



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

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Acronyms and abbreviations

ACTV	African Centre for Treatment of Torture Victims
CAP	Chapter
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CFPD	Child and Family Protection Department
CID/CIID	Criminal Investigations Directorate/Criminal Investigations and Intelligence Directorate
CMCCS	Civil Military Cooperation Centres
CMI	Chieftaincy of Military Intelligence
COPTIP	Coordination Office for Prevention of Trafficking in Persons
CSOs	Civil Society Organisations
EOC	Equal Opportunities Commission
FGM	Female Genital Mutilation
FHRI	Foundation for Human Rights Initiative
FY	Financial Year
GANHRI	Global Alliance of National Human Rights Institutions
GBV	Gender Based Violence
HRCU	Human Rights Centre-Uganda
HURINET-U	Human Rights Network-Uganda
IGP	Inspector General of Police
JATT	Joint Anti-Terrorism Task Force
JLOS	Justice, Law and Order Sector
KIDP	Karamoja Integrated Disarmament and Development Programme
LASPNET	Legal Aid Service Providers Network
MDAs	Ministries Departments and Agencies
MOFA	Ministry of Foreign Affairs
MOFPED	Ministry of Finance, Planning and Economic Development
MoGLSD	Ministry of Gender, Labour and Social Development
MOJCA	Ministry of Justice and Constitutional Affairs
NAP	National Action Plan on Human Rights
NDP	National Development Plan
NGOs	Non- Governmental Organisations
ODPP	Office of the Director of Public Prosecutions
OPM	Office of the Prime Minister
Para	Paragraph
PAS	Paralegal Advisory Services
PPTA	Prevention and Prohibition of Torture Act, 2012
PSU	Professional Standards Unit
PTIP	Prevention of Trafficking in Persons, Act, 2009

TIP	Trafficking in Persons
RLP	Refugee Law Project
SOPs	Standard Operating Procedures
UGANET	Uganda Network on Law, Ethics and HIV/AIDS
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission
ULS	Uganda Law Society
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UPR	Universal Periodic Review
UPS	Uganda Prisons Service
VAC	Violence against Children

Introduction

Background

1. Uganda is signatory to the International Convention Against Torture (UNCAT) which it ratified on 3rd November 1986. It should be noted that this was several months after the National Resistance Movement (NRM) Government came to power after a protracted struggle against gross human rights violations. While it is mandatory for all States Parties to periodically present progress reports on observance of the International human rights standards and obligations, every country reserves the sovereign right to do so within the context of each country's historical, constitutional and economic realities.

2. Uganda's struggle for the liberties of the people and restoration of basic human rights dates way back to her time of anti-colonial struggles, and in the days of resistance against unconstitutional and fascist rule soon after independence. Uganda's experience is best appreciated within the general context of what Africa has confronted in the last 600 years. While Africa is a pioneer of human civilization, since 1400AD, the people of Africa have suffered calamities and inhuman social injustices in form of human plunder of Slavery, Colonialism, Neo-colonialism, Genocide, and Marginalization. Therefore, within the African quest to overcome the above dark period, Ugandans since 1921, continued the resistance against the injustices of colonial domination, such as loss of self-determination, confiscation of their lands, denial of economic freedoms, torture, rape and death meted out by the colonizing forces; just to mention but a few. In the earlier Resistance, Omutaka Semakula Mulumba led a radical resistance movement to reclaim Buganda's land rights. This metamorphosed into the Uganda Farmer's Movement of the 1930s-1940s, and formed the foundation of Uganda's independence movement championed by Ignatius Musasaazi. The Nyangire rebellion in Bunyoro also resisted colonial injustices against the people of Bunyoro. After independence in 1962, Ugandans continued to resist injustices including fascist rule occasioned by Idi Amin in the 1970s. The National Resistance Movement has since then epitomized Uganda's contribution to the struggle for meaningful enjoyment of freedom and liberty, human dignity, regional and global peace and security.

3. Uganda, under the National Resistance Movement, and recalling her history which has been characterized by political, constitutional instability and injustices, enacted and gave itself a constitution in 1995, that is acclaimed world-wide as the best guarantor of stability and human dignity. Its uniqueness indeed starts with resolving the question of "who is sovereign?" It is only the Ugandan constitution that defines and bestows power to all people who exercise their sovereignty constitutionally. The same Constitution details political rights and freedoms, and sets up an independent and functional Uganda Human Rights Commission (UHRC) to address routinely any flaws in promotion and preservation of the peoples' fundamental rights and freedoms as enshrined in chapter 4 of the Constitution.

4. Moreover, the National Resistance Movement is a tested champion of a Peoples protracted struggle. Like all people's struggles, Ugandan leadership is steadfast on the principles of the right to life; right to own property and above all, ensuring that the army remains a truly disciplined people's force. Such a people's force never engages in torture or extra judicial killings. Way back in 1982, a precedent was set when 3 freedom fighters were executed for killing civilians in the war zone. The same tradition has been institutionalized to date, with another 13 soldiers on record, having been executed for homicide. Since 1986, Ugandans who had been refugees and exiled all over the world have since returned. As a matter of fact, Uganda is now globally acknowledged as a haven of peace and freedom, thus becoming one of the biggest destination for refugees from all over the world. The cities of Uganda are globally rated to be significantly safe. The country's happiness index is rated to be one of the highest.

5. Lately, some criminal elements linked to the terrorist global networks have been threatening to undermine the gains of liberation in Uganda by engaging in cowardly assassinations and terror acts. In confronting these, the Uganda state does not resort to arbitrariness, but rather sticks to the principle of evidence. To date, Uganda is making big strides in enhancing the use of technical evidence in form of forensics and closed circuit

cameras that have been installed in some urban areas and on some highways. The Local Council system, which is in all villages in the country, remain the main bedrock in detection and fight against crime.

6. Uganda has, since 2014, pacified the whole territory for the first time in 500 years. Terror groups such as Joseph Kony-LRA; ADF and the armed cattle rustlers of Karamoja and her neighbors have all been neutralized. However, in the past, these had been meting suffering and inhumane acts on the people. Notable was Joseph Kony, whose methods included brutality in form of de-capitation, cutting off lips, eyes and noses of innocent civilians who did not support him. This has since stopped; and an olive branch was extended to all fighters that had been misled into some of those terror activities.

7. Committed to her historic mission of liberation, sustainable peace, security and stability, the Ugandan state in terms of ideology and doctrine does not abet any form of inhumane behavior within its ranks. On a continuous basis, two methods are employed to remain on its pro people path. Continuous education of the rank and file and strict application of administrative mechanisms. The Ugandan Leader, H.E Yoweri Museveni is on record for his continuous stewardship. In the recent past he issued two detailed educational directives on the issue of torture and on handling crowds, demonstrations and violent riots (Refer to the two Appendices of the Presidents directive and article). The President of Uganda is acclaimed globally for being one of the rare heads of state, who takes off time to personally respond to any misconceptions about the country's Human Rights record. This is a demonstration of political will and confirms that Uganda supports review mechanisms, because of being a champion of promoting and protecting human dignity and freedom throughout her history of Resistance. In a way, anybody doubting respect for rights and freedoms of Ugandans could be equated to an attempt to "preach to the priest".

8. The fundamental principles of the National Resistance Movement are; Patriotism, Pan-Africanism, Social economic Transformation and Democracy.

9. At both the National and Regional levels, Uganda's record of respecting people, their property and a wide range of freedoms is a household reality. Since 1986, state inspired violence, extra-judicial killings and arbitrary rule have become history. It is for the same ideological grounding that Uganda is acclaimed as exemplary in all her Peace Enforcement and Peace Keeping missions all over Africa; starting with the UN-Mission in Liberia and now the African Union Mission in Somalia.

10. The Government of Uganda continues to openly engage with all who are interested in pursuing a peaceful constitutional path. However it is also a fact that some political actors opt to engage in disruptive actions, in the guise of freedom of expression, assembly and association: in some instances some political actors erect bon-fires in the middle of highways and crowded streets as a form of political agitation. Definitely such acts tantamount to unlawful activities and are therefore unacceptable. Demonstrating in busy food markets is an act of economic sabotage which Human Rights defenders ought to condemn.

11. Uganda's Constitution enjoins all citizens to be patriotic and loyal to Uganda. In doing so, Ugandans are aware that the enjoyment of rights and freedoms is inseparable from the performance of duties and obligations.

Political developments since 2005

12. The Constitution sets a strong foundation for a democratic system of governance. Article 1 of the Constitution states that all power belongs to the people who shall exercise their sovereignty in accordance with the constitution and Sub-Article (2) provides that all the authority in the State emanates from the people and the people shall be governed through their will and consent.

13. Article 2 of the Constitution provides for the supremacy of the Constitution and states that the Constitution is the supreme law of Uganda and shall have binding force on all authorities and persons throughout the country.

14. On 28th July, 2005, a national referendum was held where the people voted to be governed under a multi-party political system. Parliament amended the Constitution and since then periodic general elections for Presidential, Parliamentary and Local Governments

have been held in; 2006, 2011 and 2016. In the current Parliament, the political parties represented are; The National Resistance Movement, The Forum for Democratic Change, The Uganda People's Congress, The Democratic Party and the Justice Forum (JEMA). Individuals who do not subscribe to any political party participate as independents for any post. Parliamentary democracy is very vibrant with checks and balances observed between the three arms of the State i.e. The Executive, Legislature and Judiciary.

15. The democratic space in Parliament includes representatives of special interest/marginalized groups that include women, workers, people with disabilities (PWDs), youths, the army (Uganda Peoples' Defence Forces) and independents.

16. The right to political representation above mentioned, applies equally to the Local Governments structure of the district and sub-county councils and the lower local councils to a great extent.

17. The Political Parties and Organisations Act, 2005 (As Amended) provides for the National Consultative Forum for all registered Political Parties and the Inter-Party Organisation for Dialogue for Parties represented in Parliament to enhance democracy. Political Parties represented in Parliament are financially supported from the Consolidated Fund.

Economy

18. Uganda's economic size in normal terms as at the end of Financial Year 2018/2019 was estimated at UGX 109,945 billion with the service sector contributing the largest portion at 53.3% followed by agriculture sector at 20% and industry at 18.5%. The economy grew by 6.1% in FY 2018/2019 and was projected to grow by 6.3% in FY 2019/2020 largely due to the recent public investments that have been undertaken by the Government and the private sector.

19. The financial sector and monetary policy is managed by the Ministry of Finance, Planning and Economic Development and Bank of Uganda. Headline inflation for the period 2012/2013 to 2018/2019 averaged 4.5%. The National Currency Uganda Shillings has remained stable against the United States dollar largely due to inflows from offshore investors, Non-Governmental Organizations, export of commodities, tourism and private transfers and remittances. The private sector has been growing steadily supported by the Government policy of Private Sector led growth. According to the National Population and Housing Census 2014, Uganda's population stood at 34.9 million with an annual population growth rate of 3.0%.

20. Uganda has experienced trade deficits in the last couple of years which have largely been financed by other investments particularly project aid loans and foreign direct investment inflows.

21. Government continues to maintain macro-economic stability and prioritize investment in infrastructure to support inclusive growth.

22. Uganda ratified the United Nations Convention against Torture (UNCAT) on 3rd November 1986 and submitted its Initial Report on 19th May 2004. Concluding Observations were issued in June 2005. This Report seeks to respond to the Concluding Observations as well as the list of issues. It also combines all outstanding periodic reports, including the 2nd, 3rd and 4th and covers the period 2005 to 2018. It should be noted that since 2005 a great deal of steady progress has taken place in politics and social economic development of the Country.

23. This report was compiled in a participatory process involving consultations with representatives from various ministries, departments and agencies; Parliament, Judiciary, UHRC, EOC, JLOS, and Civil Society Organisations (CSOs). The Government held a meeting where the draft report was shared and discussed with various stakeholders including MDAs and CSOs who provided input on issues to be included in the report. This Report shows that Uganda has taken various steps to implement the provisions of the Convention as well as address the concluding observations.

Legislative Developments

24. Since the last reporting period, Government of Uganda ratified the Convention on the Rights of Persons with Disabilities (CRPD) in 2008, the Maputo Protocol¹ on the Rights of Women in Africa in 2010 and the Marrakesh Treaty² to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled. Uganda also accepted the individual complaints procedure under the Optional Protocol on Persons with Disabilities in 2008.

25. Parliament has enacted various legislation to promote and protect civil and political rights. In 2005, the Access to Information Act whose objective is to provide for the right of access to information pursuant to Article 41 of the 1995 Constitution was enacted. The Act is intended to provide an efficient, effective, transparent and accountable government system. The Access to Information Regulations, 2011 which provide for among others the procedure of access to information and the cost of requests were passed. In 2013, Parliament enacted the Public Order Management Act to regulate public meetings, provide for duties and responsibilities of police, organisers and participants in relation to public meetings.

26. Various laws have also been enacted to promote economic, social and cultural rights. The Employment Act of 2006 revises and consolidates laws governing individual employment relationships and provides for general principles including prohibition of forced compulsory labour and discrimination in employment. The objectives of Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005 include to promote full employment and equality of employment opportunities for all, uphold the dignity and rights of Ugandan migrant workers and to provide a mechanism for issuing licenses to recruitment agencies.

27. Parliament also enacted the Domestic Violence Act, of 2010 which criminalizes domestic violence, the Prohibition of Female Genital Mutilation Act of 2010 which creates offences related to the harmful cultural practice of FGM and the Prevention of Trafficking in Persons Act, of 2009 which prohibits trafficking in persons. Laws have been enacted to domesticate Uganda's international obligations and to enhance the protection of human rights. In 2010, Government passed the International Criminal Court Act (ICC Act) whose purpose among others is to give the force of law to the Rome Statute of the International Criminal Court, implement obligations assumed by Uganda under the Statute and make further provision in Uganda's law for the punishment of the international crimes of genocide, crimes against humanity and war crimes. Parliament enacted the Human Rights (Enforcement Act) 2019 to give effect to Article 50(4) of the Constitution by providing for a procedure of enforcing human rights under Chapter Four of the Constitution.

28. The Parliament enacted the Prevention and Prohibition of Torture Act, 2012 (PPTA) and Government passed the Prevention and Prohibition of Torture Regulations 2017 to give effect to Articles 24 and 44 (a) of the Constitution. Other relevant legislation includes; the Whistle Blowers Protection Act, 2010, the Refugee Act, 2006, and the Children (Amendment) Act, 2016. Also see a list of Legislation in Appendix 1.

Institutional Developments

29. The Government of Uganda adopted Vision 2040; "A transformed Uganda Society from a Peasant to a Modern and Prosperous Country within 30 years". The vision identifies good governance as the back bone of development processes which ensure services are delivered to citizens. It consolidates the tenets of good governance including protection of human rights, the rule of law, transparency and accountability and stipulates that the respect of human rights and fundamental principles are at the core of government interventions. It also explicitly provides for the integration of the human rights-based approach in policies, legislation, plans and programs in order to enhance the capacity of duty bearers to respect, fulfil and protect human rights; and right holders to know, claim and realise their rights.

¹ The Protocol to the African Charter on Human and People's Rights on Women in Africa.

² The Marrakesh Treaty to Facilitate Access to Published works for Persons who are Blind, Visually impaired or otherwise Print Disabled.

30. To give effect to the Vision 2040, the Government of Uganda has adopted two five year National Development Plans (NDP) 2010/11-2014/15 (NDP I) with the theme “Growth, Employment and Socio-economic transformation for prosperity”; the second National Development Plan 2015/16–2019 /20 (NDP II) with the theme, “Strengthening Uganda’s Competitiveness for Sustainable Wealth Creation, Employment and Inclusive Growth”. The Third National Development Plan 2020/2021 to 2024/2025 is in the final stages of adoption.

31. The promotion and protection of human rights is well captured under the Justice, Law and Order Sector (JLOS) Sector Development Plan IV, which illustrates the Government’s commitment to respect, and fulfill universally accepted human rights standards. A National Action Plan on Human Rights has been developed and is pending approval of Cabinet.

32. The Government has set up institutions to promote and protect human rights. Since 2001, UHRC has been accredited with an “A” status four times by the Global Alliance of National Human Rights Institutions (GANHRI) for its compliance with Principles relating to the Status of National Institutions (The Paris Principles).

33. The Equal Opportunities Commission (EOC) was inaugurated in 2010 with the mandate to eliminate discrimination and inequalities against any individual or groups of persons including on the grounds of sex, age, race, colour, ethnic origin, birth, political opinion and disability and to take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or customs for the purposes of redressing imbalances against them and to provide for other related matters.

34. The Government has set up mechanisms within Ministries, Departments and Agencies (MDAs) to promote and protect human rights. Parliament established the Human Rights Committee as one of the standing committees to track and report on human rights concerns in every business of Parliament and monitor government compliance with international and national human rights standards. The Committee has developed a checklist for assessment and evaluation of compliance with human rights standards. The Cabinet Sub-Committee and Inter-Ministerial Committee have been created to provide policy and technical guidance. At a sectoral level, the Human Rights and Accountability Working Group has been created within the JLOS to provide in-depth consideration of human rights issues and ensure accountability in service delivery within the sector. Security agencies such as the Uganda Peoples’ Defence Forces (UPDF) and Uganda Police Force (UPF) have upgraded their human rights desks; UPDF Directorate of Human Rights, UPF has Directorate of Human Rights and Legal Services, UPS has a Department of Legal and Human Rights. Human rights desks have been set up within ministries including the Ministry of Justice and Constitutional Affairs (MOJCA) and Ministry of Foreign Affairs (MoFA) to coordinate the implementation of the National Action Plan on human rights (NAP), compliance and reporting to regional and international mechanisms; and in the Office of the Directorate of Public Prosecutions and Chieftaincy of Military Intelligence (CMI) to streamline human rights within their policies, plans, programs and interventions. Focal points have been created within MDAs to ensure human rights are incorporated in institutional plans, programs, policies and budgets and to follow up on implementation.

Judicial developments

35. The Judiciary has been at the forefront of enforcement of fundamental human rights and freedoms. In *Behangana and Another versus the Attorney General (CONSTITUTIONAL PETITION NO. 53 OF 2010) (2015) UGCA 6 (12 October) 2015* court held that the assault on the petitioners during arrest and while in police custody contravened Article 24 of the Constitution.

36. In the case of the Centre for Health, Human Rights & Development & Another v Attorney General Constitutional Petition (No.64 of 2011) UGCC 14 (30 October 2015) the petitioners contested the constitutionality of laws, practice and usage towards persons with mental disabilities in the criminal justice system embodied in the provisions of sections 45 (5) and 86(2) of the Trial on Indictments Act (TIA) Cap 23 and section 130 of the Penal Code Act Cap 120. The Court held that section 45(5) of the Trial on Indictments Act was unconstitutional in as far as it adjudges a person who is not proven guilty as a criminal by

referring to him/her as a “criminal lunatic” contrary to articles 20, 21(1) (2) (3), 24, 28 and 35 of the Constitution and use of words “idiot” and “imbecile” in section 130 of the Penal Code Act are in contravention of articles 20, 21(1) (2) (3), 24 and 28 of the Constitution by reason of their being derogatory, dehumanising and degrading and were accordingly struck out and modified.

37. In the case of Issa Wazembe versus Attorney General (Civil Suit No. 154 of 2016 [2019] UGHCCD, the court held that Freedom from torture is a non derogable right under the constitution and awarded UGX 50,000,000/= (Fifty Million) for the illegal detention and UGX 15.000.000 (Fifteen million Uganda Shillings) as punitive damages against the defendant for the gross violation of Human Rights and the Constitution.

38. In *Bikyahaga-Namata V Attorney General (Civil Suit No 228 of 2008) [2019] UGHCCD* The Court held that the constitution under Article 22 and 24 respectively guarantees and protects the life of every citizen in this country as well as the right against torture, degrading and inhumane treatment.

39. In *George Kiggundu V Attorney General (CIVIL SUIT NO. 386 OF 2014) [2019] UGHCCD 189 (19 August 2019)*; The court held that the plaintiff proved to court that he suffered physical injuries due to torture and was awarded UGX 50,000,000/=.

Response to the committee’s concluding observations and recommendations

Definition of Torture

Reply to paragraph 10 (a) of the concluding observations (CAT/C/CR/34/UGA)

40. Article 24 of the Constitution prohibits torture or cruel, inhuman or degrading treatment or punishment and Article 44 prohibits derogation from the right.

41. Government has incorporated the Convention into national legislation with the enactment of the Prevention and Prohibition of Torture Act, 2012 (PPTA). The PPTA gives effect to articles 24 and 44 (a) of the 1995 Constitution with respect to human dignity and protection from inhuman treatment; prohibits any form of torture or cruel, inhuman or degrading treatment or punishment; provides for the crime of torture and gives effect to the obligations of Uganda as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

42. Section 2 of the PPTA defines torture as; any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official capacity or private capacity for such purposes as

- Obtaining information or a confession from the person or any other person;
- Punishing that person for an act he or she or any other person has committed, or is suspected of having committed or of planning to commit; or intimidating or coercing the person or any other person to do, or to refrain from doing, an act.

43. Section 3 of the PPTA prohibits derogation from the enjoyment of the right to freedom from torture. Section 3 (2) of the PPTA clarifies that a state of war or a threat of war, internal political instability, public emergency and an order from a superior officer or a public authority shall not be a defence to a charge of torture.

44. Section 4 (1) of the PPTA provides that; A person who performs any act of torture as defined in section 3 commits an offence and is liable on conviction to imprisonments for fifteen years or to a fine of three hundred and sixty currency points or both.

45. Section 8 (1) of the PPTA provides that a person, who whether directly or indirectly:

- Procures
- Aids or abets

- Finances
- Solicit
- Incites
- Recommends
- Encourages
- Harbours
- Orders; or
- Renders support to any person, knowing or having reason to believe that the support will be applied or used for or in connection with the preparation or commission or instigation of torture commits an offence and is liable on conviction, to imprisonment not exceeding seven years or a fine not exceeding one hundred and sixty-eight currency points or both.

46. Section 9 (1) of the PPTA provides for an accessory after the fact to the offence for a person who receives or assists another who to their knowledge is guilty of an offence under the Act in order to enable him or her escape punishment. Under Section (9) (2) an accessory after the fact is liable on conviction to imprisonment not exceeding seven years or a fine not exceeding one hundred and sixty-eight currency points or both.

47. Sections 219, 222, 223 and 226 of the Penal Code Act, Cap 120, section 26 of the UPDF Act (Cap 307) and section 21 (e) of the Anti-Terrorism Act, 2002 provide for the offences of assault, causing bodily harm, grievous harm and wounding with the prescribed penalties. In 2017, government issued the Prevention and Prohibition of Torture Regulations which provide among others a complaint and investigation procedure. In 2006, Ministry of Education and Sports issued a circular to all institutions banning corporal punishment; Government has developed a National Strategic Plan on Violence against Children in Schools (2015–2020); and a Handbook on “Alternatives to Corporal Punishment” which introduces the concept of positive discipline was developed, published and disseminated throughout the country.

48. To strengthen human rights enforcement, Parliament has enacted the Human Rights Enforcement Act, 2019. This law provides guidance on the procedures of enforcing human rights before the courts of law as well as the powers of the courts. The law was passed as a constitutional imperative under Article 50(4), which require Parliament to make laws for the enforcement of the human rights in the Constitution.

Principle of non-refoulement

Reply to paragraph 10 (b) of the concluding observations

49. The principle of non-refoulement is provided for in the PPTA and the Refugee Act, 2006. The PPTA restricts extradition or deportation where a person is likely to be tortured. Section 22 of the PPTA provides that:

- (a) Torture is an extraditable offence;
- (b) Notwithstanding subsection (1) and the provisions of the Extradition Act, a person shall not be extradited or deported from Uganda to another state if there are substantial grounds to believe that person is likely to be in danger of being subjected to torture.

Universal Jurisdiction

Reply to paragraph 10 (c) of the concluding observations

50. Section 17 of the PPTA provides for universal jurisdiction and states that the Chief Magistrates Court of Uganda shall have jurisdiction to try the offences prescribed by this Act, wherever committed, if the offence is committed:

- (a) In Uganda;
- (b) Outside Uganda:
 - (i) In any territory under the control or jurisdiction of Uganda;
 - (ii) On board a vessel flying the Uganda flag or an aircraft which is registered under the laws of Uganda at the time the offence was committed;
 - (iii) On board an aircraft, which is operated by the Government of Uganda, or by a body in which the government of Uganda holds a controlling interest, or which is owned by a company incorporated in Uganda.
- (c) By a citizen of Uganda or by a person ordinarily resident in Uganda;
- (d) Against a citizen of Uganda;
- (e) By a stateless person who has his or her habitual residence in Uganda; or
- (f) By any person who is for the time being present in Uganda or in any territory under the control or jurisdiction of Uganda.

Reply to paragraph 10 (d) of the concluding observations

51. The State ensures compliance through investigation, monitoring, inspections, prosecution, sharing information with other States and providing mutual legal assistance, as provided for under the Extradition Act Cap 117 and Section 22 of the PPTA.

Pre-Trial Detention

Reply to paragraph 10 (e) of the concluding observations

52. The Constitutional (Amendment) Act, 2005 reduced the pre-trial detention from one hundred and twenty days (120) to sixty (60) for non-capital offences and from three hundred and sixty (360) days to one hundred and eighty (180) days for capital offences.

53. To address the challenge of high numbers of persons held in pre-trial detention, key frontline JLOS institutions have adopted a number of interventions to ensure suspects arrested are brought before court within 48 hours. The UPF upgraded the Criminal Investigations Department to a Directorate with various units in order to enhance capacity and effectiveness in investigation of cases, built capacity of police officers in statement taking and investigative techniques, introduced a Criminal Records Management System and rolled out biometrics for suspects in police stations in Kampala and Arua which has improved management and record keeping and issued police bond in instances where investigations were on going. The office of the Directorate of Public Prosecutions (ODPP) has introduced a Computerised Prosecution Management System to expedite the prosecution of crimes through easing retrieval of case data and information at all prosecution stages. One Stop Service points have been created under the JLOS to deconcentrate services. Courts, police stations, offices for the DPP have been constructed to complete the chain of justice for JLOS frontline services. According to the JLOS Annual Reports the completion of justice centres one stop service points increased from 30% in FY 2010/11 to 61.5 % in FY 2017/18.

54. JLOS Regional and District Coordination Committees made up of representatives from the UPF, ODPP, the Judiciary and the UHRC conduct case management meetings, visit police and prison detention facilities to among others ensure the right suspects are detained and intervene in the event suspects are detained beyond 48 hours. The Judiciary has implemented a number of interventions to expedite the disposal of cases. In 2013, the Judiciary adopted The Constitution (Sentencing Guidelines for Courts of Judicature (Practice) Directions, 2013 whose objectives include providing principles and guidelines to be applied by courts in sentencing. The Judiciary Rules Committee has reviewed, introduced Guidelines/ rules on adjournments, Rules on Amicus curiae (which facilitate and allow people to access and advise courts on specific matters) and reviewed the Civil Procedure Rules in order to strengthen the powers of the registrar and introduce a new case management system which starts with filing of pleadings, summons for direction by the Registrar, scheduling by the judge, mediation and hearing in the event mediation is not successful.

55. To ensure expeditious handling of cases, annual performance targets for judicial officers have been set; a Performance Enhancement Tool to track and monitor performance of judicial officers has been put in place; and High Court Circuits have been increased to 20. In order to enhance monitoring of performance of judicial officers, the head of The Inspectorate of Courts was changed from a Registrar to a Supreme Court Justice.

56. The Judiciary has strengthened the use of Alternative Dispute Resolution, plea bargaining and small claims procedures. Since the introduction of plea bargaining in 2014, 35,00 capital cases have been disposed of; and with the introduction of the Small Claims Procedure in 2012, the proportion of small claims disposed of as a percentage of total cases increased from 78.8% in 2013/14 to 80.6% in 2016/17. Through the use of para legal advisory services, 84,845 remand inmates were able to access basic paralegal services and 28,089 inmates were linked to various actors within the criminal justice system. According to the JLOS Annual Performance Reports case backlog sessions have been conducted by the Magistrates Court, High Court and Court of Appeals, which has led to a reduction in time from 35 months in 2010/11 to 27 months in 2017/18; the average number of disposal of cases has grown from 78,859 in 2009/10 to 164,530 in 2017/18 and case backlog has reduced from 35% in 2010/11 to 21% in 2018. These interventions have contributed to a reduction in the remand/convict ratio from 59% to 41% in 2007 to 51.4% to 48% in 2017/18.

Habeas Corpus

Reply to paragraph 10 (f) of the concluding observations

57. Article 23 (9) of the Constitution provides that the right to an order of habeas corpus shall be inviolable and shall not be suspended and Article 44 (d) prohibits derogation from the right to an order of *habeas corpus*. All detentions are therefore subject to the right to an order of habeas corpus. Section 34 of the Judicature Act Cap 13 outlines the procedure for the prerogative writ of *habeas corpus*. See Appendix 2.

Elimination of Impunity for Alleged Perpetrators of Torture and Ill-treatment

Reply to paragraph 10 (g) of the concluding observations

58. Article 24 and 44 of the Constitution provides for respect for human dignity and protection from inhuman treatment and states that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. Article 44 prohibits derogation from the freedom from torture and cruel, inhuman or degrading treatment or punishment. Article 23 provides for protection of personal liberty.

59. Section 4 (1) of the PPTA provides that; A person who performs any act of torture as defined in section 3 commits an offence and is liable on conviction to imprisonments for fifteen years or to a fine of three hundred and sixty currency points or both.

60. In May 2017 President Yoweri Museveni issued a directive to the Chief of Defense Forces, Inspector General of Police and Director General of Intelligence Services prohibiting use of torture on suspected criminals in the fight against crime. See Appendix 3.

Security Forces and Agencies with the Power to Arrest, Detain and Investigate

Reply to paragraph 10 (h) of the concluding observations

61. Section 23 of the Police Act, Cap. 303 as amended and part II of the Criminal Procedure Code Act Cap 116 provide for the general powers of arrest by the police. The police has powers to arrest, using reasonable force and to ensure that the persons arrested are taken to lawful places of detention, or produced to court for charging within the prescribed time by law.

62. Section. 185 of the UPDF Act 7/2005 limits arrest by the army to only service offences and provides for the relevant procedure.

63. In the performance of its functions, under its mandate as provided for under article 212 (d) of the constitution, the police shall cooperate with the civilian authority and other

security organs established under the constitution and with the population generally. This therefore implies that the police may call upon other security agencies to back it up when enforcing law and order.

64. Private individuals are also empowered under article 17 (1) (f) of the constitution and Section 15 of the Criminal Procedure Code Act to effect arrest where there are reasonable grounds that an offence has been committed. However upon such arrest, the suspect must be handed over to police.

65. Section 37 (2) of the Prisons Act, 2006 provides that; a Prisons officer may on reasonable suspicion that a person is a deserter from the service, arrest such person without warrant and shall immediately hand him or her to a police officer for prosecution in a court of law for desertion.

“Ungazetted” or Unauthorized Places of Detention and “Safe Houses”

Reply to paragraph 10 (i) of the concluding observations

66. The Government of Uganda does not have or use ungazetted and unauthorized places of detention. All persons arrested are detained in gazetted places of detention.

Access to Places of Detention

Reply to paragraph 10 (j) of the concluding observations

67. Uganda does not have non-official places of detention. The Uganda Human Rights Commission has full access to places of detention. It regularly makes unannounced visits to places of detention to assess and inspect conditions of detention. Other independent human rights monitors such as Judicial Officers, DPP, Visiting Justices also have full access to prison facilities under Sections 109 and 112 of the Prisons Act. Appendix 4 of this Report illustrates the number of detention facilities visited by UHRC in the reporting period.

Uganda Human Rights Commission

Reply to paragraph 10 (k) of the concluding observations

68. Article 54 of the Constitution guarantees independence of the Commission. Parliament enacted the Uganda Human Rights Commission Act to ensure independence and operations of the Commission. Government has taken steps to strengthen the capacity of the UHRC to monitor, document and investigate alleged cases of torture. Section 11 (1) of the PPTA, 2012 provides that; a person alleging an offence under this Act has been committed, whether the person is a victim of the offence or not, has a right to complain to the Police, Commission or any other relevant institution or body having jurisdiction over the offence.

69. In recognition of the mandate of the UHRC, the Chief of Defence Forces directed in writing, in a message published to all units to give UHRC unlimited access to all military detention facilities.

70. Government funding to UHRC increased from UGX 3,369,625,038 in FY 2007/08 to UGX 19,274,000,000 in FY 2018/19. In FY 2017/18 funding of government to UHRC. Of the approved structure of 220 positions out of 469 that had been submitted to the Ministry of Public Service, 179 positions have been filled in 2018 which was 81.36% of the approved structure. With additional funding and staff, the UHRC has been able to open four additional regional offices increasing the number to 10 regional offices and ten field offices. This has enhanced the effectiveness of UHRC in investigation, monitoring and documenting human rights complaints including alleged cases of torture.

71. Over the last thirteen years UHRC has received, investigated and documented cases of torture. Interventions by the UHRC during monitoring visits include demotion of ‘katikiros’, (ward leaders) who have been accused of harassing and beating up inmates, reprimand of officials including requesting for disciplinary action to be taken against officers and opening up of complaints against officials who have been accused among others of acts of torture. UHRC findings include progressive developments such as revitalising of the

Human Rights Committees; renovated and newly constructed facilities with cells for juveniles and female detainees; and disciplinary measures taken by UPS and UPDF.

Protection of Persons Reporting Acts of Torture from Reprisals and Intimidation

Reply to paragraph 10 (l) of the concluding observations

72. Section 21 of the PPTA provides for protection of victims, witness and persons reporting torture. In practice, all persons who report acts of torture are protected against reprisals or intimidation. Currently, Uganda has Guidelines on Witness and Victim Protection which confer protection to victims. The Government is also considering the Witness Protection Bill.

Handling of Sexual Violence Cases

Reply to paragraph 10 (m) of the concluding observations

73. The UPS established Human Rights Committees as a complaints and grievance procedure to handle all complaints. The UPS has taken steps to establish an effective mechanism within the prison system to provide protection, psychological and medical assistance to victims by setting up a Welfare and Rehabilitation department to provide counseling to inmates.

Protection of Civilian Population in Areas of Armed Conflict

Reply to paragraph 10 (n) of the concluding observations

74. This recommendation has been overtaken by events because the armed conflict in Northern Uganda ended and therefore there are no internally displaced persons.

Abduction of Children by the LRA

Reply to paragraph 10 (o) of the concluding observations

75. The Lord's Resistance Army (LRA) is no longer present in Uganda and therefore there is no abduction of children by the LRA in Northern Uganda. With regard to the reintegration of former LRA child soldiers, the UPDF set up the Child Protection Unit as a specialised unit to handle former child soldiers before they were handed over to rehabilitation centres operated by CSOs who were providing psychosocial rehabilitation, reintegration services and vocational training. The UPDF also developed Standard Operating Procedures (SOPs) in line with recommendations of the United Nations Security Council Working Group on Children and Armed Conflict (S/AC.51/2010/11) and best practice applicable to children under the age of 18 years.

76. Under the SOPs former child soldiers were released into the custody of civilian organisations within 48 hours. UPDF also entered into an agreement with UN and mandated partners to ensure that the handover of children was based on the UN Operational Plan for Cross Border Repatriation, Care and Reunification of Children and related guidelines and developed a Child Protection Curriculum (Toolkit) which has since been integrated in its training curriculum. The UPDF set up the Child Protection Unit, as a specialised unit to handle former child soldiers before they were handed over to rehabilitation centres operated by CSOs who were providing psychosocial rehabilitation, reintegration services and vocational training. The UPDF with the support of UNICEF and Save the Children put in place a programme which ensured that children rescued from the LRA were taken to reception centres where they were counseled and reintegrated into the community.

77. The Amnesty Commission was established under the Amnesty Act 2000 to facilitate disarmament, de-mobilisation and reintegration. The strategic objectives of the Amnesty Commission include counselling, resettlement and reintegration of returnees including captive women and children. The Amnesty Commission screened children who had suffered violence as a result of the armed conflict and referred them to trauma centres where they were able to undergo rehabilitation before being integrated back into the community. The

Government with the support of World Bank's Disarmament, Demobilisation and Reintegration (DDR) programme supported the Amnesty Commission to resettle formerly abducted children.

78. The strategy for demobilisation and reintegration under the Peace Recovery and Development Plan for Northern Uganda 2007–2010 focused on providing resettlement packages to ex-combatants, facilitating reunification with families and the community, and providing opportunity to access existing service providers. The National Transitional Justice Policy passed by Government adopted a victim centered approach, specifically in accessing and participation in the process of justice and reconciliation.

Prevention of Mob Justice

Reply to paragraph 10 (p) of the concluding observations

79. Government has taken a number of measures to prevent mob justice; these include raising public awareness, addressing case backlog to enhance access to justice, rolling out of the small claims procedure, increasing High Court circuits, plea bargaining, among others.

80. Under the JLOS Fourth Sector Development Plan (SDP IV) 2017–2020 strategies identified to reduce case backlog include review of procedures that lead to delay in disposal of cases and strengthening the chain linked initiative; strengthening investigations of crimes; and setting and implementing standards for investigation, prosecution and adjudication in order to strengthen measures to effectively and efficiently prevent and respond to crime.

81. The JLOS has also rolled out the small claims procedure, increasing High Court circuits from 11 in FY 2011/12 to 20 in FY 2016 /17, plea bargaining and community sensitisation. In FY 2017/18, JLOS conducted 58 radio talk shows around the country on a number of issues including mob justice and trial procedures. The UPF through the Community Policing has sensitised the community on various issues such as reporting and follow up of cases, the investigation process and conditions for police bond; and has arrested suspects of mob justice and rescued victims from mobs.

82. MGLSD has sensitised the public to report suspects to the police for investigation; conducted community education campaigns and community mobilisation; and documented best practices.

83. In line with Article 52 (1) (g) the UHRC continued to conduct human rights awareness of grass root communities through community meetings (Barazas) on practices that are cruel, inhuman and degrading and a wide range of human rights violations which result from "mob justice" including the violation of the right to life, freedom from torture, cruel, inhuman or degrading treatment or punishment and the right to a fair hearing. Table 4 shows the attendance of community barazas over the last nine years and Table 5 elaborates on the number of people reached with human rights education from 2005 to 2018.

Customary Torture

Reply to paragraph 10 (q) of the concluding observations

84. Article 2(2) of the Constitution states that if any law or custom is inconsistent with any of the provisions of the Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void. Parliament enacted the Domestic Violence Act, No. 3 of 2010 which criminalizes domestic violence, the Prohibition of Female Genital Mutilation Act No.5 of 2010 which creates offences related to the harmful cultural practice of FGM and the Prevention of Trafficking in Persons Act No.7 of 2009 which prohibits trafficking in persons.

85. The Government through the MGLSD has linked communities in Karamoja to government programmes for livelihood such as the Uganda Women Entrepreneurship Programme, a government credit and entrepreneurship skills development facility for women aimed at empowering women to improve their income levels and contribute to economic development; Youth Livelihood Programme targeting poor and unemployed youth to harness their social-economic potential; and the third Northern Uganda Social Action Fund (NUSAF

III) whose objectives include to provide effective household incomes and build resilience of the poor and vulnerable households in Northern Uganda.

National Legal Aid Scheme

Reply to paragraph 11 (a) of the concluding observations

86. Efforts are underway to put in place the National Legal Aid Policy and Bill which aims at establishing a comprehensive legal, institutional and policy framework. The draft National Legal Aid Policy and Bill among others seeks to provide legal advice and assistance in both civil and criminal matters, consolidate the legal framework on legal aid and providers; and provide systematic mechanism of identifying poor, vulnerable and marginalised persons. In May 2016, LASPNET conducted a Cost Benefit Analysis to assess the financial implication of the National Legal Aid Policy and Bill.

87. Under The Advocates (Legal Aid to Indigent Persons) Regulations, 2007 Legal Aid is defined to include legal advice, representation in a court or tribunal in civil, constitutional or criminal matters; mediation, negotiation or arbitration; legal education or awareness. The regulations set out the criteria for eligibility of legal aid which entail insufficient means to afford the services of an advocate on ones' own account and stipulates that legal aid encompasses provision of legal advice or representation by a lawyer, an advocate or a paralegal to a client at no cost or very minimal cost. Specifically, for the most vulnerable, Section 4 (k) of the Children (Amendment) Act, 2016, provides for the right of every child to effective legal aid including representation in all civil and administrative proceedings.

88. The focus areas under the JLOS SDP IV include strengthening and extending the State Brief Scheme to support Chief Magistrates to ensure fewer cases are dismissed for lack of representation; building the capacity of Legal Aid Service Providers to serve the populations; and align the pro bono scheme and state brief scheme. A number of interventions such as the State Brief Scheme, Legal Aid Project of the Uganda Law Society, Legal Aid Clinic and Duty Counsel Scheme of the Law Development Centre, the pro bono and pilot programmes such as the Justice Centers Uganda have been put in place to address the gap in the cost of accessing justice and help the indigent and marginalised access legal aid. According to the JLOS Annual Performance Report 2017/18 the proportion of magisterial areas receiving state funded legal aid services increased from 26% in 2016 to 30.4% in FY 2017/18.

89. Government has established Justice Centers Uganda (JCU) to address the gap in the cost of accessing justice and help the indigent and marginalised access legal aid. In 2016, JCU provided legal representation to 287 clients in civil and criminal court cases; mediated 881 cases; resolved 292 cases through court-annexed mediations; provided support to 712 State Brief cases; enabled the release of 1,599 prisoners under the Prison Decongestion Programme (PDP); 6,237 suspects at police stations, 19,930 prison inmates.

90. JLOS in collaboration with LASPNET which has 52 members in 70 districts including FIDA-Uganda, Public Interest Law Clinic at Makerere University, Barefoot Law, MIFUMI, Muslim Centre for Justice and law, Legal Aid Project-Uganda Law Society with ten clinics in the country, and the Para-Legal Advisory Services-FHRI provide legal aid services ranging from legal education, legal advice, legal representation and psycho-social support. In 2010/11 LASPNET registered 18,999 cases and resolved 8,053 cases; the number of clients offered services under the Paralegal Advisory Services such as applications for police bond and bail increased from 1,011 in 2007 to 26,769 adults and 927 juveniles in 2017; and from 4,651 in 2007 to 10,382 adults and 689 juveniles in 2017 respectively.

91. The UPDF maintains a Directorate of Legal Aid at its Headquarters to provide advisory services to its personnel. President Yoweri Museveni directed that these services be decentralized within its formations to ease access to legal services.

Refugee Bill

Reply to paragraph 11 (b) of the concluding observations

92. Parliament enacted the Refugee Act of 2006 which provides for the rights of refugees in line with international refugee law and human rights law.

Prison Bill of 2003

Reply to paragraph 11 (c) of the concluding observations

93. Parliament enacted the Prisons Act, 2006 to provide for among others, taking over Local Administration Prisons by the central Government for better administration to reduce incidents of torture and ensure effective supervision.

Optional Protocol to the Convention

Reply to paragraph 11 (d) of the concluding observations

94. The process of ratifying the Optional Protocol to CAT has been initiated, with consultations ongoing among the key stakeholders.

Declaration under Article 22 of the Convention

Reply to paragraph 11 (e) of the concluding observations

95. The Republic of Uganda currently has sufficient legal and institutional mechanisms to address violations of torture.

Disaggregated Data

Reply to paragraph 12 of the concluding observations

96. Government has taken various measures to provide redress including a policy shift for individual MDAs to be responsible for paying victims of human rights violations. The Budget Call Circular FY2016/17 dated 9th September 2015 from the Permanent Secretary/Secretary to the Treasury emphasised that all obligations which arose in the period in review and onwards are to be settled by the responsible MDAs. See Appendix 5 and 6.

Dissemination of Uganda's Report and the Committee's Concluding Observations

Reply to paragraph 13 of the concluding observations

97. The Government has disseminated these recommendations widely to all Ministries, Departments and Agencies in appropriate languages. UHRC and CSOs have also disseminated the recommendations to communities around the country and they have been used to fight against torture in Uganda. The recommendations have been incorporated in the UHRC database which monitors MDA's implementation of human rights recommendations from regional and international human rights mechanisms.

Submission of State Report

Reply to paragraph 14 of the concluding observations

98. The State responses are contained herewith.

Reply to paragraph 15 of the concluding observations

99. The consolidated State report is submitted herewith.

Response to the committee's list of issues

Detainees' Access to an Independent Doctor

Reply to paragraph 3 of the list of issues prior to reporting (CAT/C/UGA/Q/2)

100. Article 23(5) (b) (c) of the 1995 Constitution provides that where a person is detained, he/she shall be allowed access to medical treatment. Suspects in police detention facilities are able to access health facilities which are in close proximity. UPDF has health units where

inmates are able to access health facilities and UPS has 55 prisons with health units where inmates are able to access medical facilities, those that lack internal health units, refer inmates to nearby government health services. Inmates can also access an independent doctor of their own choice on request.

Alternatives to Imprisonment

Reply to paragraph 6 of the list of issues prior to reporting

101. Government has taken steps to implement alternative methods of imprisonment. In 2007, the Department of Community Service was created in the Ministry of Internal Affairs. It was later elevated to a Directorate in 2016. The Directorate has conducted community sensitisations about community service with the aim of increasing awareness and participation in community service processes through willingness to provide pre-sentence information and participation in the reintegration process. The Directorate has trained judicial officers, police officers and civil society in restorative and correctional approaches and stationed Community Service officers at various courts. The JLOS sensitised offenders in prison, police and court cells about community service and identified those eligible for community service.

102. The Constitution (Sentencing Guidelines for Courts of Judicature) (Practice) Directions, 2013 outlines alternative methods of imprisonment such as fines and community service. The UPF has powers under Section 89 of the Children Act, Cap 59 to caution and release a child who has been arrested; dispose of cases without recourse to formal court hearings; and release a child in conflict with the law without reference to a formal charge.

103. The Child and Family Protection Department (CFPD) offers counseling services to children. In FY 2015 /16 the CFPD registered a total of 50,660 cases of these 19,524 victims/suspects were counseled and 4,622 were referred to other stakeholders. In FY 2017/18 a total of 39,473 cases were registered and of these 13,977 were counseled and 2,892 were referred to other stakeholders. In FY 2017 /18 a total of 5,040 divertible cases were received and 3,843 were diverted which contributed to an increase in the national diversion rate from 41.2% in 2012/13 to 76.3% in 2017/18.

104. Over the last five years the number of community service orders has increased from 1000 orders per year to an average of 10,000 orders per year. In FY 2017 /18 the National Community Service Programme prepared 5,689 Social Inquiry Reports which informed decisions on issuing of community service orders. A total of 9,893 community service orders were managed under the social reintegration mode. Appendix 7 shows the number of community service orders issued from FY 2008/09 to FY 2017/18.

Regulation of UPDF Disarmament Operations in Karamoja Region

Reply to paragraph 13 of the list of issues prior to reporting

105. The UPDF put in place internal guidelines to govern the conduct of military personnel during cordon and search operations, violation of which would subject a soldier to disciplinary procedures under Part IV of the UPDF Act, “Operational Offences Relating to Security”.

106. In order to ensure that cordon and search operations were conducted in strict compliance with the law and no person under the authority of the UPDF was subjected to any form of torture or other ill treatment, the officers who were pivotal in implementing of the programme including senior commanders and officers underwent trainings on human rights.

107. Civil Military Cooperation Centres (CMCCs) which had representatives from the police, army and CSOs were set up as a confidence building measure and to provide a mechanism for response to complaints of human rights violations including torture.

108. The disarmament program was very successful as it restored law and order, peace, security and economic development projects to Karamoja.

Handling of Refugee and Asylum Seekers by Security Forces

Reply to paragraph 14 of the list of issues prior to reporting

109. Uganda is the biggest refugee host in Africa and has one of the most progressive refugee policies in the world. As February 2019, Uganda was host to 1,223,033 refugees from various nationalities, including South Sudan, Democratic Republic of Congo, Burundi, Somalia, Rwanda, Eritrea, Sudan, and Ethiopia. See Appendix 8.

110. In Uganda, refugees are integrated in the local populations and apart from a few exceptions, such as political rights, refugees enjoy the same rights as nationals. Refugees are kept in settlements which are integrated with host communities. The Government has also streamlined and prioritised refugee issues by integrating them in the National Planning process under the National Development Plan (NDP 11) and establish mobile courts within the settlements for better access to justice. The refugees have the liberty to move about around and beyond the settlements. Those who can afford can stay in urban areas and to integrate with the urban populations. Section 30 of the Refugee Act of 2006 guarantees refugees the freedom of movement.

111. Section 29 of the Refugee Act of 2006 guarantees refugees the same rights and treatment as citizens on issues of the right to personal liberty and fair hearing. Even when considering bail applications, courts have considered the peculiar nature of refugees and granted them bail basing on letters from the Office of the Prime Minister. Indeed, refugee settlements have been accepted as fixed places of abode. In addition, Refugee Camp Commandants have been allowed to stand surety for refugees facing criminal prosecution. The Judiciary has also dealt with the problem of refugee settlements being far away from the courts by holding mobile courts in the refugee settlements in order to reduce the costs of travel by refugees but to also ensure that refugee communities are involved in the court processes.

Gender Based Violence among Refugee women, IDPs and Prostitute Women

Reply to paragraph 15 of the list of issues prior to reporting

112. Parliament enacted the Domestic Violence Act 2010 to address matters relating to rape, sexual exploitation and sexual harassment of women. The Act provides for the protection and relief of victims of domestic violence and punishment of perpetrators of domestic violence.

(a) The Sexual and Gender Based Violence Policy 2016 and the Multimedia Strategy against Gender Based Violence 2016 are aimed at promoting and sustaining community involvement in the prevention of Gender Based Violence (GBV) including by increasing awareness and utilisation of the available GBV services (prevention, response and management and promoting zero tolerance among communities were passed;

(b) The National Male Involvement Strategy for the Prevention and Response to Gender Based Violence, 2017 was passed in recognition that men are partners in prevention of the vice; and

(c) The National Guidelines for the Provision of Psychosocial Support for Gender Based Violence Victims/Survivors 2016 which provide minimum standards and procedures for duty bearers and service providers both private and public to provide appropriate psychosocial support to victims/ survivors of GBV have been developed.

113. A Refugee Desk has been set up at UPF Headquarters to coordinate refugee issues in the 12 settlement camps across the country. According to the JLOS Annual Performance Report 2016/17, UPF with support from UNICEF, UGANET and UN Women conducted joint trainings for 1,187 police officers, medical practitioners including on child protection and management in Refugee camps. UPF conducted 33 Community Policing outreaches in Rhino and Invepi camps (Arua), Bidibidi camps (Yumbe) and 19 Zones (Adjumani) which focused on conflict management where a total of 225,000 refugees are being hosted. Office of the Prime Minister (OPM) organised trainings for Camp leaders in Refugee Settlements including on access to justice in order to empower them with knowledge on existent services.

MoGLSD established 13 GBV shelters that provide comprehensive services to survivors such as psychosocial support, rehabilitation, mediation and re-integration of the survivors.

114. Section 139 of the Penal Code Act prohibits prostitution and states that any person who practices or engage in prostitution commits an offense and is liable to imprisonment for seven years. Under Section 138 prostitution “means a person who in public or elsewhere holds himself or herself out as available for sexual intercourse for monetary or material gain”.

115. Uganda Law Society (ULS) held legal information sessions where 2,977 refugees in four settlements of Bidibidi, Bweyale, Bunagana (Kisoro), Kamwenge were sensitised on various issues including domestic violence.

Prevention of Trafficking in Persons Bill

Reply to paragraph 16 of the list of issues prior to reporting

116. Parliament enacted the Prevention of Trafficking in Persons Act, 2009 (PTIP) which prohibits trafficking in persons, creates offences, provides for prosecution and punishment of offenders, prevention of the vice of trafficking in persons. Section 3 of the PTIP Act, 2009 provides that:

(a) A person who:

(i) Recruits, transports, transfers, harbours or receives a person by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over any other person, for the purpose of exploitation;

(ii) Recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude, death, bondage, forced or arranged marriage; commits an offence and is liable to imprisonment for fifteen years.

(b) Notwithstanding the provisions of subsection (a), where the offender is a legal person, it shall be liable to a fine of one thousand currency points, and temporary or permanent closure, deregistration, dissolution, or disqualification from practice of certain activities. Section 5 of the Act provides that a person who:

(iii) Does any act referred to under Section 3 in relation to a child;

(iv) Uses a child in any armed conflict;

(v) Removes any part, organ or tissue from the body of a child for the purposes of human sacrifice;

(vi) Uses a child in the commission of a crime;

(vii) Abandons a child outside the country;

(viii) Uses a child or any body part of a child in witchcraft, rituals and related practices;

(ix) Commits an offence of aggravated trafficking in children and may be liable to suffer death.

117. Section 14 of The Anti-Pornography Act, 2014 prohibits child pornography and provides that any person who produces, participates in the production of, traffics in, publishes, broadcasts, processes, exports, imports or in any way abets pornography depicting images of children commits an offence and is liable on conviction to a fine not exceeding seven hundred and fifty currency points or imprisonment not exceeding fifteen years or both.

118. In 2015, Government passed The National Awareness Plan for Prevention of Trafficking in Persons in Uganda whose objectives include to: prevent trafficking in persons through vibrant awareness campaigns and operational preventive measures; build the

institutional capacity of relevant stakeholders to be able to provide effective protection and assistance to victims of trafficking in persons; and enhance the capacity of stakeholders with appropriate skills and capabilities for effective detection, investigation and assistance to victims of trafficking in persons. The Natural Awareness Strategy on prevention of trafficking in persons has been developed to guide awareness raising on the existence of trafficking in persons and how to cooperate with enforcement agencies for easy resource and investigations in case one is for a victim of crime

Domestic Violence and Sexual Offences

Reply to paragraph 17 of the list of issues prior to reporting

119. Government has taken effective measures to prevent domestic violence including the enactment of The Domestic Violence Act, 2010 which includes provisions for the protection and relief of victims of domestic violence, punishment of perpetrators of domestic violence, procedure and guidelines to be followed in court in relation to protection and compensation of victims of domestic violence. Consultations of The Sexual Offences, Bill 2015 are still ongoing.

120. Effective measures under JLOS institutions include the following:

(a) The UPF established a Department for Gender Based Violence whose mandate is to investigate domestic violence case and UPS established a Gender desk to handle gender based complaints;

(b) ODPP operationalised the Department of Gender, Children and Sexual Offences which coordinates the handling and management of prosecutions of all cases involving sexual violence;

(c) The Judiciary has proposed the establishment of Specialised Gender Based Violence Courts to handle GBV cases to foster a uniform approach to treatment of offenders and victims of violence;

(d) Special Court sessions for GBV cases which focus on restorative justice specifically non-adversarial and non-retributive approaches such as healing, holding the offender accountable and involvement of the community have been held;

(e) The Judiciary has introduced initiatives including Video Conferencing Systems and Screened Court Room Proceedings to enhance security and protection of survivors of GBV;

(f) Community awareness raising by various institutions including the UHRC, Judicial Service Commission, UPF, ODPP on the Domestic Violence Act is being carried out and MDAs annually collaborate with CSOs to mark “16 days of Activism” to end GBV. Appendix 9 shows the status of domestic violence cases over the last eight financial years.

121. The UPDF established a Directorate for Women Affairs under which there is a Gender Office to handle Gender Based Violence complaints.

122. The International Conference for the Great Lakes Region (ICGLR) has established a regional office in Uganda to address the issues of domestic violence. The organization is undertaking capacity building programs by training Law Enforcement Agencies and the Civil Society.

Child Sacrifice

Reply to paragraph 19 of the list of issues prior to reporting

123. Parliament enacted the Children (Amendment) Act 2016 which aims to among others enhance effectiveness in promoting and protecting rights of children by providing for the right to safety and prohibition from exposing a child to customary or cultural practices that are harmful to a child. The Act established the National Children Authority whose functions include creating awareness on the right of a child to be protected from child abuse and develop methods to prevent child abuse. The National Action Plan against Child Sacrifice and Child Mutilation 2016 outlines different key players and their responsibilities to combat

the crime of child sacrifice was developed. In 2018, MGLSD developed a training manual for Para-Social workers to enhance the capacity of community-based child care workers.

124. In 2012, MGLSD launched the Child Help Line 116 was launched with the aim to ease community reporting of child abuse and enhance the response of various duty bearers. In 2017/18 a total of 210,153 calls were received from 122 districts of which 2.2% were children reporting their own issues on behalf of fellow children. Of the cases registered a total of 2,844 were of violence against children representing 1.4% of the total calls. In 2019, UPF set up an Anti-human sacrifice and trafficking task force whose main responsibilities are to direct, oversee and coordinate investigations, intelligence and liaison to mobilise the public against human sacrifice. MGLSD, UHRC, and the Family and Child Protection Unit of the UPF have conducted sensitisation and community engagement on the rights of children.

Training of Law Enforcement and Penitentiary Personnel

Reply to paragraph 26 (a) of the list of issues prior to reporting

125. Following the enactment of the PPTA, a Plan of Action by UHRC for its effective implementation was developed. Among the measures identified included a recommendation that Parliament ensures adequate resources for capacity building of security agencies to enable the effective implementation of the Act and monitors places of detention through visits of its Committee on Human Rights to all places where people are deprived of their liberty; UPF and UPDF train and build capacity of officers in effective investigations skills in order to avoid resorting to torture as a means of obtaining information from suspects and UPF, UPDF and UPS conduct on-going trainings on the prohibition and prevention of torture for officers; and UHRC facilitate/promote the empowerment of law enforcement agencies on effective investigations skills, develop standard training manuals and guidelines for the various target groups, train medical personnel on the Istanbul Protocol and dialogue with the Ministry of Health on how best to operationalise the Act.

126. Over the last 11 years, UHRC has trained over 20,000 UPDF, UPF and UPS officers on the provisions of the CAT and the PPTA. UPF, UPDF and UPS in collaboration with CSOs have trained their officers on the provisions of the convention and of the PPTA. Over 95% of the prisons staff (both uniformed personnel and civilians) have undergone human rights training which has since been embedded in the curriculum, staff who are yet to be trained are from local government prisons.

Training of Medical Personnel Dealing with Detainees

Reply to paragraph 26 (b) of the list of issues prior to reporting

127. UPS, UPF, UPDF in partnership with ACTV, have trained their doctors in their respective institutions on the Istanbul Protocol.³ The UPS, UPF, UPDF recruits and trains licensed medical practitioners and specialist doctors, clinicians and nurses who are licensed in General Medicine.

Effectiveness of Training and Educational Programmes

Reply to paragraph 26 (c) of the list of issues prior to reporting

128. UHRC monitors and evaluates impact of trainings. Findings from the trainings have been used to assess trends in complaints received. The UHRC monitoring and evaluation system focuses on the interrelatedness of the core functions of the UHRC which entail human rights education, monitoring and complaints handling as interventions under one mandate have a direct or indirect impact on the other mandate. The Directorate of Human Rights Affairs in the UPDF has adopted a follow up procedure for monitoring and evaluating the effectiveness of the trainings carried out in military institutions and with partners which includes documenting and interviewing of persons who have benefited from the trainings and

³ Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and other cruel inhuman or degrading Treatment or Punishment) 2004.

analysis of information in order to understand issues of torture which form a data base for progress reports.

Interrogation Rules Applicable to Security Forces

Reply to paragraph 27 of the list of issues prior to reporting

129. Article 24 of the Constitution prohibits torture and Article 44 of the Constitution prohibits derogation from the rights. Section 14 of the PPTA provides that:

(a) Any information, confession or admission obtained from a person by means of torture is inadmissible in evidence against that person in any proceeding;

(b) Notwithstanding sub section (1) such information, confession or admission may be admitted against a person accused of torture as evidence that the information, confession or admission was obtained by torture.

130. Section 15 of the Act provides that: a person who uses information which he or she knows or ought to have reasonably known to have been obtained by means of torture in the prosecution of the person tortured, commits an offence and is liable on conviction to imprisonment not exceeding two years or a fine not exceeding forty eight currency points or both.

131. In May 2017, President Yoweri Museveni issued a directive to the Chief of Defense Forces, Inspector General of Police and Director General of Intelligence Services prohibiting use of torture on suspected criminals in the fight against crime. The UPDF has adopted training guidelines on rights based interviews during investigations and the UPF is developing a training manual for interviewing.

132. Section 40 of the Prisons Act 2006 specifically provides for non-violent means before resorting to the use of force, proportionality of the force used to threat and the respect of life. Section 40 provides that;

(a) The officer in charge may authorise a prison officer to use such force against a prisoner as is reasonably necessary to ensure compliance with lawful orders and to maintain discipline in the prison;

(b) A prison officer shall, in carrying out his or her duty, as far as possible apply non-violent means before resorting to use of force or firearms only if other means remain ineffective or fail to achieve the intended result;

(c) Whenever the lawful use of force or firearms is unavoidable, a prison officer shall:

(i) Exercise restraint in such use and act in proportion to the seriousness of the threat and the legitimate objective to be achieved;

(ii) Minimise damage and injury, and respect and preserve the prisoner's life;

(iii) Ensure that assistance and medical aid are rendered to any injured or affected prisoners at the earliest possible moment;

(iv) Where injury or death is caused by the use of force or firearm by a prison officer, the concerned officer shall promptly report the incident to a senior officer who will take necessary and appropriate action;

(v) Ensure that relatives or close friends of the injured or affected prisoner are notified at the earliest possible moment.

133. Regulation 76 of the Prisons Regulations, 2012 further provides that:

(a) A prison officer shall not use force against a prisoner except:

(i) In self-defence;

(ii) In case of an attempted escape; or

(iii) Active or passive physical resistance to a lawful order.

(b) The amount of force used shall be the minimum necessary and be imposed for the shortest necessary time.

134. The Commissioner General of Prisons issued Administrative Instructions concerning the respect of rights of inmates. In 2008 the Commissioner General of Prisons issued Administrative Instruction No.5/2008 clarifying that freedom from torture is one of the rights that should be observed and directing that under no circumstances should anyone be tortured and prison officers found to have tortured a prisoner will be personally liable for his/her acts including beating up of inmates by “Katikiros” on the instructions of officers, over working of prisoners and imposing punishments without following proper procedures under Chapters 5 and 57 of the Prisons Standing Orders, Part III. This was followed with the issuance of Administrative Instruction No.1 /2010, which drew attention of officers to Chapter 4 of the Constitution and specifically Article 20 and directed that every prison unit constitutes a Human Rights Committee of five persons chaired by the Officer in Charge who would be required to make a report to the Commissioner General of Prisons quarterly. Administrative instruction No.3/2018 pointed out that the PPTA defines torture and makes it a criminal offence, which on conviction one could be imprisoned for fifteen (15) years, it was further reiterated that there was no justification for torture and prison officers found to have violated the rights of inmates would be handled over to the police for further management.

Evidence Obtained Through Torture

Reply to paragraph 33 of the list of issues prior to reporting

135. Section 14 of the Prevention and Prohibition of Torture Act, 2016 prohibits the use of evidence obtained by torture and provides that:

(a) Any information, confession or admission obtained from a person by means of torture is inadmissible in evidence against that person in any proceeding;

(b) Notwithstanding subsection (1), such information, confession or admission may be admitted against a person accused of torture as evidence that the information, confession or admission was obtained by torture.

136. In practice evidence obtained through torture is inadmissible and prohibited in any proceedings. In *Uganda versus PTE Turyamureeba Amon & Anor HCT-05-CR-CSC-0297 of 2006* the two accused were charged with two counts of murder. The court clarified that nothing procured through any form of torture of the accused persons to incriminate the accused person has any value of evidence and emphasised that it was the duty of judges to be alert for any sign of torture or ill treatment or duress of any kind that might take place in criminal investigations and deprivation of liberty; the court did not rely on evidence based on confessions obtained through torture and the accused were acquitted.

137. In *Bakubye Muzamiru, Jjumba Tamale Musa, Supreme Court Criminal Appeal No. 56 of 2015* the court found that the trial judge examined the appellants claim that he was tortured while in custody of the police by conducting a trial within a trial. Court found that the 2nd appellants evidence was riddled with numerous contradictions and on further examining the demeanor of the appellant found him he was untruthful and unreliable. The court found that there was no justification for departing from the finding of the trial judge in respect to the confession.

138. *Uganda v Hussein Hassan Agada & 12 Ors (Criminal Session Case No. 0001 of 2010) (2016) UGHICD (26 May 2016)* one of the accused retracted his confession alleging that he had made the confession out of fear. The trial judge held a trial within a trial and the court found that the statement was voluntarily made since there was no evidence that a threat had been exacted, still persisted or bore on the accused at that time and to the contrary the statement was a detailed narrative bringing out material particulars.

Protection of Children in Conflict With the Law

Reply to paragraph 34 of the list of issues prior to reporting

139. Government has taken measures to enhance the rights and protection of children in conflict with the law in places of detention. Part II (A) Section 9A (1) of the Children (Amendment) Act 2016 sets up the National Children Authority. One of the functions of the National Children Authority under section 9B (1) (h) is to take appropriate steps where necessary for securing the safety and protection of children involved in criminal investigations and prosecutions. Section 89 (7) of the Children Act Cap 59 provides where release on bond is not granted, a child shall be detained in police custody for a maximum of twenty-four hours or until the child is taken before a court, whichever is sooner.

140. Children deprived of their liberty have access to lawyers and medical services and are allowed contact with a person of their choice, their families or legal guardian or consular personnel where appropriate. The Justice for Children Program has placed emphasis on diversion of children where appropriate for simple cases and using detention of children as a last resort; alternative reformatory measures such as counseling and mediation are used. Children deprived of their liberty are detained in separate facilities from adults in police cells and efforts are made to ensure that children are not detained beyond 24 hours. The Legal Aid Clinic of the Law Development Centre, the Legal Aid Project of the Uganda Law Society and Justice Centres Uganda together with the Police, ODPP and Courts, continue to emphasise diversion of children from the justice system, whenever possible. Implementation of the various initiatives have contributed to an increase in the diversion rate from 52.60 % in 2010/11 to 76.3 % in 2017/18. The reinstatement of the Local Council Court at the village and parish levels, will further strengthen diversion of children from the justice system.

141. The Justice For Children Programme under JLOS has provided specialised support including setting up of Child Support Centres at police stations and courts; introduction of fit persons who are first contact and focal person for children. Fit persons complement the work of Probation Officers including by providing counselling and guidance and supporting resettlement and acceptance of children who have been involved in serious crimes. The ODPP has created a child-friendly space in its facilities as part of its efforts to improve the response to the needs of children who are witnesses or victims of crime, thereby reducing the trauma of the judicial process; the ODPP is planning to have these facilities replicated throughout the country. These interventions have contributed to an increase in service points offering child friendly services from 52% in 2016 to 60% in 2017/18.

142. The Justice For Children Programme has focused on improving record keeping in order to monitor and support children during their entire contact with the justice system; and has linked with the District Linked Chain Committees in the JLOS sector to address any concerns of children including using child friendly practices such as fast tracking of children's cases, hearing of children's matters in chambers and provision of a child friendly environment. MGLSD has completed the Kabale Regional Remand Home and commenced on the construction of the Moroto Regional Remand Home in order to provide appropriate accommodation for children in conflict with the law where diversion is not an option.

Data Collection and Storage of Alleged Cases of Torture

Reply to paragraph 35 of the list of issues prior to reporting

143. All the institutions have comprehensive records management/data systems.

Civilian Policing and Judicial Presence in the Northern and Karamoja Regions

Reply to paragraph 36 of the list of issues prior to reporting

144. One of the cross-cutting issues under KIDDP was the establishment of law and order. A key focus area under KIDDP was the consolidation of the disarmament programme and effective deployment of police at the sub-county level. The strategic objectives of JLOS under KIDP 2 include to enhance the capacity of JLOS to ensure justice prevails, law and

order is strengthened and to strengthen the issuance of Community Service Orders. A JLOS Mini Regional Office was established in Moroto to enhance access to justice services.

Response to Terrorist Acts

Reply to paragraph 37 of the list of issues prior to reporting

145. Parliament enacted the Anti-Terrorism Act in 2002 which was amended in 2015 and 2017. The amendments are intended to provide for acts of terrorism including interference with an electronic system to acts that constitute a crime in agreements, protocols and treaties described in the annex to the International Convention for the Suppression of the Financing of Terrorism, 1999. Other related legislation includes; The Anti-Money Laundering Act 2013 and the Anti- Money Laundering (Amendment Act) 2017 which are intended to prohibit and prevent money laundering, combat terrorism financing including through carrying out of risk assessments by accountable persons and establish a Financial Intelligence Authority. Government set up a Counter Terrorism Directorate and a Special Investigations Unit in the UPF to respond to threat of terrorist acts.

Conclusion

146. It is evident that Uganda as State Party to the CAT is undertaking progressive and numerous legislative, judicial, institutional and programmatic measures to meet the aspirations of the Convention. Although a number of challenges still exist, Uganda is committed to addressing the bottlenecks to pave way for the realisation of the fundamental rights and freedoms enshrined in the Convention for all its citizenry. Uganda continues to thank all its international and regional support partners and the Civil Society Organisations (CSOs) that have, altogether, enabled Uganda to achieve these strides.
