	Director	1	-
2	Ida Nakiganda	Senior Human Rights Officer	1	-
3	Elizabeth Ndyabagye	Senior Human Rights Officer/ Material Development	1	-
4	Margaret Rubaire	Senior HRO/ Senior Librarian	1	-
5	Dorothy Okwong	Human Rights Officer	1	-
6	Rachael Naigaga	Human Rights Officer/ Librarian	1	-
7	Rebecca Nnanyonjo	Human Rights Officer /Civic Education	1	-
8	Phillip Kalibbala Nyanja	Human Rights Officer – Legal	-	1
9	Richard Senfuka	Office Assistant	-	1
10	Hassan Ali Kamyuka	Driver	-	1
	Directorate of Monitoring and Inspections		F	M
1	Roselyn Karugonjo - Segawa	Director	1	-
2	Patricia Nduru	Senior Human Rights Officer	1	-
3	Priscilla Nyarugoye	Senior Human Rights Officer	1	-
4	Freda Nalumansi-Mugambe	Human Rights Officer	1	-
5	Robinah Obitre–Gama	Human Rights Officer	1	-
6	Peter Nyakana	Driver	-	1
7	Margaret Nantume	Office Assistant	1	-
	Directorate Of Complaints Investigations			
1	Ruth N. Ssekindi	Director	1	-
2	Ginamia Melody Ngwatu	Senior Human Rights Officer /Registrar	1	-
3	Esther Freda Apolat	Human Rights Officer – Legal	1	-
4	Peace Akol Obong	Human Rights Officer Investigations	1	-
5	Emma Charlene Lubaale	Human Rights Officer – Legal	1	-
6	Esther Nassiwa Jjuuko	Human Rights Officer – Legal	1	-
7	Sam Serunjogi	Driver	-	1
8	Resty Agweng	Office Assistant	1	-

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S/N	Name and Location	Designation	Gender	
	Directorate of Regional Services			
1	George Paliel Ufoyuru	Director	-	1
2	Betty Enangu	Human Rights Officer	1	-
3	Rizzan Nassuna	Human Rights Officer – Education	1	-
4	Timothy Munialo	Driver	-	1
5	Robert Mugenyi	Office Assistant	-	1
	Gulu Regional Office			
1	Kamadi Byonabye	Regional Human Rights Officer	-	1
2	Nicholas Ogwang	Human Rights Officer – Legal	-	1
3	Fiona Abalo Opoka	Human Rights Officer – Education	1	-
4	Josephine Akello	Human Rights Officer – Investigations	1	-
5	Christine Oroma - Gakumba	Assistant Accountant	1	-
6	Anna Grace Akello	Assistant Accountant	1	-
7	Dick Henry Ojut	Office Assistant	-	1
8	Shaban Kitente	Driver	-	1
9	Patrick Kabuye	Driver	-	1
	Central Regional Office			
1	Wifred Asiimwe Muganga	Regional Human Rights Officer	-	1
2	Rebecca Nassuna	Human Rights Officer – Legal	1	-
3	Grace Angeline Chelimo	Human Rights Officer – Legal	1	-
4	Patience Birungi	Human Rights Officer – Investigations	1	-
5	Alexandria Kirunda	Human Rights Officer – Education	1	-
6	Jimmy Rogers Mukuve	Assistant Accountant	-	1
7	Evalyne Arinaitwe	Assistant Administrator	1	-
8	Oliver Namukwaya	Office Assistant	1	-
9	Lawrence Echabu	Driver	-	1
10	Damasco Cwinyaai	Driver	-	1
11	Geoffrey Katangula	Process server	-	1
	Soroti Regional Office			
1	Rebecca Agnes Tino	Regional Human Rights Officer	1	-
2	Bosco Okurut	Human Rights Officer – Legal	1	-
3	Logose Juliet	Human Rights Officer – Investigations	1	-

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S/N	Name and Location	Designation	Gender	
4	David Obutai	Human Rights Officer – Education	-	1
5	Bob Sam Katende	Assistant Accountant	1	-
6	Harriet Akajo	Assistant Administrator		
7	Peter Ariku	Office Assistant	-	1
8	Martin Etengu	Driver	-	1
	Moroto Regional Office			
1	Paul Otim	Regional Human Rights Officer	-	1
2	Florida Chebet Chelimo	Human Rights Officer – Legal	1	-
3	Christopher Ogwang Odyek	Human Rights Officer – Investigations	-	1
4	Paul Piramoe	Human Rights Officer – Education	-	1
5	Richard Etyang	Assistant Accountant	-	1
6	Jane Anyebo Ebotu	Assistant Administrator	1	-
7	Irene Ritah Tino	Office Assistant	1	-
8	Phillips Herds Loyok	Driver	-	1
	Mbarara Regional Office			
1	Theopista Twembi	Acting Regional Human Rights Officer	1	-
2	Sarah Rukundo	Human Rights Officer – Legal	1	-
3	Caroline Gomushabe	Human Rights Officer – Education	1	-
4	Alex Nuwagaba	Assistant Accountant	-	1
5	Mouda Kambeera	Assistant Administrator	1	-
6	Joan Komugisha	Office Assistant	1	-
7	Deus Katiiti	Driver	-	1
	Fort Portal Regional Office			
1	Rose Atim	Regional Human Rights Officer	1	-
2	Dorcus Musiimenta	Human Rights Officer – Legal	1	-
3	Christine Aineomugisha	Human Rights Officer – Investigations	1	-
4	Harriet Kajobe Rwakabbira	Human Rights Officer – Education	1	-
5	Harriet Byangire	Assistant Accountant	1	-
6	Grace Basemera	Assistant Administrator	1	-
7	Madina Hussein	Office Assistant	1	-
8	Stephen Wanyina	Driver	-	1

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S/N	Name and Location	Designation	Gender	
	Jinja Regional Office			
1	Sarah Nakhumitsa	Regional Human Rights Officer	1	-
2	Ambrose Okello Otwao	Human Rights Officer – Education	-	1
3	Brenda Nansikombi	Human Rights Officer – Investigations	1	-
4	Catherine Eyalu Koluo	Human Right Officer - Legal	1	-
5	Lawrence Mugisha	Assistant Accountant	-	1
6	Juliet Ndagire	Assistant Administrator	1	-
7	Patrick Lwaze	Office Assistant	-	1
8	Emmanuel Ssendi Kabunga	Driver	-	1
	Arua Regional Office			
1	Anthony Androa	Regional Human Rights Officer	-	1
2	Dorah Namaganda Bukenya	Human Rights Officer – Legal	1	-
3	Geoffrey Ogwang	Human Right Officer - Investigations		
4	Peace Ayikoru Anguyo	Human Rights Officer – Education	1	-
5	Patrick Toko Aniku	Assistant Accountant	-	1
6	Mary Stella Achen	Assistant Administrator	1	-
7	Donald Jaloka	Office Assistant	-	1
8	Morris Ojok	Driver	-	1
	Masaka Regional Office			
1	Willy Agirembabazi	Regional Human Rights Officer	-	1
2	Moreen Kiiza	Human Rights Officer – Legal	1	-
3	Tom Kibukutu Kitaka	Human Rights Officer – Investigations	-	1
4	Chrispus Kateeba	Human Rights Officer – Education	-	1
5	George Emmanuel Pere	Assistant Accountant	-	1
6	Ruthie Naggirinya Kintu	Assistant Administrator	1	-
7	Samuel Nyende	Office Assistant	-	1
8	Augustine Ntaganda	Driver	-	1
	Total		87	73

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Annex 13: UHRC Volunteer Staff

S/N	Name	Location	Designation	Gender	
1	Sheila Bwebare	Directorate of CILS	Volunteer – Legal	1	-
2	Asha Nakiwate	Directorate of CILS	Volunteer – Legal	1	-
3	Lucy Namuleme	Directorate of CILS	Volunteer – Legal	1	-
4	Julian Kihumulo	Public Affairs Unit	Volunteer – Public Relations	1	-
5	Pherry Nassolo	Procurement Unit	Volunteer - PDU	1	-
6	Josephine Nakigudde	Procurement Unit	Volunteer - PDU	1	-
7	Wilberforce Otebwa	Accounts - Project	Volunteer- Project	-	1
8	Alice Tugumisirize	Human Resource Unit	Volunteer – Human Resource	1	-
9	Jennifer Nazziwa	Systems Unit	Volunteer - Systems	1	-
10	Maureen Nalubega	Directorate - RED	Volunteer - RED	1	-
11	Anita Butesi	Directorate of M & I	Volunteer – M & I	1	-
12	Hope Bagota	Directorate of M & I	Volunteer – M & I	1	-
13	Jacqueline Anago	Directorate of CILS	Volunteer – Registrar's Office	1	-
14	Jashmin Nambi Kasujja	Directorate - CILS	Volunteer - Legal	1	-
15	Teddy Achayo	Gulu Regional Office	Volunteer – Investigations	1	-
16	Jane Angom	Amuru Field Office	Volunteer	1	-
17	Charles Opio Balmoi	Amuru Field Office	Volunteer – Amuru Field Office		1
18	Annet Okwera	Gulu Field Office	Volunteer –	1	-
19	Amina Yusufu	Gulu Regional Office	Volunteer - Investigations	1	-
20	Judith Auma	Pader Field Office	Volunteer	1	-
21	Sally Amony Okumu	Kitgum Field Office	Volunteer	1	-
22	Fred Okot	Pader Field Office	Volunteer	-	1
23	Francis Mia	Kitgum Field Office	Volunteer	-	1
24	Anthony Otim	Lira Field Office	Volunteer	-	1
25	Winnie Nuwarimpa	Central Regional Office	Volunteer – Investigations	1	-
26	Esther Nalungi	Central Regional Office	Volunteer – Legal	1	-
27	Susan Amagoro	Soroti Regional Office	Volunteer – Investigations	1	-
28	Roselyn Amayo	Kaberamaido Field Office	Volunteer	1	-
29	Matilda Namaja	Kaberamaido Field Office	Volunteer	1	-
30	Juliet Cheptoek	Moroto Regional Office	Volunteer – Legal	1	-
31	Esther Atim	Moroto Regional Office	Volunteer – Investigations	1	-

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S/N	Name	Location	Designation	Gender	
32	Abrahams Achok Moding	Kotido Field Office	Volunteer -	-	1
33	Francis Obura	Kotido Field Office	Volunteer - Kotido Field Office	-	1
34	Robert Ademu	Nakapiripirit Field Office	Volunteer	-	1
35	Jean Jansen Beruchan	Nakapiripirit Field Office	Volunteer	-	1
36	Michael Mwehitsye	Mbarara Regional Office	Volunteer – Legal	-	1
37	Kerios Mwetsiga Katsigaire	Mbarara Regional Office	Volunteer – Investigations	-	1
38	Melissa Kwizera Charyl	Kitgum Field Office	Volunteer – Legal	1	-
39	Sandra Aloyo	Jinja Regional Office	Volunteer - Investigation	1	-
40	Agnes Shelagh Nantawo	Jinja Regional Office	Volunteer – Legal	1	-
41	Daisy Kisa	Arua Regional Office	Volunteer – Investigation – Arua	1	-
42	Susan Nagadya Kibuuka	Masaka Regional Office	Volunteer – Legal	1	-
43	Hilda Birungi	Masaka Regional Office	Volunteer - Investigation	1	-
44	Matilda Namaja	Kaberamaido Field Office	Volunteer - Legal	1	-
45	Sylvia Bahizi	Mbarara Regional Office	Volunteer - Legal	1	-
46	Sarah Atuhairwe	Fort Portal Regional Office	Volunteer - Legal	1	-
47	Leticia Rindakakye	Fort Portal Regional Office	Volunteer - Legal	1	-
48	Mariam Ssemwanga	Central Regional Office	Volunteer – Legal	1	-
49	Swabra Nakato	Planning Unit	Volunteer	1	-
50	Ammy Pechutho	Lira Field Office	Volunteer	1	-
51	Immaculate Chemutai	Kapchorwa Field Office	Volunteer	1	-
52	Olivia Nanseko	Directorate of CIL	Volunteer	1	-
53	Birungi Phiona Kemigisha	Soroti Regional Office	Volunteer - Legal	1	-
54	Lydia Carolyn Cherop	Kapchorwa Field Office	Volunteer	1	-
55	Sheillah Kobusingye	Procurement Unit	Volunteer	1	-
56	Fiona Atukunda	Accounts - Project	Volunteer	1	-
57	Anne Agumenaitwe	Internal Audit Unit	Volunteer	1	-
58	Ronald Paul Kiweewa	Central Regional Office	Volunteer – Investigation	-	1
59	Getrude Nasseje	Jinja Regional Office	Volunteer - Legal	1	-
60	Margaret Nagudi	Gulu Regional Office	Volunteer - Legal	1	-
	Total by Gender			**48**	**12**

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Uganda Human Rights Commission Head Office
Plot 20/22/24 Buganda Road
P.O. Box 4929 Kampala
Tel: 041 348007/8 Fax: 041 255261
Email: uhrc@uhrc.ug Website: www.uhrc.ug