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Uganda

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I. Introduction

1. Uganda has made tremendous progress in promoting respect for human rights, rule of law and democracy including ratification of key international and regional human rights instruments and attempting to make human rights a reality for its citizens. The 1995 Constitution forms the bedrock for the protection and promotion of human rights. Furthermore, the Parliament has adopted a number of laws elaborating the rights provided in the Constitution including for vulnerable groups such as children, women and persons with disability, among others. The legal framework provides for redress through courts of law and other key national human rights institutions for the promotion and protection of human rights such as the Uganda Human Rights Commission (UHRC) and the Equal Opportunities Commission (EOC) whose work is complimented by vibrant civil society organizations.
2. To enhance the promotion and protection of human rights, the Government has also adopted and implemented various policies and programmes. Further, relevant institutional structures have been established for implementation, monitoring and evaluation of the country's human rights regime.
3. This report highlights progress made in the implementation of the voluntary pledges Uganda made to the Working Group of the First Universal Periodic Review in October 2011(UPR1) and the agreed recommendations from the UPR1. It also provides a synopsis of key human rights developments in Uganda since October 2011.

II. Methodology

4. The Report was compiled in a participatory and consultative process involving various stakeholders including Government Ministries, departments and agencies such as the Justice, Law and Order Sector (JLOS) and independent constitutional bodies such as the UHRC, EOC, among others. Furthermore, Civil Society Organizations (CSOs) and human rights activists, academics and experts were also consulted. The Ministry of Foreign Affairs (MOFA) coordinated a National Steering Committee that compiled the report. The compilation of the Report involved a desk review of reports from organizations that independently monitor the human rights situation in Uganda and reports from Government Ministries, departments and agencies on their implementation of recommendations from the previous review. A Validation Meeting was held at which a Draft of the Report was shared and discussed with various stakeholders including from various Government, ministries, departments and agencies, and civil society actors who made further input.
5. This Report reflects recommendations which were accepted by Uganda which were divided into nine thematic areas including: recommendations on treaties; justice, law and order sector; independence of institutions; accountability; economic, social and cultural rights; human rights education; rights of vulnerable groups; civil and political rights; and implementation of UPR Recommendations.

III. Progress in implementation of the voluntary pledges and accepted recommendations

A. Voluntary pledges

6. Uganda made a number of voluntary pledges which were all fulfilled as highlighted below.

Policy issues

1. National Action Plan on Human Rights

7. In 2014, the Government developed the National Action Plan on Human Rights (NAP). The NAP was developed through a consultative and participatory process by the National Steering Committee composed of various ministries, departments and agencies of the Government and had input from a number of actors, including civil society, academia, community-based organizations, religious and cultural leaders, among others. The NAP's vision is *A Ugandan Society Based on Respect for Human Rights and Committed to the Human Rights Based Approach for Sustainable and Inclusive Development*. The objectives of the NAP are to: build the capacity of the Government and citizens in the protection and promotion of human rights; to enhance equality and non-discrimination for all; reduce poverty and promote individual and collective wellbeing; guarantee the enjoyment of civil and political rights and liberties; address the human rights needs of special groups and those of victims of conflict and disasters; and implement Uganda's regional and international human rights obligations. The NAP also provides for a more structured coordinating mechanism that will involve all human rights stakeholders.

2. Annual review of the human rights situation

8. The UHRC and EOC in line with their statutory mandates compile annual reports on the situation of human rights in country. The reports are used by all ministries, departments and agencies and other stakeholders as a source of information and the recommendations therein guide the budgetary, legislative, policy formulation and other Government processes. Since 2011, there have been annual reviews of the human rights situation, followed by debates on the reports by Members of Parliament. Parliament has summoned governmental officials to explain actions relating to violations of human rights and their implementation of recommendations made by the UHRC and the EOC. This is particularly done by the Legal and Parliamentary Affairs Committee of Parliament and more recently by the Human Rights Committee of Parliament.

Institutional issues

1. Human Rights Cabinet Sub-committee

9. The Government has established the Human Rights Cabinet Sub-Committee to provide policy guidance on human rights issues. This Committee ensures adherence by all stakeholders to relevant policies, laws and Uganda's regional and international human rights obligations.

2. Human Rights Technical Committee

10. The Government has established an inter-ministerial technical committee on human rights matters whose composition among others includes civil society representation. The mandate of this Committee is to provide technical support to the Cabinet Sub-Committee

on human rights. The inter-ministerial committee was crucial in the development of the NAP.

3. *Human rights desk at the Ministry of Justice and Constitutional Affairs*

11. This desk coordinates, at country level, the implementation of the National Action Plan and preparation of relevant reports for submission to regional and international human rights bodies. It ensures that Uganda upholds the rule of law, good governance and accountability and implements human rights based approach in all national policies and legislation. This Desk also ensures compliance by Government Ministries, Departments and Agencies with the human rights based approach through provision of legal advice.

4. *Human rights desk at the Ministry of Foreign Affairs*

12. This desk coordinates with stakeholders to ensure compliance with regional and international human rights obligations.

5. *Focal points within Ministries Departments and Agencies of Government*

13. Focal points have been created to ensure that human rights issues are cascaded into respective institutional policies, plans, programmes and budgets; as well as to follow-up on their implementation and reporting on progress made.

B. Implementation of accepted UPR recommendations

1. Recommendations on treaties – Recommendations 1–5, 26, 27, 31, 74, 82

14. Recommendations were made in relation to treaties including the following:

- (a) Domesticated international human rights instruments and harmonise all laws with these instruments;
- (b) Ratify the Optional Protocol to the UN Convention Against Torture and incorporate provisions in domestic laws;
- (c) Give effect to the provisions of UN Convention Against Torture in national legislation;
- (d) Study possibility of ratifying International Convention for the Protection of All Persons from Enforced Disappearance;
- (e) Ratify Optional Protocol to the Convention on the Elimination of Discrimination Against Women;
- (f) Bring Public Order and Management Bill in line with international obligations.

15. Uganda would like to affirm that most of the key international and regional human rights instruments have been domesticated in the Constitution. Additionally, laws are generally enacted in line with the Constitution and in line with specific treaties. This is an ongoing process and various laws, including: the Marriage and Divorce Bill and the Succession Amendment Act are also being reviewed to ensure compliance with international human rights standards.

16. The Constitution in Article 24 guarantees the right not to be subjected to torture, inhumane, cruel or degrading treatment or punishment. To give effect to this provision, and to fully domesticate the UN CAT, Parliament passed the Prevention and Prohibition of Torture Act 2012. The Act criminalises torture, declares evidence obtained through torture inadmissible in legal proceedings and makes provision for restitution, rehabilitation and

compensation of victims of torture. The Act also extends criminal liability for torture to individuals and non-State actors. The Regulations to aid the implementation of the Act are being developed by the Ministry of Justice and Constitutional Affairs.

17. Uganda is considering the ratification of the International Convention for Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of Discrimination Against Women and the Optional Protocol to the UN Convention against Torture. Ratification requires domestic appreciation and readiness for implementation of the ratified treaty. Ratification and implementation of treaties requires resources and Uganda would only like to take on obligations that they are ready to implement.

18. The Public Order Management Act was passed after consultations with key stakeholders. The Government believes the law complies with international standards. However, there have been complaints that there are problems with its interpretation and implementation. The Government has tasked the Uganda Law Reform Commission to conduct consultations with key stakeholders to identify the problems encountered in enforcing the law. These consultations will inform and guide any amendments to the law.

2. Justice, law and order sector – Recommendations 42, 43 and 66

19. Recommendations were made relating to the Justice, Law and Order Sector:

- (a) Accelerate improvement of police, judicial and prison systems;
- (b) Improve prison conditions by tackling over-crowding, unsatisfactory state of prisons and health care shortcomings.

20. In order to comply with the recommendations above various measures have been taken in by the Police, Judiciary and Prisons Service.

Uganda Police Force

21. To improve its adherence to human rights standards, the Uganda Police Force (UPF) established the Directorate of Human Rights and Legal Services, Professional Standards Unit and Human Rights desks in all regional offices. The Directorate of Human Rights and Legal Services is responsible for: advising on legal and human rights issues including human rights accountability and disciplinary procedures; conducting human rights training and coordination of the human rights desks. Out of the 27 established human rights desks, 12 are functional. The Professional Standards Unit, which is responsible for enhancing ethics and professional standards by handling complaints from the public, has increased the number of units to 10. The UPF has also developed a human rights policy that will guide future police operations and help in mainstreaming human rights in police work.

22. The UPF on a continuous basis conducts professional training with all police officers to enhance their capacity including respect for human rights in their operations. Since 2011, the number of police officers police stations and posts has been increased in order to effectively maintain law and order. Community policing has been adopted to encourage public participation in fighting crime and narrowing the gap between the police and the public. Errant police officers who violate human rights including torture and ill treatment can be prosecuted under the Prevention and Prohibition of Torture Act or using other legal and administrative procedures prescribed by the Police Act, Chapter 303, Laws of Uganda.

23. Steps have also been taken to improve the conditions of the detention in Police through renovations and construction of facilities which has improved sanitation including the reduction in the use of buckets for toilets by detainees.¹ Also, staff welfare including housing has been improved by construction of additional housing units.

Judiciary

24. The judiciary has taken a number of steps and innovations to enhance access to justice including the Small Claims Procedure, which does not require an advocate in court and is characterised with simple steps that any ordinary person can take to make a judicial claim and have the same adjudicated expeditiously. In criminal matters, the Judiciary has introduced the plea bargaining as part of the criminal justice system to expedite the trial processes and decongest prison facilities. In civil matters, mandatory Alternative Dispute Resolution has been introduced in order to expedite resolution of disputes and decongest the court docket.

25. To enhance access to legal services in criminal matters, measures have been taken to improve access to legal aid services. This includes expansion of the legal aid scheme under both State sponsored briefs for capital offenders and the Justice Centres programme. The Justice Centres Programme is a new programme where the Government with support from its partners has created justice centres and legal aid clinics at courts and prisons. In 2011, there were only three Justice Centre Clinics in Tororo, Lira and Kampala. As of 2016, there are seven justice centres and legal aid clinics at the courts with newly established centres in: Hoima, Masaka, Fort portal, and Jinja. There is a Draft Legal Aid Policy and Bill which are at the advanced stage and only require Cabinet approval.

26. The Judiciary is using technology to enhance access to justice. For instance, video link facilities for children and juvenile cases in courts have been introduced, together with a children model court as a pilot. These measures are designed to protect the identity and attendant rights of children in the juvenile justice system.

27. A number of strategies have been adopted to reduce the case-backlog including increasing judicial staffing, and conducting case census to eliminate redundant files. Additionally, performance targets have been set for all judicial officers to deliver annually and a corresponding Performance Enhancement Tool to track / monitor performance of judicial officers in order to promote efficiency and expeditious handling of cases. Furthermore, the Inspectorate of Courts, which monitors the performance of judicial officers, has enhanced its management by changing its head from a Registrar to a Supreme Court Justice who has jurisdiction over all judicial officers, unlike before. Other measures include the creation of new juridical areas within the country to narrow the gap between the demand and supply of justice. The High Court circuits have been increased from 13 to 17, while all Districts in the country will become magisterial areas.

28. Additionally, law reform is being undertaken to improve the performance of the Judiciary. For instance, the Administration of Judiciary Bill has been developed and is before cabinet. The Bill provides for improved independence and administration of the Judiciary in regard to a number of aspects such as financing, staffing and discipline, among others.

29. In 2013, the Judiciary adopted The Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013 whose objectives are to: provide principles and guidelines to be applied by courts in sentencing including: sentence ranges and other means of dealing with offenders; interests of victims of crime and the community; and provide a mechanism that will promote uniformity, consistency and transparency in sentencing.

Uganda Prison Service

30. The Prison Service had developed a Correctional Policy to enhance reform, rehabilitation and skills development during incarceration. The policy consolidates the shift in practice to promote prisoner empowerment as a way of fighting crime and to reduce recidivism. In addition, Prison Standing Orders have been reviewed to ensure coherence

with the Prisons Act which domesticates a number of international, regional and constitutional human rights standards.

31. To deal with the human resource deficiencies, over 2,000 prisons warders and wardresses have been recruited and trained in the past two years to step up the work force available to serve the prisons. New prison facilities are being constructed to increase holding capacity and reduce congestion. One major ongoing construction is the maximum security prison in Kitalya with a capacity of 1000 inmates and will help to decongest some prisons including Luzira maximum security prison.

32. Community service for petty offences has been adopted in place of custodial sentences as one of the measures to decongest the prisons.

33. Efforts have been taken to reduce overcrowding and improve the state of prisons including access to health care. In order to reduce overcrowding; the Government has constructed prisons and increased the holding capacity. Over the five year period, prisons holding capacity has been increased by 2,183 from 14,334 in 2010/2011 to 16,517 in 2015/2016. This has been accompanied by construction of Prison staff quarters in order to improve living conditions among prison staff. Despite those interventions overcrowding is still a challenge and the population has grown from 221% of prison capacity to 274% in 2015.

34. With regard to improvement in the state of prisons, the use of buckets for toilets has been removed in over 85% of the prisons. It is hoped that by the end of this financial year 2016/2017, the bucket system will be completely eradicated. At the moment, only 22 prisons use the bucket system during day and night and only 27 use the system during the night but not in the day.

35. Improvements have also been registered in the provision of health care services in prisons. There are medical facilities available in all prisons units in the country to provide required health care for common diseases and other infections such as HIV/AIDS. The mortality rate among prisoners has reduced from 2/1000 in 2011 to 0.75/1000 in the last five years. There have been renovations of the health care facilities such as the Murchison bay prison and provision of equipment in the health care units in Masindi and Masaka.

36. In addition to the above, the UPS has taken measures to address the welfare needs of nursing mothers and their children. By 2015, the UPS was taking care of 234 babies living with their mothers in prison, as part of a Policy of ensuring that babies are not separated from their mothers. The UPS has taken measures to ensure that these children have access to day care centres, baby clothing and milk for proper nutrition.

3. Independence of institutions – Recommendations 8 and 83

37. The following recommendations were made:

- (a) Decision to grant or refuse bail should be a prerogative of the judiciary;
- (b) Ensure independence and adequate capacity of UHRC;
- (c) Make appointment of Electoral Commission more consultative process.

Independence of the courts in granting bail

38. The Government would like to affirm the fact that all persons have the right to apply for bail and the final decision on whether to grant or refuse bail lies with the courts. Article 23(6)(a) of the Constitution of the Republic of Uganda provides that a person arrested in respect of a criminal offence can apply to the court to be released on bail, and the court may grant that person bail on such conditions as the court considers reasonable. This is in line with the principle of the independence of the courts.

Independence and capacity of the UHRC

39. The UHRC is an independent Constitutional body with a mandate to promote and protect human rights. UHRC's independence is guaranteed by Article 54 of the 1995 Constitution which provides that the UHRC shall be independent and shall not, in the performance of its duties, be subject to the direction or control of any person or authority. The UHRC is fully constituted with five Commissioners and a Chairperson. As part of its mandate in Article 53(2) of the Constitution, the UHRC may, if satisfied that there has been an infringement of a human right or freedom, order the release of a detained or restricted person; payment of compensation; or any other legal remedy or redress.

40. The UHRC is accessible and provides free services offered in ten regional offices across the country. The UHRC is accredited with A status by the International Coordinating Committee of National Human Rights Institutions. The Government respects the work and mandate of the UHRC and has always taken all reasonable steps to implement the commission's recommendations and pay awards of compensation that the commission's tribunal orders. Although the Government is committed to paying all the awards, we have been limited by financial constraint which has affected the timely payment of awards.

Establishment of Equal Opportunities Commission (EOC)

41. The Equal Opportunities Commission was established with mandate to eliminate discrimination and inequalities against any individual or group of persons on the grounds of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters.

42. The Commission has since registered, investigated, assessed and redressed over 370 complaints relating to marginalisation and discrimination; particularly in the areas of land rights, employment, and denial of access to social services. The Commission has also conducted audits of compliance to equal opportunities and affirmative action among Government ministries, departments, agencies, local governments and the private sector.

43. Further, the Commission has developed, conducted and managed information and educational programmes to facilitate awareness and understanding, as well as acceptance of equal opportunities among several State and non-State actors.

Appointment of the Electoral Commission

44. Members of the Electoral Commission are appointed in a fairly consultative process. The practice is that the President receives a list of nominees from the line Ministry, Department or Agency of Government and nominates members who are then vetted by Members of Parliament. The President cannot appoint any member who has not been approved by Parliament. The public, political parties and civil society organisations can participate by providing information to the appointments committee of Parliament which approves appointments if the nominees are unsuitable for the job. This issue will be further considered during the upcoming process of the review of our legal and policy framework for reforms following our last elections.

4. Accountability – Recommendations 38, 39, 60, 64, 65, 67–71

45. Recommendations were made regarding enhancing accountability for human rights violations including:

- (a) Ensure impartial and independent investigations of violations by security forces and prosecute and punish perpetrators including those who attacked people after 2011 elections and those who committed extra-judicial killings;
- (b) Investigate cases of torture and ill-treatment and hold perpetrators accountable;
- (c) Ensure adequate compensation for victims of abuse by security agents;
- (d) Investigate and prosecute attacks against the LGBT community and gay rights activists;
- (e) Pass Anti-Torture Bill.

46. Impartial and independent investigations of violations by security forces are usually done by the UHRC, the UPF and the Directorate of Public Prosecution (DPP). Officers involved in violations are also subject to police disciplinary procedures. Indeed, the UHRC received and investigated complaints during the 2011 protests relating to violations of the right to life.² The UHRC, depending on its findings, may recommend prosecution of the perpetrators which will be followed up by the DPP. The DPP has also carried out prosecutions of errant officers.

47. The UHRC has over the years investigated complaints of torture and ill treatment and awarded compensation to victims of human rights violations. Notably, the complaints of torture and ill treatment received by the UHRC have reduced from 428 in 2011 to 343 in 2015.³ Also, perpetrators can now be brought to account using the Prevention and Prohibition of Torture Act which was passed in 2012. Compensation of victims directed by the UHRC is handled by the Ministry of Justice and Constitutional Affairs in its budgets. For instance, in 2015 alone, the UHRC awarded up to UGX 520,300,000 (approx \$ 150,000). Financial constraints have however made it hard for the Ministry to fully pay all awards on time.

48. The UPF has used both its administrative tribunals and ordinary courts to punish police officers who abuse the rights of citizens and engage in excessive use of force. For instance in 2013, the Force charged 5 of its officers with assault before the Police Disciplinary court and eventually all of them were convicted as charged and dismissed from the Police Force with disgrace. In 2015, a senior police officer who assaulted a journalist causing grievous bodily harm was interdicted from the Force. At the moment, 5 constables are facing charges before the Disciplinary Court arising from assault on members of the public.

49. The army has also continued to bring to book its members who abuse the rights of people in violation of military law. These cases are handled within the military justice system and offenders are tried with the full participation of the victims including in the areas where the offence was committed.

5. Economic, social and cultural rights - Recommendations 22, 85-97, 107 and 108

50. Recommendations were made to enhance the enjoyment of economic, social and cultural rights including:

- (a) Combat Malaria, Tuberculosis and HIV/AIDS, and continue decreasing the child and maternal mortality rates, and increase life expectancy;
- (b) Continue to work with WHO and maintain measures to reduce HIV through abstinence and better access to medicines;
- (c) Ensure well-functioning health information systems with desegregated data;
- (d) Create a health insurance scheme for the poor;

- (e) Receive the assistance it requires, in personnel and logistical resources, to develop the health sector in order to reduce the child mortality rate and tackle malaria, HIV and TB;
- (f) Increase access to sexual and reproductive health services by raising the health budget to 15 per cent in line with the Abuja declaration;
- (g) Ensure access to education for all and improve education standards;
- (h) Increase public expenditure on education and functioning education system;
- (i) Continue with policy on primary education;
- (j) Implement policies to support food production, access to credit and school meals programs linked to local food production.

Health

51. Since 2011, funding for malaria, Tuberculosis and HIV/AIDs has increased to US \$2.4 million. The Tuberculosis case detection rate has increased from 39.8% to 45%, and the Tuberculosis treatment success rate has risen from 43% to 64%. With regard to HIV/AIDs: the percentage of service coverage is 56%. Children exposed to HIV from their mothers and accessing HIV testing within two months has improved from 30% to 58%. The Proportion of HIV positive pregnant mothers enrolled on ARVS for elimination of mother to child transmission increased from 407 in 2011 to 1,658 in 2014/2015. As a result of these efforts, some achievements have been registered. Nevertheless there is still need for further improvements.

<i>Indicator</i>	<i>2011</i>	<i>2014/15</i>
Infant mortality rate	54/1,000	45/1,000
Neonatal mortality	29/1,000	23/1,000
Under 5 mortality	90/1,000	69/1,000
Maternal mortality	438/100,000	360/100,000

52. The World Health Organisation (WHO) has continued to support the Health Sector in the fight against HIV/AIDs through research, capacity building, and provision of management protocols, materials and guidelines needed to address various aspects of HIV/AIDS prevention, care and support. The social and biomedical approaches have been scaled up to ensure reduction in the HIV/AIDs infections.

53. The Health Sector has tremendously improved the health management information system using DHIS2. An E-health Policy and Strategy are being finalised aimed at standardising health management information systems and creating a national health depository for all stakeholders. The Health Management information system is updated regularly to accommodate new programme demands and indicators for measuring progress in the health indicators. Data is disaggregated by age, gender and the sector is now moving towards disaggregation of data by location, education level and income status especially in areas of Maternal and Child Health.

54. The Government is in the process of enacting a National Health Insurance Bill which provides for all categories of citizens including subsidies for the indigents (poor). The Bill is currently being reviewed for its financial compliance by the Ministry of Finance Planning and Economic Development. When the certificate of financial compliance is given it will be submitted to Cabinet for approval and then presented to Parliament to enact it into law.

55. In terms of human resources for health, since 2012, a total of 3,141 health workers have been recruited on contract, and deployed across districts, and paid through various mechanisms including PEPFAR which supports 2274, the Global Fund which supports 309, and the UNFPA which supports 142 and by the Ministry of Health which supports 416 contract workers. Contract workers have been recruited to respond to critical human resources for health demands across the country, in particular HIV/AIDS services. The Government is committed to absorbing eligible contract workers as a key strategy for enhancing retention, especially in hard-to-reach areas, conditional on availability of wage. For example, out of the 2,234 eligible PEPFAR supported health workers, a total of 464 (21%) have so far been absorbed that is 415 in public and 49 in Private Not-For-Profit health units.

56. The World Bank in partnership with the Government has supported training of health workers in support of the hard to reach hard to stay areas and training of selected cadres in short supply. The national average for staffing of approved posts has moved from 56% in 2011/12 to 70% in 2014/15. Figures are indicated below:

Health workers trained per category

<i>Scholarship category</i>	<i>2011/2012</i>	<i>2012/2013</i>	<i>2013/2014</i>	<i>2014/2015</i>	<i>Totals</i>
Hard to reach	0	153	295	11	459
Priority cadres*	0	217	67	54	338
Totals	0	370	362	65	797

* Priority cadres: MW (Midwives,), MOs (Medical Officers), LT (Lab. Technologists).

57. The Sector has also been supported by GAVI/Global Fund to tackle immunizable diseases as well as treatment for malaria and HIV/AIDS through Elimination of Mother to Child Transmission. The Sector has also been supported in implementing the Technical guidance from the UN and UN agencies in Uganda to improve the responsiveness of maternal care needs, supplementary recruitment and deployment of Midwives, laboratory staff, medical officers, and nurses, among others.

58. The percentage of the national budget for health has not yet been increased to 15% as required by the Abuja Declaration. Currently, the percentage is 7.1%. This is largely because of limited resources. Funding of the Health Sector is supplemented by development partners.

Education

59. The Government has taken steps to maintain access to education for all through the provision of Universal Primary Education (UPE) and Universal Secondary Education (USE) including special needs education. In 2011, the Government introduced the Universal Post Level Education and Training (UPOLET) programme which is in line with the National Development Plan (NDP) to cater for Ugandan students who successfully complete and pass their Uganda Certificate of Education.

60. The Annual School Census shows that secondary school enrolment has had increased to 1,395,250 by March 2014, compared to 954,324, at which it stood in 2007 when the Universal Secondary School programme was introduced. For the Universal Secondary Education (USE) schools (S.1-S.4), the total in 2014 stood at 873,476 of who 469,819 were male and 403,657 female resulting in 8% (8% male and 8% female) increment from last year. The results indicate that the Government Aided schools have 478,554 students while the PPP schools have 394,922 students eligible for USE. USE intake in senior one continued to increase since inception of the program in 2007.

61. The budget of the Ministry of education has increased over the years since 2011 to ensure the efficient functioning of the education sector. In 2011/2012 FY, Education received 15.6% of the National Budget, moving to 17.1% in 2012/2013 and 17.5% in 2014/2015. These increments are intended to improve the quality of education, accommodate more learners and improve the welfare of teachers.

Agriculture

62. The Government is implementing policies that support food production, access to credit and local food production for schools. The approach adopted to implement the recommendation has been to work to achieving the following outcomes as reflected in the National Development Plan II: increase agricultural production and productivity; increase access to critical farm inputs; strengthening the institutional and providing an enabling environment; and value addition.

63. Furthermore, the Government has adopted the National Agricultural Policy 2013, which sets a solid framework to guide investment and delivery of agricultural services. The Government has also set the following targets to: end hunger and ensure access by all people, in particular the poor and people in vulnerable situations including infants, to safe, nutritious and sufficient food all year round by 2030; end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons by 2030; and to increase investment, including through enhanced international cooperation, in rural infrastructure, agricultural research and extension services, technology development, and plant and livestock gene banks to enhance agricultural productive capacity.

64. Moreover, the Government will be providing credit to rural farmers, implementing the National Agricultural Advisory Services (NAADS). NAADS empowers farmers with skills and knowledge to shift from subsistence to commercial agriculture. Other measures include provision of agricultural inputs, improvement of the rural network, and promoting value addition.

6. Human rights education – Recommendations 9–11, 78

65. The following recommendations were made:

- (a) Integrate human rights in sectoral education strategies and ensure inclusion of human rights modules in school curricula;
- (b) Introduce human rights education to increase awareness of all human rights;
- (c) Incorporate the World Programme on Human Rights Education and Training, particularly its second step, to its national programmes;
- (d) More resources be allocated to Human Rights education in parts of the country that have for a long time been under rebel control.

Human rights education schools and HRE for security personnel

66. As mentioned earlier, the Government has encouraged and ensured the introduction of human rights and civic education in schools. The Ministry of Education and Sports has included human rights and civic education in the curriculum of primary and secondary schools. Furthermore, human rights education is also being conducted at tertiary institutions.

67. The World Programme on Human Rights Education and Training, particularly its second step, has been incorporated in the National Civic Educational Policy. Specific

human rights and civic education programmes particularly targeting Northern Uganda have been conducted by the UHRC and the UN OHCHR.

68. All security agencies such as the UPDF, UPF and UPS have incorporated human rights training in their curriculums and trainings. Since 2011, over 11,000 security personnel have been reached by the UHRC HRE trainings. The number of community members attending community HRE meetings of the UHRC has increased by over 50%, from less than 15,000 in 2011 to 31,694 in 2015.

7. Rights of vulnerable groups – Recommendations 6, 18, 23, 32–36, 44–59, 98–105, and 110

69. Various recommendations were made relating to the protection of various vulnerable groups such as women, children, persons with disabilities, refugees and internally displaced people, indigenous people and domestic workers.

Women

(a) Review and modify legislation and modify or eliminate traditional practices and stereotypes that discriminate against women.

(b) Revise and amend Marriage and Divorce Bill to eliminate discrimination against women.

(c) Put in place measures to increase compliance with Domestic Violence Act and Female Genital Mutilation Act and create awareness on FGM.

(d) Implement laws protecting women from sexual violence and sexual harassment.

(e) Train peace-keeping military personnel on rights and needs of women.

(f) Increase participation of women in developing and implementing development plans.

(g) Ensure implementation of National Action Plan on Women.

70. Government would like to affirm that laws that prohibit harmful traditional practices against women have been enacted and efforts are being made through human rights education and sensitization to enhance their effective implementation. Such laws include the Prohibition of Female Genital Mutilation Act, Domestic Violence Act, Prevention of Trafficking of Persons Act, Equal Opportunities Commission Act, International Criminal Court Act, Penal Code Amendment Act, Employment Act and the Land Amendment Act, among others. Furthermore, laws that were discriminatory relating to adultery and payment of bride price have been successfully challenged and repealed by the Constitutional Court. In addition the Sexual Offenses Bill has been drafted and will be presented to Parliament in due course.

71. The Marriage and Divorce Bill was drafted to eliminate discrimination against women. However, because of its cultural implications, it has been pending before parliament for a long time. The Government will work towards ensuring that the bill is passed so as to increase protection of Ugandan women from discrimination.

72. The Government has trained the key duty bearers on both Acts and on the regulations and guidelines to aid their implementation in Karamoja, Sabiny, Busoga, Western and Northern regions. The Government has established shelters for victims of Gender Based Violence in the 5 districts of Mbarara, Masaka, Moroto, Lira and Gulu and a national data base to enable the monitoring of issues relating to gender based violence.

73. Military personnel have been trained to respect human rights including on the rights and needs of women. Security agencies have partnered with several institutions, such as UHRC, UNICEF, UN OHCHR, ACTV, Save the Children and the Refugee Law Project to train their personnel.

74. In order to increase participation of women in developing and implementing development plans, the Government worked with civil society organizations to increase women participation in the economic planning process such as the Uganda Women Entrepreneurship Programme (UWEP). There are still challenges of ensuring that rural women are actively integrated in the economy. The National Development Plan 2015/16 – 2019/20 (NDPII) provides for an increase in access to agricultural finance with specific options for women farmers in rural areas.

75. The Government has ensured the implementation of the National Action Plan on Women by raising awareness and sensitization of the plan.

Children

76. The following recommendations were made:

- (a) Enforce more effectively the child labour and trafficking laws and improve protection of children against child labour and economic exploitation;
- (b) Ensure that children and youths are not recruited into the abhorrent practices incompatible with Ugandan law and culture and practices detrimental to moral integrity;
- (c) Combat incidents of ritual killings of children and adults in various parts of Uganda and to ensure effective investigation and prosecution of these crimes;
- (d) Protect children by among others reviewing juvenile justice system;
- (e) Strengthen and further develop measures to ensure that all children born within the national territory are registered;
- (f) Adopt list of hazardous jobs for children.

77. The Government is committed to enforcing laws against child labour and anti-trafficking which are also part of NAP. The Government has reviewed the Children's Act to ensure the protection of children and has also developed and implemented the Youth Livelihood Programmes to eradicate poverty. The Children (Amendment) Act No.19 of 2016 was and it protects children from harmful customary practices and employment, violence and also the right to access child protection services. The Act also establishes the National Children's Authority whose functions include monitoring the implementation of laws relating to all forms of child abuse. Police revised its forms for collection of evidence (PF3) in cases that include sexual abuse, and introduced pictograms to enable children provide evidence with ease.

78. The juvenile justice system is a subject of review annually under the JLOS which is aimed at improving access to justice by ensuring speedy and fair trials. The new Children's Act eases adjudication and sentencing procedures for children or juveniles tried in the High Court. Furthermore, National Diversion Guidelines have been developed to cater for alternative dispute resolution mechanisms for child related justice cases. This is intended to reduce the inflow of petty child offences into the criminal justice system which causes delays and traumatises children. A Child Justice Strategy is being developed to guide and coordinate child and juvenile justice processes in the country so that their matters can be handled expeditiously with respect for children rights.

79. The Government has also developed a child protection strategy to cater for social protection of children and juveniles to cater to their unique needs. JLOS has established a

Justice for Children (J4C) programme to coordinate and promote juvenile justice at the District level. There are 15 J4C coordinators deployed around the country to monitor processes and observance of due process in juvenile justice in Uganda. The capacity of various stakeholders involved in the juvenile justice system has been built and this will be continuous. There are efforts to improve the court environment for child and juvenile related cases through the use of video link facilities in some courts such as High Court Kampala. Furthermore, a model children's court has been established in Makindye to illustrate what other children's courts should look like. The judiciary has developed guidelines on handling child and juvenile justice matters and revised the jurisdiction for handling children's cases from Magistrate Grade II to Grade I.

80. The DPP has developed prosecution guidelines in handling Sexual and Gender Based Violence and child related cases. JLOS is involved in continuous training and human resource development for all justice sectors in child and juvenile justice, among other things. Efforts are being made to improve juvenile justice however progress is often hindered by inadequate resources.

81. The Government has taken measures to ensure that births are registered through the National Identification and Registration Authority which is responsible for registering births of all children born within the national territory. Although there has been low birth registration, this has improved over the years with support from partners, especially UNICEF which has supported mobile registration. As of 2014, 60% of children aged 0–4 years had birth registration papers.⁴

82. In 2012, as part of Employment (Employment of Children) Regulations, 2012 (Statutory Instrument 17 of 2012), the Government adopted a list of hazardous work for children. The instrument defined "hazardous work" means work, which by its nature or circumstances in which it is performed, is likely to harm the health, safety or morals of a child.

Persons with disabilities

83. The following recommendations were made to improve the rights of persons with disability:

- (a) Mainstream disability in awareness raising campaigns with a view to eliminate negative attitudes towards persons with disabilities in health centres;
- (b) Implement the steps envisaged in the promotion of rights of people with disabilities, with a special emphasis on equal opportunities for children with disabilities;
- (c) Guarantee the rights of PWDs, in particular, discrimination faced by women with disabilities, and lack of equal opportunities for minors, with a particular attention to albino children;
- (d) Ensure the right to vote for PWDs and implement, among others, alternative measures to enable them to vote freely and in secret, and to easily access to facilities;
- (e) Improve access for persons with disabilities to education and health care, with particular focus on children.

84. The health sector has taken steps to continuously sensitise health workers on the right to health and the promotion of access to health services by PWDs. This has been done by the Ministry in collaboration with other partners including the National Human Rights Institutions, UN, CSOs, among others. The Ministry of Health has also ensured that their buildings, equipment, health supplies and capacities meet the needs of persons with disability. The Ministry of Health has also developed and disseminated patients and clients charters and will also ensure that they are also translated into local languages.

85. The Ministry of Gender, Labour and Social Development has conducted a research study on children with disabilities in preparation for an action plan that will be implemented by the Government to ensure equal opportunities for children with disabilities.

86. The Constitution and the Persons with Disability Act, 2006 protect and guarantee rights of persons with disability including women and children. The Government has reviewed the Persons with Disability Act and efforts are geared towards recognizing albinism as a form of disability as per their demands. The Ministry has promoted awareness of the rights of persons with disabilities including albinos to prevent their discrimination. The EOC is mandated to eliminate discrimination and inequality against any individual or group of persons including persons with disability.⁵ The reports and assessments by the EOC provide guidance and recommendations on how Government institutions can enhance gender and equity in opportunities and are relevant to the protection and promotion of the rights of persons with disabilities. Persons with disabilities have continued to have representation in the youth Council and Local Government and this was followed in the 2011 and 2016 elections.

87. In 2015, the UHRC has documented the human rights concerns of albinos and made a number of recommendations, including fiscal measures to enhance access to special goods that people with albinism need. The Government will study and implement these recommendations.

88. Persons with disabilities have the right to vote freely and in secret. Access to the facilities to vote can be a challenge but efforts are often made to ensure that PWDs are assisted when they come to the voting facility. The National Council for Disability Act has also established Local Government structures as electoral colleges and unlike before the Government has full responsibility and accountability of the electoral process for persons with disability right from the village to the National Level. Definition and coding of disability under the National Council for Disability Amendment Act has been harmonized, which will also enhance persons with disability right to vote.

89. During elections, PWDs are given priority and are exempted from lining up at polling stations to cast their votes. This exemption is provided for in the electoral laws and emphasised during training of polling officials. There is improvement in collection of statistics on voters who are PWDs. During registration of citizens for issuance of national Identity Cards, data on disability was captured. This aspect will improve on planning and providing facilities for PWDs during elections. Voters who wish to be assisted to vote at polling stations, including those who are PWDs are allowed to select persons to assist them to vote. PWDs may choose their helpers to assist them at polling stations. Polling stations in Uganda are located in open grounds and not inside buildings, which makes them reasonably accessible by PWDs.

90. The Government has increased support to special needs education for children with disabilities. The Ministry of Health has conducted awareness raising campaigns for persons with disabilities including children and there are ongoing developments to ensure that their buildings, equipment, health supplies and capacities meet the needs of persons with disability including children.

Refugees and internally displaced persons

91. Recommendations on the rights of refugees and internally displaced persons included:

- (a) Improve the life conditions of migrants and refugees;
- (b) Continue to address the issue of re-settlement of IDPs and providing them with basic services and infrastructure.

92. Currently, Uganda is home to 575,438 refugees from countries within the Great Lakes Region and beyond. In line with NDP II, the Government strategy to deal with refugees is to ensure that their livelihood is improved. The Government Policy is guided by a settlement approach whereby land is provided to refugees in order to help them become self-reliant. This is achieved by providing registered refugees with small plots of land in villages outside refugee camps. In addition, the refugees are allowed access to the same social services such as water, education and health care as the locals. The refugees are also allowed freedom of movement and not only confined to camps and where possible can also get employment. Although Uganda appreciates the support of development partners, the Government still faces funding shortfalls which has led to reduced access by refugees to clean and safe water; poor sanitation; and lack of essential medicines, among others.

93. Refugees enjoy the right to work, to this effect the Ministry of Internal affairs has enacted the Citizenship and immigration control (fees) regulations, statutory instrument no. 13 of 2016, wherein refugees were expressly exempted from paying for work permits. This has given refugees an opportunity to engage in gainful employment thereby improving their wellbeing.

94. The Government policy is also to encourage voluntary repatriation. In 2015, there was a successful voluntary repatriation of 1232 Kenyan refugees who had fled to Uganda during the 2007-2008 post election violence in Kenya. The provided a permanent solution to these refugees.

95. A number of strategies have been adopted to protect and promote the rights of refugees in the NAP including: improving their protection, security and their social and economic welfare and integration in society and ensuring their access to psychosocial support, and to water, sanitation, health care, clothing and education, among others.

96. With respect to Internally Displaced Persons (IDPs), Uganda has continued to pursue the objectives set in its Internally Displaced Persons Policy of 2004 including support for an integrated response to displacement by promoting voluntary return and resettlement and recovery programs. The Government has continuously supported people to return to their homes from the camps, especially in Northern Uganda, where over 250 camps have now been closed.

97. In recent years, natural disaster, especially floods and landslides, have caused internal displacement. This has forced the Government to relocate some people in the disaster prone areas such as Bududa in Eastern Uganda and resettling them in safe places such as Kiryandongo.

98. The National Action Plan also provides for various actions to improve the situation of IDPs including: implementing the IDP Policy; passing a law to enhance protection of IDPs; setting up areas for the resettlement of IDPs and ensuring access to economic and social goods and services such as health care and education; empowering them to engage in income generating activities; ensuring the rule of law in IDP camps, and building a trace and search programme to enable the reunion and reintegration of IDPs with members of their families and communities, among other things.

Ethnic minorities groups

99. Recommendations were made regarding the rights of ethnic minorities including:

(a) Pursue accommodative dialogue with indigenous communities, with a view to minimize disruptive approaches to their lifestyle and traditions while improving their life conditions;

(b) Continue to take legislative and administrative measures to improve the rights of Batwa people.

100. The Constitution affirms the rights of ethnic minorities. Furthermore, the NAP provides for activities to promote equality and non-discrimination for marginalized groups including adoption and implementation of well-designed and targeted affirmative action measures in their favour focusing particularly on ethnic minorities and indigenous peoples and their communities. This will be done in a participatory and consultative manner. The National Action Plan also specifically provides for: their protection, affirmative action, participation in decision making, empowerment, and access to education, health and water, among other things.

Domestic workers

101. The recommendation on domestic workers was: amend the laws to include protection for domestic service work.

102. The Employment Act also protects domestic workers. However, they continue to be vulnerable. The Government, through its education policies including UPE and USE, is increasing school enrolment and dealing with drop rates, especially of the girl child, who often end up recruited into domestic labour.

103. The Government has also adopted measures to protect domestic workers recruited for work outside Uganda. This has been done by engaging receiving countries to take measures to protect Ugandan domestic workers. In some reported cases, the Government has worked with overseas missions to bring home abused Ugandan domestic workers. The Government has also taken administrative measures through the Ministry of Gender, Labour and Social Development to reduce human trafficking. Additionally, a department to investigate and handle cases of trafficking has been established in the UPF.

104. In 2015, the UHRC highlighted the conditions of domestic workers in terms of work, remuneration, lack of social benefits and child labour, among others. The UHRC made several recommendations which the Government will study and implement.

105. Additionally, the Government in its NAP has set out to: register and regulate institutions recruiting domestic workers; protect them from abuse and exploitation; and establishing a minimum wage.

8. Civil and political rights – Recommendations 37, 40, 75–82, and 84

106. The following recommendations were made in relation to civil and political rights:

- (a) Amend laws that are contrary to the freedoms of association, assembly and expression;
- (b) Put in place public order management law which respects right of assembly and demonstration, respecting property and safety and in line with international obligations;
- (c) Lift ban on all forms of public assembly and demonstration-Switzerland;
- (d) Punish excessive use of force by security personnel during peaceful assemblies;
- (e) Train security personnel to respect freedoms of expression and assembly.

Freedoms of assembly, association and expression

107. The Constitution guarantees rights of freedoms of assembly, association and expression. There is no ban on all forms of public assembly and demonstration. The Public Order Management Act makes provisions for the management of peaceful assembly and association. Concerns relating to the interpretation of the Act, among other issues, will be addressed after consultations by the Uganda Law Reform Commission.

108. Mechanisms exist within each security agency for punishing security personnel that use excessive force during peaceful assemblies. Furthermore, they can be prosecuted under the Prevention and Prohibition of Torture Act of 2012.

Excessive use of force by security personnel

109. Excessive use of force by security personnel during peaceful assemblies is punished. There are disciplinary mechanisms within the police and the army to punish such errant officers. Furthermore, they can be prosecuted under the Prevention and Prohibition of Torture Act of 2012. For example police officers who were involved in beating up supporters of Dr. Kizza Besigye, a former Presidential Candidate for the Forum for Democratic Change are before the disciplinary committee.

Training of security personnel

110. Security personnel have been trained to respect human rights including freedom of expression and assembly. Security agencies have partnered with several institutions, such as UHRC, UNICEF, UN OHCHR, ACTV, Save the Children and the Refugee Law Project to train their personnel.

9. Implementation of other UPR recommendations – Recommendations 7, 15, 16, 19, 20 and 24

111. The following recommendations were made for the implementation of UPR recommendations:

- (a) Engage civil society in the process of implementation of UPR recommendations;
- (b) Establish a permanent institution to synchronise the implementation of recommendations, the monitoring of performance and reporting;
- (c) Enhance the status of the national plan of UPR follow up into a comprehensive national human rights' plan of action;
- (d) Ensure effective implementation of the Proposed National Plan of Action for the issues raised in its National Report as well as UPR recommendations.

Engage civil society and the adoption of a NAP

112. The Government has involved the CSOs, NGOs, academia, etc. in the implementation of various policies and programmes on human rights. They were also involved, as equal partners, in the development of the National Action Plan and in the annual review of the human rights situation.

113. For effective implementation, monitoring and evaluation of the National Action Plan, the Government has adopted a Coordination and Reporting Mechanism as an integral component of the National Action Plan. This Mechanism provides for inputs from various stakeholders in respect of implementation of the Plan as well as feedback from various stakeholders. In addition, various institutional mechanisms, such as the Human Rights Cabinet Sub-Committee, the Parliamentary Committee on Human Rights, UHRC, the EOC, Human Rights Technical Committee, etc. will, within their respective mandates, play the role of monitoring of performance and reporting. These institutions will also ensure timely action on issues raised by Treaty Bodies as well as on other regional and international obligations of Uganda.

114. The National Action Plan is comprehensive enough in terms of scope and, therefore, provides a broad policy framework for the promotion and protection of human rights in the

country. It will guide in the development and implementation of sectoral human rights policies, programmes and budgets.

IV. Human rights developments since October 2011

Policy framework

115. The Government, in 2015, adopted the Second National Development Plan (2015/16–2019/20) as a key development framework for the next five years. This plan, now under implementation, was prepared taking fully into account the principle of human rights based approach to development. It integrates the relevant sustainable development goals (SDGs). In taking into account the human rights right approach of development, the Plan fosters democracy and provides framework for the promotion of human rights in Uganda. The Government has embarked in cascading the Plan into sectoral policies, plans, programmes and budgets.

Legal framework

116. Uganda has taken a number of measures aimed at improving and promoting human rights in the country. In 2015, Parliament undertook review of the Constitution and adopted the Constitutional (Amendment) Act, No. 12 of 2015. The amendment enhances the independence of the Electoral Commission and provides for an independent judicious procedure for the removal of commissioners. It also addressed issues pertaining to political parties and the position to independent members of Parliament. The Amendment also enhances access to justice in constitutional matters and further strengthens the independence of the Judiciary by allowing it to appoint and discipline all its staff.

117. The following laws aimed at promoting human rights have also been promulgated, as well as steps taken to implement existing laws. They include: the Uganda Retirements Benefits Act (15 of 2011); Institution of Traditional or Cultural Leaders Act (6 of 2011); The Transfer of Convicted Offenders Act (2 of 2012); The Prevention and Prohibition of Torture Act (3 of 2012); The HIV and AIDS Prevention Act; The National Council for Disability (Amendment) Act (6 of 2013); The National Council for Youth (Amendment) Act (17 of 2015); The Non-Governmental Organizations Act (2016); and the Children (Amendment) Act (2016).

118. Prior to the 2016 General Elections electoral laws were amended such as: the Constitution (Amendment) Act, the Local Governments (Amendment) Act, the Presidential Elections (Amendment) Act, The Parliamentary Elections (Amendment) Act, the National Council for Disability (Amendment) Act, the National Council for Older Persons (Amendment) Act, the National Women's Council (Amendment) Act and the National Youth Council (Amendment) Act.

Democracy

119. Uganda held elections in February 2016. Those elections constituted yet another important millstone in Uganda's democratic process. Despite some challenges encountered especially in the delivery of electoral materials to some parts of the country, those elections were largely held in a free and fair atmosphere and their outcome reflected the free will of the majority of the people of Uganda. The Government noted recommendations made by various domestic, regional and international observers regarding some aspects of the electoral process. The Ugandan Government reaffirms their commitment to favourably

consider those recommendations which, in their opinion, would advance our democratic process. The Government will also address, in timely manner, the relevant recommendations made by the Supreme Court of Uganda relating to elections. The Government is also committed to undertaking further electoral reforms in order to improve the legal framework to regulate campaign financing.

120. The Government would like to emphasise that democracy is much more than elections. We are committed to continue ensuring that, our law enhances a free press that is strong, vibrant and responsible; with freedom of speech and broad participation of all the segments of our society. The Government underscores that its primary responsibility is to protect people and their property. We shall continue to sensitize our people that: every person is under obligation to act in accordance with the law. In addition, non-governmental organizations and civil society organizations must at all times operate and work within the law and in full accordance with their respective mandates.

121. The Government also reaffirms its commitment to upholding accountability, transparency, good governance and the fight against corruption in service delivery, service sector engagement and good governance. We have resolved to step up the fight against corruption including in ensuring a level playing field and competitive bidding in public procurement.

V. Conclusion

122. Uganda has made a lot of strides in the promotion and protection of human rights. We are committed to improving the human rights situation including through implementing relevant laws, policies and programs. We welcome support from our partners especially in the priority areas where at times we encounter some challenges such as in capacity building, mainstreaming of human rights issues in sectoral policies, programmes and budgets, among other things.

Notes

¹ UHRC Annual Reports, 2011, 2013, 2014 and 2015.

² See UHRC Annual Report 2011 70.

³ See UHRC Annual Reports 2011-2015.

⁴ See UNICEF, Situation analysis of children in Uganda, 2015 68.

⁵ Articles 32(3) and 32(4) of the Constitution. EOC, The Baseline Report on the State of Equal Opportunities in Uganda (2013). Annual reports on the state of equal opportunities 2014 and 2015. EOC, Assessment Report on Compliance of Budget Framework Papers with Gender and Equity, Financial Year 2016/2017.