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THE PERIODIC REPORT OF THE REPUBLIC OF UGANDA

(Item 6(bii))



THE REPUBLIC OF UGANDA

**REPORT BY THE GOVERNMENT OF UGANDA
TO THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS
PRESENTED AT THE 44th ORDINARY SESSION
ABUJA, FEDERAL REPUBLIC OF NIGERIA
10th – 24th NOVEMBER 2008**

Periodic Report: 2006-2008

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INTRODUCTION:

Distinguished Commissioners,

1. From the outset allow me to thank you once again on behalf of the Government of Uganda and on my own behalf for your tireless efforts to protect human rights on our continent. We as an African people are indebted to you for this much needed and indeed noble task.
2. The Republic of Uganda has the great honour to present to you its periodic report for the years 2006 – 2008 on the Human Rights compliance pursuant to Article 62 of the African Charter on Human and Peoples' Rights. This Periodic Report is also in compliance with the Reporting guidelines contained in Information Sheet No. 5 issued by the Commission.
3. The report is divided into six parts as follows;
 - Part one; contains general information and basic data as well as the legal and institutional framework through which the Charter operates
 - Part two: contains the legal, judicial and other measures taken by Uganda to implement the Charter since the last reporting period.
 - Part three: deals with other measures that have been taken by Government in implementing the Charter.
 - Part four: deals with the questions raised by the Commissioners based on Uganda's last periodic Report.
 - Part five: covers Constitutional cases that impact the Human Rights regime
 - Part six: highlights the challenges faced by the Government in its endeavors to provide and protect the human rights regime in Uganda.

Please note that the Report tries to avoid repeating that which has been presented to the Commission in earlier reports (except for purposes of coherence and/or emphasis. Hence, it strives to specifically raise new developments occurring in the reporting period 2006-2008.

PART 1: GENERAL INFORMATION-BASIC DATA¹

1. Uganda is a land-locked country situated within the Great Lakes Region. It lies astride the equator. It is bordered by Sudan in the North, Kenya in the West, Tanzania and Rwanda in the South.
2. Uganda has an area of 241,551sq.kms of which 44,228sq.kms are open water and swamps and 197,323sq.kms is land. The Altitude above sea level ranges from 62ms to 5,110ms.
3. The population of Uganda is estimated to be 29.6 million people as projected from the last Census conducted in 2002. The population density stands at 152 persons per square kilometer but with variation from district to district. This variation also depends on urban-rural dynamics. The average annual growth rate is 3.57 and Uganda's life expectancy is affected due to large numbers of infants born HIV-positive, as well as high death rates among those orphaned by AIDS.

a. Population Distribution in Uganda:

- 0 – 14 years 50.2% (male 7,646,619, female 7,538,137). This represents more than half of Uganda's total population.
 - 15 – 64 years 47.6% (male 7,231,196, female 7,185,058). This constitutes the working population.
 - 65 years and above 2.2% (male 281,317 and female 380,283). This constitutes the elderly population.
4. **Languages:** English and Kiswahili are the official national languages. However, the Kiswahili language is yet to be rendered operational by an Act of Parliament even though it is provided for in the Constitution.
 5. Uganda has continued to register economic growth during the period 2006 – 2008. The rate of economic growth averaged 8.9% in real terms in the Financial Year 2007/2008 according to Budget speech read by the Minister responsible for Finance, Hon. Ezra Suruma, on 14th June 2007 The real GDP at market price is estimated at 6.7%, the GDP purchasing power parity (PPP) is \$ 31.47 billion and Per

¹ All the information in this sub-topic is obtained from UBOS statistics on Uganda, March 2008

Capita (PPP) is \$ 1,100. According to on. Suruma, Uganda's growth sector is truly remarkable. Total export earnings for both goods and services for the financial year 2007/08 were projected to increase by 22 percent. This has been achieved. Earnings from Coffee grew by 15.2% while coffee export volumes grew by 11.6 %

6. Agriculture contributes approximately 28.9% of the GDP, Industry 19.1% and services 42.7%. Uganda labour force stands at 14.05 million. Industrial production growth rate is at 5.8%.
7. Uganda has put in place the Poverty Eradication Action Plan (PEAP) as the basic policy framework for development although it is in the process of transforming this into the National Development Plan with an emphasis on wealth creation rather than poverty eradication. She has also embraced the Millennium Development Goals in the poverty eradication campaign. Further, she has developed the Peace, Recovery and Development Plan for Northern Uganda to deal with post war development and reconstruction in the area.
8. In addition the Government is guided by its long term development vision: 2025 project. The National Planning Authority is in the process of reviewing and revising it to Vision 2035. This entire process is spear-headed by H.E the President and the National Resistance Movement (NRM) Government. The vision is to transform Uganda from a peasant economy to an industrialized one within a regional cooperation of the East African Community.
9. Uganda's dependence on donor aid for both budget and project support for the financial year 2007/08 dropped to an incredible 38.7%. This is a result of Uganda's increases domestic revenue collection and sound macro economic governance.

B. LEGAL AND INSTITUTIONAL FRAMEWORK

As reported earlier, the 1995 Constitution is the supreme law of the Republic of Uganda. It provides for the separation of powers of the executive, judicial and the legislative arms of the Government. The President is the head of the Executive and is elected under universal adult

suffrage. The majority of Members of Parliament are directly elected except for special interest groups which include; representatives for Youth, Persons with disabilities, Women, Workers and the Army who are elected through electoral colleges (except for women who are elected under universal adult suffrage at district level).

PART II: MEASURES TAKEN BY UGANDA SINCE THE LAST REPORTING PERIOD

ARTICLE 1 (ACHPR)²

The Republic of Uganda recognizes the rights enshrined in the African Charter on Human and Peoples' Rights (ACHPR). These rights are also enshrined in our laws especially the 1995 Constitution. Uganda is also party to various international and regional human rights instruments, treaties, conventions, etc including;

1. The African Charter on The Rights and Welfare of the Child

It may be recalled that Uganda has domesticated these principles in our national laws such as the Children Act, the Penal Code Act, the Evidence Act, and the Police Act by way of example.

Early this year, Uganda submitted its report under this Charter to the ACHPR.

2. The International Convention on the Rights of the Child

Uganda's country report of 2008 on the implementation of Convention was duly submitted to the United Nations. Uganda has further shown its commitment by seconding its citizen to the UN Committee on the Rights of the Child who was subsequently elected by the UN General Assembly as Africa's representative.

² All subsequent references to "Article.." in the subtitles under this Part refer to the Articles of the African Charter (ACHPR) a

3. The Rome Statute;

The International Criminal Court Bill; in order to further implement the Rome Statute, the Government has initiated a bill which is currently before Parliament. When the bill is finally passed, it will operationalise the criminalization of war crimes and crimes against humanity.

Uganda is also in the process of conducting multi-stakeholder consultations on the establishment of a War Crimes Court to concretise the principle of complementarity in the Rome Statute. This is also in tandem with the wishes of a large section of the Ugandan population to incorporate principles of natural justice and traditional justice systems such as the *Mato put* and *Gomo Tong*.

4. Protocol to the Establishment of the African Court on Human and Peoples Rights

A Ugandan Supreme Court Judge with wide experience has been committed and appointed to the African Court in June 2008 in Sharm El Sheikh, Egypt.

5. The International Convention on Economic, Social and Cultural Rights

Uganda has nominated two Civil Society Organizations namely DENIVA and the East African Communities Organization for Management of Lake Victoria Resources (EACOMLVR) to represent Uganda in the ECOSOCC.

6. The International Convention on Civil and Political Rights (ICCPR)

Uganda's country status report was submitted to the UN and the recommendations have been worked on.

7. Convention on Elimination of all Forms of Discrimination Against Women (CEDAW)

This is discussed in detail under Article 2 on Non Discrimination.

8. International Convention on Elimination of all Forms of Discrimination Against Women Migrant Workers.

Uganda recognizes the significant contribution of these valiant women to Uganda's economy and the Ministry concerned with Gender and Labour issues has been tasked to formulate relevant labour policies and spearhead appropriate amendments to the existing laws. Consultations are on going for the need to sign and ratify this treaty.

9. Convention Against Torture (CAT)

Uganda recognizes the strong movements in support of torture victims. Uganda mobilized its citizenry in all districts to participate in the International day against torture and degrading treatment. This was to sensitize and engage the public.

In addition Uganda is currently undertaking action in response to the recommendations arising from its initial report submitted to the United Nations in 2006.

10. The Convention on the Elimination of All Forms of Racial Discrimination

This is discussed in detail herein-below under Article 2 on Non Discrimination.

ARTICLE 2: Non Discrimination

The Constitution (Chapter 4 Article 21) provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

The 2007 Uganda Gender Policy

The 2007 Gender Policy was revised by Government to achieve the following objectives;

- To reduce gender inequalities so that all women and men, girls and boys are able to move out of poverty and to achieve improved and sustainable livelihoods;
- To increase knowledge and understanding of human rights among women and men so that they can identify violations; demand, access, seek redress and enjoy their rights;
- To strengthen women's presence and capacities in decision making for their meaningful participation in administrative and political processes;
- To address gender inequalities and ensure inclusion of gender in macro-economic policy formulation, implementation, monitoring and evaluation. The results are as follows;

The number of female judges and magistrates has continued to increase. It is worth noting that in the 80's and the period before; the bench was predominantly male dominated. The number of females in the legal fraternity on the side of the bar is equally growing. The deputy chief Justice is a female and she seats on the Supreme Court. The Court of Appeal as has 3 female judges while the High court has 12 female judges. In addition a number of vital institutions are headed by female judges like Inspectorate of Government and Uganda Human Rights Commission. It is worth noting that the Deputy Speaker of Parliament who is ranked fifth in Uganda's political hierarchy is a woman and she follows in the footsteps of another luminary, Mrs. Specioza Kazibwe who became Uganda's Vice President in 1994, a first in Africa, before she retired from politics.

The table below shows the distribution of Female Judicial Officers from the posts of Chief Justice to Magistrates Grade 1.

Designation	Female	Male
Judges(Chief Justice, Deputy and Principal Judge)	1	2
Justices of the Supreme Court	0	5
Justices of the Court of Appeal	3	4
Judges of the High Court	9	32
Registrars	2	5
Deputy Registrars	2	7
Assistant Registrars	1	3
Chief Magistrates on assignment	0	2
Senior Magistrates on assignment	0	1
Magistrates Grade I on assignment	1	1

Chief Magistrates	11	18
Magistrates Grade I	40	53

Source; Office of the Registrar, Uganda High Court, 2008.

You may recall that in its last report, we told you about Uganda's Justice, Law and Order Sector (JLOS) initiative. Training on gender is embedded in the training of the Justice, Law and Order Sector JLOS institutions. For instance, in the Judiciary, there is a training program, titled Jurisprudence of Equality program. This focuses on training Judicial Officers to raise their appreciation of Gender issues and change their mind set with a view of rooting out gender biases and stereotyping. The use of strategic litigation and judicial activism has grown over the years. For example Civil Society organizations and private legal practitioners have spearheaded the placement of discriminatory laws before the Constitutional Court for interpretation. A case in point is one relating to the challenge to the provisions of the Divorce Act which required the husband in a petition for divorce to prove only one ground for adultery while requiring the wife to prove two grounds- FIDA & 5 others Vs AG. In that case, the Constitutional Court leveled the grounds for both husband and wife and clarified that the remedies available to the husband are also available for the wife.

All the codes of conduct for the JLOS institutions³ provide for and emphasize equality before the law and equal treatment for all persons that interact with the JLOS institutions.

ARTICLE 3: Equality before the law

The Constitution (Chapter 4 Article 21) provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

In conformity with the Constitution of the Republic of Uganda and the Equal Opportunities Commission Act, intensified efforts are under way to operationalise the newly established Commission. The budget for this was approved and passed by Parliament for the Financial Year 2008/09.

³ These institutions are elaborated on PG 24

The names of persons eligible for appointment as members of the Equal Opportunities Commission given the criteria in the Act, have been sent to the Minister responsible for Gender, Labour and Social Development, the parent Ministry of the Equal Opportunities Commission and are being vetted before final appointment by the President with approval of Parliament.

Job descriptions for staff members of the Commission have also been finalized by the said Ministry in conjunction with the Ministry of Public Service.

All the Codes of Conduct for the JLOS institutions e.g. the Judicial code of conduct provides and emphasizes equality before the law and equal treatment for all persons that interact with the JLOS institutions.

ARTICLE 4: Right to life and integrity of persons

The Constitution of Uganda (Chapter 4 Article 22) provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda.

We draw the attention of the esteemed Commission to the fact that the Death sentence was challenged in the case of Susan Kigula and 416 others v AG as reported to you in our earlier report and the judgment of the Supreme Court is awaited soon.

ARTICLE 5: Protection from torture, inhuman and degrading treatment and slavery

The Constitution of Uganda (Chapter 4 Article 24 and 25) provides that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment.

The Government continues to work hand in hand with the Uganda Human Rights Commission, the UPDF, the Police Force and the Prison's Services to protect the citizens from abuses of torture, inhuman and degrading treatment. It is noteworthy that one of the provisions to the proposed changes to the Police (amendment Act) renders any uniformed officer

personally liable for any acts of torture. This individual responsibility however does not take away the overall vicarious Government responsibility for acts committed by such officers.

ARTICLE 6: Right to liberty and security of person

The Constitution of Uganda (Chapter 4 Article 23) provides that no person shall be deprived of personal liberty except in any of the following cases;

- In execution of a sentence or order of court, whether established by Uganda or another country or of an international court or tribunal in respect of a criminal offence
- In execution of the order of a court made to secure the fulfillment of any obligation imposed on that person by law
- For the purpose of bringing that person before a court in execution of the order of a court or upon reasonable suspicion that the person has committed or is about to commit a criminal offence under the laws of Uganda
- The purpose of preventing the spread of an infectious or contagious disease
- In the case of a person who has not attained the age of eighteen years, for the purpose of the education or welfare of that person
- In the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol, for the purpose of the care or treatment of that person or the protection of the community
- For the purpose of preventing the unlawful entry of that person into Uganda, or for purpose of effecting the expulsion, extradition or other lawful removal of that person from Uganda.

Recently, the Constitutional Court clarified and amplified the provisions of Article 23 which relate to the right to liberty, the right to speedy and fair trial, the right to apply for bail and the constitutional limits which must be complied with where a person is on remand (Art. 23 (6) (b & c) Ref to Constitutional Petition No. 20 of 2006 FHRI vs. AG. In this case Court held, *inter alia*, that bail is not an automatic right and courts may set conditions and guidelines.

ARTICLE 7: Right to fair trial

The Constitution of Uganda (Chapter 4 Article 28) provides that in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.

In Petition No.20 of 2005 Uganda Vs Col. Rtd. Dr. Kiiza Besigye, Court held *inter alia* that an accused person must be provided with the evidence adduced against him to enable him prepare his defence adequately.

Further, the Judicial code of conduct requires judicial officers to exercise impartiality and fairness in all matters handled by them.

ARTICLE 8: Freedom of Conscience

The Constitution of Uganda (Chapter 4 Article 29) provides that every person shall have the right to freedom of speech and expression which shall include the press and other media, freedom of thought, conscience and belief, freedom of practice of any religion, freedom to assemble and demonstrate together etc

ARTICLE 9: Right to information

The Constitution of Uganda (Chapter 4 Article 41) provides that every Citizen has a right to access information of the State or any other organ or agency of the State except where the release of information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any person.

Uganda has put in place, among others, the following laws;

- The Penal Code Act
- The Access to Information Act
- The Media Act

These laws have given rise to the emergence and protection of a free and robust press, a multiplicity of television and Radio stations. To

regulate all this, a Media Council has been established based more on self than state regulation.

ARTICLE 10: Right to freedom of association

The Constitution of Uganda (Chapter 4 Article 29) provides for the right of every person to exercise freedom of thought, conscience, and belief which shall include; academic freedom in institutions of learning". It also guarantees right to freedom to practice any religion and manifest such practices which shall include: the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution.

ARTICLE 11: Right to freedom of assembly

The Constitution of Uganda (Chapter 4 Article 29) also provides for the Right of every person as applicable, to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

The Police Force has put in place new measures to ensure that there are designated areas for the public to assemble without interrupting business and related activities and in accordance with Statutory Instrument No. 35 and the Police Act. However, the Constitutional Court in the case of Muwanga Kivumbi Vs AG, Petition No. 9 of 2005 with a ruling delivered on 27th May 2008 which, inter alia, annulled subsection (2) of Section 32 of the Police Act that gave powers to the Inspector General of Police, under specified circumstances, to prohibit the convening of an assembly or forming of a procession. However, the powers of the Police to regulate assemblies and processions were saved.

ARTICLE 12: Right to freedom of movement and residence within the borders of the State

The Constitution of Uganda (Chapter 4 Article 29) provides that every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda, to enter, leave and return to Uganda and to possess a passport or other travel documents.

Under the East African Community, Uganda is in the process of negotiating the Protocol on free movement of labour, capital and right of abode and is working closely with the other partners to render the said protocol operational.

ARTICLE 13: Freedom of Participation in Governance

The Constitution of Uganda (Chapter 5 Article 59) provides that every Citizen of Uganda of eighteen years of age or above has a right to vote.

Recently, Ugandans at all levels were involved in a country self assessment in four areas of governance namely; Democratic and political governance, economic management, corporate governance and socio-economic governance. This was under the African Peer Review Mechanism and H.E. President Yoweri K. Museveni presented the findings at the Africa Peer Review Forum in Sharm El Sheikh, Egypt in July 2008. As a result of this exercise, a Programme of Action (POA) which takes into consideration the views and recommendations of the ordinary citizen has been drawn up and The President has committed the government to implement it.

ARTICLE 14: Right to property

The Constitution of Uganda (Chapter 4 Article 26) provides that every person has a right to own property either individually or in association with others" and that no person shall be compulsorily deprived of property or any interest in or right over property of any description. In a departure from the colonial laws which vested land in the Government the 1995 Constitution vests land in the citizens. This however, is subject to the right of Government to acquire land due to public interest after providing adequate compensation, payable upfront, and other considerations as may be deemed necessary such as resettlement.

ARTICLE 15: Right to work under equitable and satisfactory conditions

The Constitution of Uganda (Chapter 4 Article 40) provides that Parliament shall enact laws to;

- Provide for the right of persons to work under satisfactory, safe and healthy conditions

- Ensure equal payment for equal worker without discrimination
- Ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration for public holidays

Every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business

The employer of every woman worker shall accord her protection during pregnancy and after birth, in accordance with the law

Every worker has a right;

- to withdraw his or her labour according to law
- to form or join a trade union of his or her choice for the promotion and protection of his or her economic and social interests and
- to collective bargaining and representation

The new Gender Policy addresses technical aspects on how to render these rights active. This policy has already been highlighted on page 7.

The Employment Act No. 6 of 2006; makes provision for non discrimination in employment. In addition it prohibits sexual harassment.

The Employment Act provides for maternity leave for 60 working days (from the original 45 days) to enable female workers perform both reproductive and productive roles. It in addition provides for 4 days paternity leave to males whose wives have just delivered.

It further prohibits non discrimination on the basis of HIV status.

The National Equal Opportunities policy and law make provision for equitable conditions to all citizens in the right to work.

The Labour Union Act gives right to employees to form and join labour unions.

The Occupational Safety and Health Act makes provision for employers to put in place safe working conditions for employees.

ARTICLE 16: Right to best attainable state of physical and mental health

In the Health Sector, the major priority remains the implementation of the Uganda National Minimum Health Care Package. The top priorities that need to be emphasized in the delivery of this Package include the enhancement of Sexual and Reproductive Health and Rights with a focus on improving maternal and child health, Malaria control, Immunization, Sanitation, Community Mobilization and HIV/AIDs.

Under the National Health Policy, Government has established Health Centre IVs at every sub-district to ensure easy access to healthcare services by the people. The Health Sector Strategic Plan (HSSP) is being implemented with the relevant stakeholders.

Further, Government has put in place an HIV/AIDS National Policy. Uganda is known to have one of the best HIV/AIDS Policies World over. Uganda fully recognizes HIV/AIDS as a real and serious threat to social economic development and national security. In practice programs and activities at various levels have been guided by the Poverty Eradication Action Plan (PEAP) and the Multi-Sectoral Approach to the Control of AIDS (MACA). Uganda has developed a new HIV/AIDS strategic plan 2007/2008-2011/2012.

Under Ministry of Education and Sports there is a Presidential Initiative on Aids Strategy for Communication to the Youth (PIASCY) in schools for lower primary and post primary. It aims at increasing awareness in responsible sexuality and reproductive health and more guidelines in life skills. Also, HIV/AIDS advocacy committees have been encouraged to be established in places of work including Ministries. In addition, Government departments have developed training programs on sexual and gender based violence which directly affect the health of an individual.

I am pleased to inform you that the Domestic Violence Bill is ready for debate both by Parliament and Cabinet and that there is increased advocacy against Female Genital Mutilation.

ARTICLE 17: Right to education

The Constitution of Uganda (Chapter 4 Article 30) provides that all persons have a right to education.

The Mission Statement of the Ministry of Education of Uganda is to provide support, guide, coordinate, regulate and promote quality education and sports to all persons in Uganda for national integration, and individual and national development. It has put in place a number of interventions to raise the profile of education in order to benefit all pupils and students in the country as stipulated by the Constitution of the Republic of Uganda. It therefore aims to achieve education for all in the year 2015. This is manifested by the introduction of Universal Primary Education (UPE) in 1997 and Universal Secondary Education (USE) in 2007.

For the Financial Year 2007/08, Government provided additional resources amounting to Shs 24 billion for the recruitment of teachers, construction of classrooms in support of the Universal Secondary Education Programme for participating schools.

Further, the Government has established a comprehensive program on functional adult literacy targeting people who have never been to school or dropped out of school at primary level covering all districts in order to enhance their literacy levels.

ARTICLE 18: Rights of the family

The Constitution of Uganda (Chapter 4 Article 31) provides that men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.

It also provides that Parliament shall make appropriate laws for the protection of the rights of widows and widowers to inherit the property of their deceased spouses and to enjoy parental rights over their children.

Under the laws of Uganda;

- Marriage shall be entered into with free consent of the man and woman intending to marry.
- It is the duty of parents to care for and bring up their children.
- Children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law.

In addition, the government has established a department of culture and family affairs in the Ministry of Gender Labour and Social Affairs to address issues within the family.

Also every year on 15 May, Uganda celebrates the International day of the family to inculcate values of the family into the Ugandan population.

Further, advocacy programs on moral health are broadcast weekly on Uganda National Television

ARTICLE 19: Non domination of a people by another

The Constitution (Chapter 4 Articles 21) provides that all persons are equal before and under the law in spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law. The Equal Opportunities Commission Act 2007 also aims at provision of equal opportunities to all people without discrimination.

ARTICLE 20: Right to existence and self determination

The Constitution of Uganda (Chapter 4 Articles 22, 23,) provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of criminal offence under the laws of Uganda.

Article one of the Constitution provides that all power belongs to the people who shall express their will and consent on who shall govern them

and how they should be governed, through regular, free and fair elections of their representative or through referenda.

The Government expounded on the mechanisms used to achieve these rights in the last report.

Further, the Constitution of Uganda provides for the right of every person to exercise freedom of thought, conscience, and belief which shall include; Academic freedom in institutions of learning". It also guarantees right to freedom to practice any religion and manifest such practices which shall include: the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution.

The Constitution also provides for the right of every person as applicable, to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others. It also forbids slavery and servitude (Article 25)

ARTICLE 21: Right to dispose of wealth and natural resources

The Constitution of Uganda (Chapter 4 Article 26) provides that every person has a right to own property either individually or in association with others.

It also provides that no person shall be compulsorily deprived of property or any interest in or right over property of any description.

The Constitution of Uganda (Chapter 4 Article 27) provides that no person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property.

This right too however, is subject to the right of Government to acquire land/property due to public interest after providing adequate compensation and other considerations as may be deemed necessary

ARTICLE 22: Right to economic, social and cultural development

The Constitution of Uganda (Chapter 4 Article 40) provides that Parliament shall enact laws to;

- Provide for the right of persons to work under satisfactory, safe and healthy conditions
- Ensure equal payment for equal work without discrimination
- Ensure that every worker is accorded rest and reasonable working hours and periods of holidays with pay as well as remuneration for public holidays

Under the Ministry of Education, an optional thematic curriculum has been introduced and children from Primary 1-3 use local languages as a medium of instruction for easy learning and promotion of cultural development.

Government has launched a nationwide program '*Boona Bagagawale*' (prosperity for all) targeting increase of domestic income.

Further, support is being given to the traditional kingdoms and promotion of cultural sites and institutions. Finances are provided to them by Government under the national budget.

ARTICLE 23: Right to national and international peace and security as affirmed by the Charter of the United Nations & African Union

Uganda is a member of the Peace and Security Council of the African Union. As a member of this Council Uganda is bonded by provisions of the Articles which it has signed and ratified. Further in conformity with its continental obligations, Uganda has contributed a contingent of troops to the Eastern African Standby Brigade (EASBRIG). The latter will form part of the African Standby Force.

As a re-affirmation of its commitment to global peace and security, Uganda has been elected to the UN Peace and Security Council. In addition to this Uganda has sent contingents to AMIS and UNSMID in Sudan and AMISOM in Somalia over the reporting period.

ARTICLE 24: Right to a general satisfactory environment

The Constitution of Uganda (Chapter 4 Article 39) provides that every Ugandan has a right to a clean and healthy environment.

Uganda has a strong policy framework on environmental protection that is The National Environment Action Plan (NEAP) which lays down strategies for integrating issues of the environment into the national socio-economic development.

The NEAP provides a basis under which several sectoral policies have been developed such as; The Water policy, National Wetlands Management Policy, Wildlife Policy, Fisheries Policy and Forestry Policy.

The Ministry of Water and Environmental Management under the water and sanitation project has constructed sewage lagoons in various districts to ensure safe water supply.

The National Environmental Management Act established the National Environment Management Authority (NEMA) as the principal agency charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country.

In the years 2007/2008 NEMA has achieved the following among others;

- Provision of support supervision, mentoring, training, micro projects including raising tree planting on hill tops and slopes in 27 districts (67.5%)
- Inspection of solid wastes management in major towns in Uganda and joined efforts with URA to popularize and sensitize stakeholders on recycling and reduction of polythene materials. NEMA banned *kavera* (polythene bags) of 30 micrones and below) and levied 120% on all polythene to control its use)
- Carried out public awareness on environment management, inland water, invasive species, sustainable use and climate change and coherent implementation of biodiversity commitments on the need and importance to protect bare hills against deforestation and indiscriminate tree cutting. This has been done through programmes on Television, Radios and NEMA Newsletters.
- Government has increased funding to NEMA from 2.83 billion in financial year 2007/2008 to 5.45 billion in FY 2008/2009 to enable NEMA to carry out its activities effectively.

ARTICLE 25: States duty to educate the masses

The Constitution (Chapter 4 Article 41) provides that every Citizen has a right to access information of the State or any other organ or agency of the State except where the release of information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any person.

The Government uses the following instruments and avenues to educate the masses;

- The Electronic Media Act (Chapter 104)
- The Access to Information Act
- The Media Act
- A free and robust Press
- Television stations
- Radio stations
- The Media Council
- The Press and Journalists Act (Chapter 105)
- Uganda Broadcasting Corporation Act (2005)

In addition to the above the Government established the Human Rights Commission (Uganda Constitution (Article 51) and mandated it to do the following in respect to this right;

- To educate and encourage the public to defend the Constitution at all times against all forms of abuse and violations
- To formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people
- The Commission shall publish periodic reports on its findings and submit annual reports to Parliament on the state of human rights and freedoms in the country. NB. These are widely distributed especially to public libraries.

Further, the Government established the National Leadership Institute (NALI), Kyankwanzi, with particular emphasis on educating the local leaders.

Furthermore, Local Governments are also utilized for the following;

- The use of the school curriculum to educate the young ones on their rights and duties
- Use of Local councils in the protection of women, Children and people with disabilities

The Government also works with the following Institutions;

- Civil society organizations
- Non Governmental Organizations
- International Partners

ARTICLE 26: Courts and National Human Rights Institution

Uganda Government recognizes the independence of the courts and the rule of law. This is enshrined in the Constitution Article 128 which provides that "in the exercise of judicial power, the courts shall be independent and shall not be subject to the control or direction of any person or authority"

The Constitution of Uganda (Chapter 4 Article 50) provides for any person who claims that a fundamental or other right or freedom guaranteed under this constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation.

In addition to the courts of judicature, government has established a number of specialized courts to deal with special cases i.e Local Council Courts, industrial tribunal, human rights tribunal, Qadhis Courts (which are in the process of being fully established as explained fully in the next part). Uganda also recognizes other forms of traditional justice systems. There is a family and Children's Court

The Government established the Human Rights Commission (Uganda Constitution (Article 51) The UHRC has just celebrated 22 years of existence.

A human rights department has been established in the Uganda Peoples Defence Forces (UPDF) with the mandate to sensitize the rank and file on

human rights issues. These include the protection and promotion of fundamental and other human rights and freedoms, international conventions and United Nations Resolutions with regard to human rights (Resolution 1539 and 1612). This is the first of its kind in Africa and it needs support from all stake holders both materially and financially.

To further the human rights concerns in volatile Karamoja Region, the Director of Human Rights in UPDF has been given a special assignment to monitor, document and report any human rights violations caused by the army.

Further, Uganda has established the Amnesty Commission to deal with people who renounce rebellion for smooth re-integration into society

PART III: OTHER MEASURES THAT HAVE BEEN TAKEN BY GOVERNMENT IN IMPLEMENTING THE CHARTER

Raising awareness on human rights among its officers particularly the uniformed officers

In a bid to foster a human rights culture across the Justice Law and Order Sector, JLOS has continued to work towards raising awareness on human rights among its officers particularly the uniformed officers and improving their welfare and living conditions as well as persons in custody in various sector institutions. In enhancing human rights respect, the sector has established consultative and feedback mechanisms with the Uganda Human Rights Commission (UHRC) and Human rights and CSOs that monitor but also implement sector efforts to protect and promote human rights.

The Uganda Peoples Defence Forces (UPDF), the Uganda Police Force (UPF) as well as the Uganda Prisons Service continue to carry out training on human rights, ethics and integrity and constitutionalism. The Uganda Police Force is rolling out their human rights and complaints desks to all regions in the interest of identifying and addressing any human rights violations that may occur.

A total of 430 police staff were trained in Human rights during FY 2007/8. Human Rights Committees have been revitalized in 50% of the stations to strengthen internal accountability for human rights abuse among staff. Weekly morning staff parades are used to conduct human rights awareness programs in all prison units for both offenders and staff. A 35% reduction in human rights complaints has been recorded. A 60% increase in the number of inmates aware of their Human rights & systems for seeking redress has also been recorded.

The Judiciary continues to incorporate human rights education in its general training program which is conducted by the Judicial Studies Institute.

The Justice, Law and Order Sector comprises the following Institutions:

- Ministry of Justice & Constitutional Affairs;
- Ministry of Internal affairs;
- The Judiciary;
- Uganda Prisons Services;
- Uganda Police Force;
- Directorate of Public Prosecutions;
- Judicial Service Commission;
- Uganda Law Reform Commission;
- Ministry of Gender, Labour and Social Affairs, (Juvenile Justice);
- Ministry of Local Government (Local Council Courts);
- Uganda Registration Services Bureau;
- Uganda Human Rights Commission.

The Tax Appeals Tribunal, the Uganda Law Society and the Law Development Centre are allied institutions to the JLOS

The Justice, Law and Order Sector (JLOS)⁴ has positioned itself to provide an enabling legal and regulatory environment where business persons and majority of the poor are guided by its Strategic Investment Plan for 2006 to 2011, JLOS focuses on land, family, criminal and commercial justice reforms to facilitate growth for all.

⁴ All the information in this sub-topic was obtained from the JLOS Reports 2006-Jan 2008

The objectives are to:

- Promote Rule of Law and Due Process
- Foster a Human Rights Culture across JLOS institutions
- Enhance Access to Justice for all particularly for the poor and marginalized
- Reduce the Incidence of Crime and promote Safety of the Person and Security of Property
- Enhance JLOS contribution to economic development

Rule of Law and due process

JLOS aims to provide a predictable legal framework through law revision and reform processes where key laws have been revised, enacted or are still in the process of reform, while progressive court decisions have been made and published into law reports and made available electronically and in print . Currently, 61% of legal practitioners and 44% of the business community have access to updated laws.

Similarly, publication of law reports has ensured that 94% of lawyers including legal aid service providers have access to precedents, 64% of the public and 63% of the legal profession believes that the judiciary is independent.

The sector looks forward to the law reform processes of several prioritized bills and adopted fast tracking measures to expedite the process. This resulted into enactment of bills into law, other bills are under consideration by Parliament while other bills have been approved by Cabinet. The detail about the said laws and bills is provided here below:

Laws enacted:

The implementation of the advocacy strategy for the enforcement of laws has brought about progress in the area of law reform and four of the prioritized commercial laws are now before Parliament. The Close cooperation between Uganda Law Reform Commission and the First Parliamentary Counsel has ensured that the process of reform and drafting has been expedited.

The Penal Code (Amendment) Act 2007 and the Magistrates Courts (Amendment) Act 2007

These will address case backlog in the Judiciary and congestions in prisons because Chief magistrates now have jurisdiction to the suspects of defilement (other than aggravated defilement) who comprise over 32% of the remand population in prisons.

The Trial on Indictments (Amendment) Act 2008,

This caters for consequential amendments in view of the above enactments in respect of trials in the High Court.

The Law Revision (Fines and other Financial Amounts in Criminal Matters) Act 2008

This rationalized the fines and penalties in criminal matters. It was enacted to provide for the revision of the fines and other financial amounts prescribed in written laws relating to criminal matters in order to cater for the fall in value of the Ugandan currency over the years owing to inflation and other causes, and also to provide for a standardized ratio between the fines and related terms of imprisonment; and also to convert fines and other financial matters in criminal matters into currency points at a prescribed value.

A Statutory Instrument has also been proposed to increase the Chief magisterial areas from 27 to 39 in anticipation of a 36% increase in the case load in the magisterial existing areas against suspects of defilement who have not been committed to the High Court.

The Copy Rights and Neighbouring Rights Act 2006

This was also enacted to protect artists and composers against exploitation and piracy. The implementing Regulations have also been drafted.

The Judicature (Amendment) Act 2007

It will increase the numbers of Judges available at the Supreme and Court of Appeal.

The Securities Central Depositories Bill 2008

Bills under consideration by Parliament

Several Bills are under consideration by various Committees of Parliament.

They are as follows:

1. The Mortgage Bill,
2. the Trade Secrets Protection Bill 2007
3. The Hire Purchase Bill, 2007
(These are awaiting the 2nd reading and are before the Legal and Parliamentary Affairs Committee,)
4. The Partnership Bill, 2008,
5. The Geographical Indications Bill 2008,
6. The Contracts Bill, 2008 which was gazetted in January 2008, read in June 2008 for the 1st time in Parliament and committed to the Legal and Parliamentary Affairs Committee.
7. The Trade Marks Bill, 2008 that was gazetted in June 2008 and awaits an update of the certificate of financial implications by Ministry of Finance before being introduced before Parliament

Bills that have been approved by Cabinet:

12 Bills were approved by Cabinet and are with the UPPC for gazetting before tabling them before Parliament- These are as follows:

1. The Chattels Securities Bill, 2008,
2. The Companies Bill, 2008
3. , The Insolvency Bill, 2008,
4. The Industrial Property Bill 2008.
5. The Sale of Goods and Supply of Services Bill 2008,
6. The Electronic Transactions Bill ,2008 ,
7. The Electronic Signatures Bill, 2008
8. The Computer Misuse Bill 2008,
9. The Free Zones Bill, 2008,
10. The Capterital Markets Authority (Amendment Bill), 2008,
11. The Accountants Bill 2008 and
12. The Counterfeit Goods Bill,2008

Studies and Consultations conducted on other vital Bills and Acts:

The study on the review of the Children's Act is close to completion. -A consensus building workshop on the Domestic Violence Bill was held with MPs, Civil Society and Key Stake holders. -A Study of HIV/AIDS legislation is ongoing. The Domestic Relations Bill (DRB) was reviewed, split into 2 bills-one part providing for reform and consolidation of the law relating to civil, Christian, Hindu, Bahai and Customary marriages; the marital rights and duties there under, as well as separation and divorce by persons who have contracted any of the above mentioned marriages. The other part ,The Administration of Muslim Personal Law Bill, 2008 (AMPLB), provides for creation of Qhadi Courts in Uganda to handle issues relating to Muslim marriages, Divorce and other issues related thereto Consensus building workshops were held with members of Parliament on the DRB and the AMPLB. A workshop was held for stakeholders and judges to review the sentencing guidelines and a stake holder's workshop was also held to review the Criminal Trial Procedure. The Uganda Law Reform Commission (ULRC) participated in the review of the Land Act, and is preparing regulations under the Copyrights Bill, Companies Bill and Trade Marks Bill. ULRC also provided input into the Private members Bill on Human Trafficking.

Laws establishing JLOS Institutions:

In order to strengthen JLOS institutions to make them more effective in performing their responsibilities, key laws have also been identified for improvement. A Cabinet Information Paper was prepared and presented to Cabinet in Feb 2008 regarding the amendment of the Uganda Registration Services Bureau Act. The desired amendment is expected to facilitate the process of full devolution of the Uganda Registration Services Bureau from the Ministry of Justice & Constitutional Affairs. Draft Policy proposals and amendments to the Birth and Deaths Registration Act were also discussed during the reporting period

The Uganda Prisons Service (UPS) completed a review of the Prisons Rules and Regulations and a draft has been prepared for further technical input by the First Parliamentary Counsel. The amendment to the existing Rules and Regulations are intended to align them with the Prisons Act 2006.

Increase in access to updated laws and case precedents

The Uganda Law Reform Commission (ULRC) has published 2000 copies of the Revised Principal laws of Uganda 2001-2004 as well as 1000 copies of the Cumulative Supplement to the Laws of Uganda up to the year 2000. The ULRC has also commenced revision of the Subsidiary Laws of Uganda 2001-2004. To further enhance accessibility, the ULRC has produced compendia in specific areas to cater for more specialized needs and to provide easy access to relevant laws to meet the needs of various target groups. 500 Copies of "the Grey Book" have been produced. This publication is a compilation of civil and criminal procedural laws. For key JLOS institutions involved in the administration of justice such as the Uganda Police Force, DPP and the Judiciary. 1000 copies of the revised Constitution of the Republic of Uganda were also published.

The Tax Appeals Tribunal (TAT) produced and published 150 copies of the 2004-2006 volume of digested cases. The Law Development Centre procured a modern printing press. It is anticipated that case reports will continue to be produced by TAT, LDC and the Commercial court to provide necessary tools for the judicial and legal officers to ensure consistency and certainty in interpretation of legal provisions.

Human Rights culture in JLOS

There is a deliberate allocation of resources to activities aimed at improving human rights respect by the JLOS agencies. Acts of torture and other ill treatment, poor conditions of detention, illegal detentions and delayed trials leading to deprivation of personal liberty are given attention if and when they occur. So far, construction and renovation of detention places have improved as have the prisons. Within the same timeframe, the combination of initiatives such as community service and increased bail has reduced congestion in prisons by 11%. Further improvements will be achieved through continued partnership with human rights organizations that are able to provide feedback on where focus is required most.

Ethics and accountability in JLOS institutions enhanced

The Sector tasked the Judicial Service Commission (JSC) to spearhead the development of measures that enhance the administration of justice JSC held national workshops to discuss the draft which has been approved by

JSC. JSC will in the process produce literature in the form of posters, brochures and fliers to sensitize the public on the agreed measures.

Through its various institutions, JLOS has been able to respond to public complaints on a regular basis. During June-December 2007, the inspectorate of Courts carried out 27 inspections and 217 complaints were registered, of which 80% have been dealt with. The Uganda Law Council continues to carry out weekly sessions to hear complaints against legal professionals. To date the Law Council has concluded 59 cases brought by indigent persons, of which 6 were registered in 2007 and 53 were backlog from previous years.

JSC has installed more complaints boxes at several district headquarters and it continues to respond to complaints lodged through the complaints boxes. In the period June-December 2007, 10 cases were investigated in the districts of Jinja, Hoima and Wakiso. The JSC received 49 new cases and together with the 275 brought forward from 2006/07 had a caseload of 324 cases. Out of these, 90 cases have been disposed of while 12 are under hearing.

The JSC has also entered into an M.O.U with the Chief Administrative Officers (CAOs) of 32 districts. Through this, the JSC receives assistance from the CAOs in receiving complaints. An officer is assigned by the CAOs to help complainants write down their complaints and forward them to the JSC.

Congestion in prisons

Congestion in prisons continues to be a challenge albeit one that Government is tackling, phase by phase. For instance, construction of more prisons as well as renovation is being carried out. A total of 21 new wards were constructed at different stations namely; 3 wards at Tororo prison, 3 wards at Soroti prison, 6 wards at Masaka prison, 4 wards at Gulu prison, 4 wards at Ibuga prison and 1 ward at Luzira Women's prison. Each ward built can accommodate 70 inmates at 3.6m² approved capacities. This is expected to reduce overcrowding. The enactment and implementation of The Penal Code (Amendment) Act 2007 and the Magistrates Courts (Amendment) Act 2007 will also reduce congestion in prisons through such measures a lesser jail sentences in plea bargains

where an accused admits guilt. The sector also continues to use non custodial sentences such as Community service. In the last Financial Year, 4620 Community Service Orders were issued which saved Government from spending significant amounts of tax-payers money on offenders who would have ended up in prisons.

Improved prison welfare

The sector has laid emphasis on improving prisoner welfare in the area of feeding, clothing and medical care.

More prisoners have access to clean water, clothing and medical care with more and more health units being built for them. Further, HIV/AIDS counselors have been trained and distributed to stations throughout the country. Access to ARVs is also gradually improving

There has been an improvement in time of arrival at court by prisoners; this is attributed to improvement in transport facilities. Overall, there is a general improvement in prison sanitation and feeding of prisoners.

Improvement in living conditions of staff

In improving staff living and working conditions, the sector supported construction and renovation of staff accommodation for UPF and UPS. With special emphasis on the conflict affected areas. The UPF is in the process of constructing of two blocks at Bushenyi. Construction of 7 District Police Headquarters & Barracks in Northern Uganda i.e. Amuru, Pader, Katakwi (ASTU) Kaberamaido, Amuria, Bukedia & Amolatar has commenced. This is expected to improve access to police services in Northern Uganda and curb acts of lawlessness. Sewerage systems were rehabilitated in several Police Barracks.

Housing units were constructed for the UPS to improve on the living conditions of staff. The sewage systems at various prison barracks has been repaired/ overhauled. As far as provision of uniforms is concerned, the target is to provide each staff with 2 pairs of uniforms. As a starting point, all staff are to receive one pair each.

Access to Justice for all

JLOS aims to make available and accessible justice for all people in Uganda. The 2007 sector survey placed 74% of the public as indicating that they knew their rights. Challenges however have been identified and the revised strategy will consider the lessons learnt, good practice from other jurisdictions, current case loads and peculiar constraints at key stages of the justice system and aim to progressively reduce cases clogging the system.

De-centralizing the service of the sector institutions is still a key strategy to address the current difficulties in accessing services. Construction, equipping, retooling, recruitment and deployment of staff have been used to take services closer to the end users

Construction of courts

Construction of courts is ongoing in Moyo, Pader, Kaberamaido, Entebbe, Kisoro, Bushenyi, Pallisa, Kapchorwa with support from Netherlands Government courts will be constructed in Amuru, Amolatar and Bukedea. In addition furniture and office equipment will be provided; two vehicles will be provided for Apac and Kitgum courts. A Ministry of Justice and Constitutional Affairs Regional office was constructed in Gulu. Construction of the Ministry of Justice and Constitutional Affairs Regional office at Arua is ongoing with support from the Netherlands Government.

The Directorate of Public Prosecutions constructed offices in Kasese; Iganga and Nebbi .Construction is going on at Kitgum and Mubende. Construction at Amolator is about to commence. 2 office buildings were renovated in Jinja and Masaka. 16 offices were equipped with Photocopiers Fax machines, with Computers. Own premises have raised staff morale and also have led to a decrease in the rent expenses. 8 DPP Offices were opened in the 8 newly established districts Amolator, Budaka, Kaberemaido, Nakaseke, Yumbe, Kalangala, Katakwi, Mattuga.

With the establishment of new DPP offices in the new districts, accessibility and availability of prosecutions services particularly by the poor and marginalized will be enhanced.

Construction of a Regional Government Analytical Laboratory at Gulu and Mbale is complete while construction of the Atiak Border Post is about to commence.

Recruitment and Deployment of judges and magistrates

Regarding Staffing and Deployment, 14 judges were recruited, inducted and deployed. 17 Chief magistrates and Eight Grade 1 Magistrates were recruited to fill the existing gaps at the Judiciary. The Ministry of Justice and Constitutional Affairs Gulu regional office has also been staffed and is fully operational.

The DPP recruited, inducted and deployed 60 State Attorneys. 11 State Prosecutor promoted to State Attorneys on attainment of requisite qualifications. 7 State Attorneys have been transferred to fill up positions in the Fraud Unit. The Fraud Unit has been strengthened with the attachment of senior Attorneys and is already improving service delivery in fraud related cases.

6 Probation Officers from Sembabule, Wakiso, Yumbe, Kiboga, Palisa and Naguru are undergoing a 9 months training at the Law Development Centre. 2 officers are undergoing training at Nsamizi Institute of Social Work. The training is expected to result into improvement in quality of reports and advice given to Court, timely attendance of Court and skills transfer to other officers who are yet to undergo training.

51 Immigration Officers were recruited and deployed. Government continues to provided specialized training in various areas including protection against chemical weapons, food safety, forensic science, organic chemistry skills and laboratory management skills.

With the help of donor support, 4,000 Senior Police Commanders (SPC's) and 100 commanders were deployed at the cattle rustling corridor of Karamoja region. This helped in reducing cattle raids by 95% and in recovery of rustled animals. 2,320 SPCs from the cattle rustling region of Karamoja were also trained. In addition, Child and Family Protection Unit Officers as well as CID officers were also trained

700 warders/wardresses were recruited and are currently undergoing training. The new recruitment will put the staff to prisoner ratio at 1:5.

Twelve prisons have so far attained the recommended staff to prisoner ratio of 1:3. 90% of the process of integration of the former Local Administration Prisons into the Central Prisons has been completed

The Office of the DPP trained staff in Terrorism financing and money laundering, Drug and Human Trafficking as well as Environmental Law.

Provision of Technical support and Equipment

Regarding equipment and retooling, UPF has been provided with the necessary inputs including significant numbers Motor vehicles, Motor-Cycles and bicycles as well as boats, Anti riot equipment and assorted firefighting equipment. The vehicles were distributed to districts of the conflict affected areas. In addition sophisticated communications equipment was installed in Northern Uganda. This enhanced response to complaints and information dissemination improved in North and North Eastern Uganda.

Monitoring and evaluation of this programme is ongoing.

JLOS contribution to economic development

67% of the business community is now confident in the legal environment particularly in the Commercial justice system. Strategic interventions however are still required to improve satisfaction levels in the land Registry and foster dispute resolution in both the Commercial Court and the Tax Appeals Tribunal, and an expedited commercial law reform that has been going on.

Disposal of cases in the Judiciary- Case Backlog reduction

The sector has initiated a study to develop a strategy to address case backlog within the JLOS institutions and other institutions. At the 12th Government of Uganda/Development Partner review, case backlog was discussed at length and following these consultations, the sector undertook to develop a case backlog reduction strategy. Consultants have been engaged to review the Case Backlog Strategy Reduction Program and the chain linked initiative. Currently, JSC and the Law Council are carrying out a physical count of backlogged cases, following criteria based on the performance standards of various institutions. This physical count of cases

will provide a relatively accurate baseline to measure future reduction and to evaluate the revised strategy in future.

Other mechanisms include Alternative Dispute Resolution and special sessions. In the period of July to December 2007, a total of 23 special sessions were held by the various divisions of the High Court and 534 matters were completed out of 784. With the support from the Netherlands Government more sessions are planned specifically for Northern Uganda with a view of reducing back-log.

Increased access to Justice through Local Council Courts

The sector has continued to support the development of the Local Council Courts as useful tools for dispensing justice at the grassroots level. The Local Council Courts (Amendment) Act was passed in 2006 and JLOS has embarked on sensitizing Local Council courts officers on their roles obligations and jurisdiction. During the course of the last financial year, the Uganda Law reform Commission (ULRC) is preparing a simplified version of the Local Council Courts Act and the draft has been pre-tested in 5 regional workshops. The simplified draft will then be translated into local languages for greater access by the public.

Increased knowledge of rights and duties

JLOS continues to carry out publicity and civic education activities on behalf of the sector. Workshops have been held at a regional level in different districts. The JSC has also conducted various radio talk shows.

The citizen's handbook is under print. Copies are to be published for dissemination and a popularization campaign will be carried out.

A client Charter has been developed and disseminated for the commercial division of the High Court. Plans are under way to provide similar charters for the Supreme Court and other specialized divisions of the High Court. The draft client charter for the Ministry of Justice and Constitutional Affairs is under discussion at different internal and external workshops for all stakeholders to provide an input. The charters provide information on the services provided, the procedures to be followed and guidelines on what the public should expect from the institutions as well as information on

where to raise complaints or queries. The Judiciary now has an established public relations office and 20% of the Courts have information desks. These are to be established in all the courts and sector institutions. With support from the Netherlands specific workshops have been earmarked for Northern Uganda with a view of enhancing knowledge about JLOS, its services, where and how the services can be accessed.

PART IV CONSTITUTIONAL CASES IN UGANDA THAT HAVE IMPACTED ON HUMAN RIGHTS

Distinguished Commissioners this part highlights the most critical Constitutional cases that have impacted on Human Rights in Uganda. They are highlighted herein below:

- **Law & Advocacy in Uganda vs The Attorney General. Constitutional Petition No 13/05 & 05/06.**

The Petition was brought under Article 137(3) of the Constitution and the Constitutional Court (Petitions & References) Rules, 2005 challenging the constitutionality of S.154 of the Penal Code Act and Sections 2(n)(i) & (ii), 14, 15, 23, 26, 29, 43, 44 of the Succession Act. They alleged that the above sections are contrary to Articles 20, 21, 24, 26, 31, 33 and 44 of the Constitution and infringe fundamental human rights enshrined in international conventions that Uganda is a signatory to.

Court declared *inter alia* that:

- (i) S.154 of the Penal Code Act is inconsistent with Articles 20(1) (2) (3), 24, 31(1), 33(6) of the Constitution and is null and void.
- (ii) Sections 2(n)(i) & (ii), 14, 15, 23, 26, 29, 43, 44 of the Succession Act and Rules 1,7,8 and 9 of the Second Schedule to the same Act are inconsistent with and contravene Articles 21(1)(2)(3), 31, 33(6) of the Constitution and they are null and void.

Court found that these provisions discriminated against women in the areas of criminal adultery and succession.

Appropriate amending legislation is being prepared to implement the above Constitutional provisions.

- **Foundation for Human Rights Initiative vs The Attorney General Constitutional Petition No. 20/06**

The Petitioner sought a declaration that:

- a) Sections 14(2), 15(1), 15(2) and 16 of the Trial on Indictments Act are inconsistent with Articles 20, 23(1), 28(1) and 28(3) of the Constitution in so far as they impose restrictions, and limitations on the person's right to liberty, freedom of movement, the right to a fair and speedy trial and the presumption of innocence.⁵
- b) Sections 72(2) and 76 of the Magistrates Courts Act are inconsistent with Articles 20, 23(1), 23(6), 28(1) and 28(3) of the Constitution in so far as they exclude certain offences from the grant of bail, thereby infringing on the Constitutional right to liberty, the right to a fair and speedy trial, and the right to bail.
- c) That sections 219, 231 and 248 of the UPDF Act, which subject accused persons to lengthy periods of detention without bail, are inconsistent with Articles 20, 23(6) and 28(3) of the Constitution and as such violate the inherent rights and freedoms of the individual which are guaranteed by the Constitution.

⁵ S.16 of the Trial on Indictments Act which deals with restriction on period of pretrial remand provides that:

If an accused person has been remanded in custody before the commencement of his or her trial-

- (a) In respect of any offence punishable by death, for a continuous period exceeding four hundred and eighty days; or
- (b) In respect of any other offence, for a continuous period exceeding two hundred and forty days.

The judge before whom he or she first appears after the expiration of the relevant period shall release him or her on bail on his or her own recognizance, notwithstanding that he or she is accused of an offence referred to in section 15(1), unless-

- (c) He or she has, prior to the expiration of that period, been committed to the High Court for trial; or

The judge is satisfied that it is for the protection of the public that he or she should not be released from custody.

- d) S.25(2) of the Police Act which permits the police to detain a suspect for 7 day without being charged in a court of law is inconsistent with Article 23(4) of the Constitution and is an infringement of the right to liberty and the presumption of innocence.

Court, *inter alia* held that:

1. The content of Article 23(6) (a) confers discretion upon the court whether to grant bail or not to grant bail. Bail is not automatic. The provisions of s.14 (2) of the Trial on Indictments Act and s.75 of the Magistrates Courts Act requiring the court to set conditions and the guidelines stated there in are justified. It is therefore, relevant, unless the offence is minor to take into account, certain matters, like, the nature of accusation, antecedents of the accused person, whether he has a fixed place of abode within the court's jurisdiction. The above requirements do not in anyway infringe on the accused person's rights under Articles 20, 23, and 28. Rights, be they fundamental or not, must be enjoyed within the confines of the law. Violation of the accused person's rights does not occur simply because the accused is required to assure court that he will appear to answer charges. All that is required is to impose reasonable conditions, acceptable and demonstrably justified in a free and democratic society as provided under Article 43(2) of the Constitution. Society must be protected from lawlessness. The court must guard against absconding because; there may be a danger of interfering with the evidence and witnesses. Sections 14(2), 15(2) and 15(3) of the Trial on indictments Act are not inconsistent with Articles 20, 23(1), 23(6), 28(1) of the Constitution. S.16 of the Trial on indictments Act is null and void to the extent of its inconsistency with Article 23(6).
2. With regard to S.75 (2) of the Magistrates Courts Act, it is not correct to say, on the evidence before court, that it contravenes the provisions of Article 23(6). The accused' right to bail is not absolute. It has to be enjoyed within the confines of the law. Denial to grant bail by S.75 (2) does not contradict the accused's inherent right of innocence. On S.76, it is to be noted that it predates the 1995 Constitution. In accordance with Article 274 of the Constitution, S.76 may, be construed with modification and adaptation to bring it into

conformity with the Constitution. It would be null and void to the extent that it contravenes the Constitution.

3. S.16 of the Trial on Indictments Act contravenes Articles 23(6), 20 and 28 of the Constitution and is null and void to the extent of the inconsistency. S.76 of the Magistrates Courts Act is null and void to the extent of inconsistency with Articles 20, 23(1), 23(6), 28(1) and 28(3) of the Constitution. SS.219, 231 and 248 of the UPDF Act, which subject accused persons to lengthy periods of detention, are inconsistent with Articles 20, 23(6), 28(1) and 28(3) of the Constitution. S.25 of the Police Act is inconsistent with Articles 20, 23(4), 23(6) and 28(1) of the Constitution and as such is null and void to the extent of the inconsistency.

- **Muwanga Kivumbi Vs AG, Petition No. 9 of 2005**

The Constitutional Court delivered a ruling on 27th May 2008 which, inter alia, annulled subsection (2) of Section 32 of the Police Act that gave powers to the Inspector General of Police, under specified circumstances, to prohibit the convening of an assembly or forming of a procession. However, the powers of the Police to regulate assemblies and processions were saved.

PART IV: QUESTIONS AND CONCERNS RAISED BY THE ACHPR COMMISSIONERS

1. Question/comments raised by ACHPR

Uganda is currently involved in an internal armed conflict with different rebel groups in the country. These rebel groups are associated with the abduction of children and other human rights violations which affect marginalized groups. Among these groups, children are more at risk than adults. These conflicts jeopardize the implementation of development projects and therefore the enjoyment of all the rights enshrined in the African Charter as well as other international instruments.

Response by the Government of Uganda (GoU)

1. Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region.

Uganda signed the said Protocol on 15 December 2006 and ratified it on 31 August 2007. The main terms of this Protocol are the Member States efforts to strengthen bilateral efforts to eliminate all negative forces within the region with intent to disrupt the peace in the region. These forces are:

- The Lord's Resistance Army-LRA
- The Allied Democratic Force-ADF
- The People's Redemption Army-PRA
- The National Liberation Army of Uganda-NALU

With regard to the LRA, there are high hopes that the Juba Peace talks will materialize.

2. Juba peace talks

The Juba peace process involves talks/negotiations between the Government of Uganda and the LRA. These talks were initiated, are hosted and mediated by the Government of Southern Sudan (GOSS).

The talks begun on 14th July 2006 as part of Government of Uganda's longstanding policy of peaceful resolution of conflicts through negotiations. There are five Agenda items namely;

- (i) The Cessation of Hostilities Agreement;
- (ii) The Comprehensive solutions to the root causes of conflict Agreement;
- (iii) The Accountability and Reconciliation Agreement;
- (iv) The Final Ceasefire Agreement;
- (v) Disarmament, Demobilization and Re-integration.

Inspite of provocations by the LRA, GoU has continued to demonstrate commitment to the peace talks. So far all the five agenda items have been dealt with. The GoU is looking forward to signing the final Comprehensive Peace Agreement.

Uganda also continues to engage with the International Criminal Court (ICC) on the question of indictments of the LRA top leadership. Along with the Juba peace process, government through the Joint Monitoring Committee (JMC) is already implementing Peace, Recovery and Development Program (PRDP) in North and Eastern Uganda.

4. Issuance of amnesty to negative forces.

Since the last reporting period, the Government of Uganda has continued to issue amnesty to negative forces that voluntarily abandon rebellion. About 23,000 former combatants have benefited from the Amnesty Policy. It is expected that a big number of LRA combatants will seek amnesty and benefit from the amnesty process due to the ongoing JUBA Peace Talks. With continued support from the international community, this process will be a success

2. Question/comments raised by ACHPR

Illiteracy rate in adults is about 33.2%, as from the 2004 World Bank statistics. This can be considered as another factor impeding some people from taking up actions against human rights violations.

Response by the Government of Uganda (GoU)

Adult Literacy rate and the enjoyment of Human Rights in Uganda

The Ministry of Gender, Labour and Social Affairs (MoGLSA), is the main Government organ in Adult Literacy provision and promotes the Functional Adult Literacy (FAL) Program in Uganda.

The promotion of literacy in Uganda has been a key concern since independence in 1962. At present Adult Literacy has been identified as one of the major priorities of Government for poverty eradication. It is for this reason that it has been accessing Poverty Action Fund (PAF). Since 2000/2001 financial year, the funds for field activities are transferred from Central government to the districts as Conditional grants. This arrangement has helped the Ministry of Gender, Labour and Social Development to extend the program to the whole Country. The process of expansion is

done in a systematic, well planned and controlled manner in order to create impact.

Literacy is appreciated in Uganda and lack of it is a source of concern. The National Adult literacy Strategic Plan (NALSIP) was developed in 2002 to deal with literacy issues in the Country.

In 2006/7, the Government stated that literacy is key in helping the poor particularly through increasing access to information. The position taken in the NALSIP is that illiteracy is a major barrier to reducing and eradicating poverty. A comprehensive evaluation of the literacy program in Uganda showed that literacy serves as a strong foundation for removing gender inequalities, increasing ordinary people's entrepreneurship, enabling poor communities to act more effectively in pursuit of their development goals, improving Agricultural practices, reinforcing quality and access to primary education, enhancing family health and hygiene, increasing Civic participation and overall raising living standards.

The illiteracy rate in Uganda has reduced since 2004 from 33.2% to 31%. Adult literacy now stands at 69% as at July 2007.

Uganda has a draft policy on Adult literacy called the National Non-Formal Adult Learning Policy. This is in line with Article 30 and 189 (Schedule Six) of the Constitution of Uganda (1995) which state that all persons have a right to education. The Non Formal Adult Learning shall enhance the implementation of the PEAP for it is a vehicle for Community empowerment and participation in the social, cultural, political and economic development of the Country.

Target Groups

The Non Formal Adult Learning Program targets adults and youth of 15 years and above with special emphasis on girls and women. The program also addresses communities with special learning needs such as persons with disabilities, the elderly, pastoralists and fishing communities. It targets those who missed formal education and those who dropped out at lower levels of formal education.

3. Question/comments raised by ACHPR

Further, another factor preventing people from enjoying their rights is the cost of legal service in Uganda. Given their limited resources, ordinary Ugandans cannot afford legal services to get compensation if their rights are abused.

Response by the Government of Uganda (GoU):

Legal aid services in Uganda.

The Government of Uganda is fully committed to ensuring that ordinary citizens access and utilise legal remedies available to them irrespective of their financial status. This has been elaborated upon in the preceeding section but in particular the Governemtn wishes to highlight the following policies and mechanisms under which poor persons can **access** such rights:

A. *Pro Bono* services to indigent persons the Advocates Act (Chapter 267)

Under the S. 15 A of the Advocates Act (Chapter 267) an advocate must provide *pro bono* when required to do so by the Uganda Law Council. Failure to do so attracts prescribed fees to be paid by such advocate or he/she shall be subject to the non-renewal of his/her Practicing certificate by the said Law Council. Under the same section subsection (iii) Pro Bono services are issued for the public good to indigent persons without charge.

B. *Pro Bono* services to indigent persons under The Advocates (Legal Aid to Indigent Persons) Regulations, 2007.

Pro Bono services to indigent persons are also regulated by the Statutory Instrument, no.12 of 2007 tilted "The Advocates (Legal Aid to Indigent Persons) Regulations, 2007. It is made under section 77(1) (g) of the Advocates Act. Chapter 267

Some of the salient provisions are as follows:

S.2 Objectives

The objectives of these Regulations are:

- (a) To regulate and monitor the quality of legal aid service delivery;
- (b) To ensure that legal aid and advice are provided in a most effective and efficient manner;
- (c) To ensure that all legal aid providers operating in Uganda have basic facilities and qualified personnel required to provide legal aid in a professional and ethical manner;
- (d) To establish clear and objective criteria to be followed by legal aid providers when reviewing applications for legal aid;
- (e) To encourage the provision of legal aid throughout the Country.

With support from the Legal Aid Basket Fund, implementation of the Regulations will commence soon and legal aid service providers will be licensed, supervised and monitored by the Law Council.

C. Legal Aid scheme under the Uganda Peoples Defence Forces (UPDF)

A legal aid scheme has been established within the Chieftaincy of Legal Services in UPDF with the following duties:

- a) Giving legal advice to individual members of the UPDF
- b) Representation of indigent soldiers in civil courts
- c) Dissemination of the law
- d) Promotion and ensuring observance of Human rights standards in the land.

D. Legal aid services offered by the private Sector

- a) The Uganda Association of Women lawyers (FIDA-UGANDA): It operates country wide, but with regional offices in Arua, Mbale, Mbarara and Kampala. It targets Women.

- b) Legal Aid Center at the Law Development Centre (LDC); It operates within Kampala. Its target groups are the Juveniles. The services are offered by Bar Course students. Its target is to instill in students Alternative Dispute Resolution (ADR) skills in providing legal aid after law school.
- c) The Public Defenders Association of Uganda. It operates in Kampala and Masaka. Its target groups are prisoners and indigent suspects
- d) Christian Lawyers Fraternity. It operates countrywide with its main area of operation being the Capital city.
- e) Legal Aid Project under Uganda Law Society. It provides free legal representation to persons that cannot afford. It operates countrywide with regional offices. It targets the whole community. The LAP 2005-2010 strategic plan ensures that high quality legal aid services are provided across the country. This plan is a joint effort of LAP and stakeholders in the Justice, Law and Order sector.
- f) Platform for Labour Action: It ensures democracy and social justice for workers. It aims at promoting the labour rights of workers in both the formal and informal sectors. Its vision is to ensure that democracy and social justice are respected and enforced at all places of work in Uganda.
- g) Foundation for human Rights Initiative: also provides legal aid.
- h) Uganda Land Alliance: It has established land Rights information centres which provide land Rights information and *pro bono* legal services to the poor and marginalized groups.
- i) Para legal Advisory Services (PAS): A group of Lawyers and Human Rights activists joined efforts to start a Paralegal Advisory Services (PAS) Program in Uganda to enhance access to Justice through use of lay persons (paralegals).
- j) The Refugee Law Project; It seeks to ensure fundamental human rights for all forced migrants within Uganda. They envision a country

that treats all people within its borders with the same standards of respect and social justice. They work to see that all forced migrants living in Uganda are, as specified under national and international law, treated with the fairness and consideration accorded to fellow human beings. The RLP, through its Legal Aid and Counseling department, aims at:

- Facilitating the respect and exercise of rights
- Improving welfare of forced migrants in Uganda
- Ensuring the recognition and respect of forced migrant's rights both by Government, UN, NGO actors, as well as the society at large.

4. Question/comments raised by ACHPR

The African Commission expresses regret that its reporting guidelines have not been complied with in the preparation by Uganda of the present report. The Commission further regrets that the document submitted appears to be a copy of the report that was submitted to the Human Rights Committee (the Committee) established under article 28 of the International Covenant on Civil and Political Rights (ICCPR) and other international human rights bodies and the specific peculiarities of the African Charter have not been adequately addressed.

Response by the Government of Uganda (GoU)

The Government of Uganda notes the concern of the Commission and is studying it with a view of making the appropriate changes and interventions.

5. Question/comments raised by ACHPR

The Commission notes that Uganda is yet to ratify the African Union Protocol on the Court of Justice and the African Union convention on the elimination of mercenary in Africa.

Response by the Government of Uganda (GoU)

Consultations on this matter are ongoing and Government will provide the relevant answer at an appropriate time.

6. Question/comments raised by ACHPR

The African Commission is concerned that the HIV pandemic is still ravaging the Uganda population due to the fact that most infected people have limited resources to appropriate drugs.

Response by the Government of Uganda (GoU)

Uganda's Policy and handling of HIV/AIDS

Uganda is known to have one of the best HIV/AIDS Policies World over. Uganda fully recognizes HIV/AIDS as a real and serious threat to social economic development and national security. Efforts have been made to translate this conviction into programs and actions at various levels guided by the Poverty Eradication Action Plan (PEAP) and the Multi-Sectoral Approach to the Control of AIDS (MACA). Uganda has developed a new HIV/AIDS strategic plan 2007/2008- 2011/2012.

Uganda AIDS Commission (UAC), the central coordinating body of the AIDS response, has so far coordinated the development of three such frameworks since 1993 including the National Strategic Framework (NSF) activities (2000/1 to 2005/6) whose implementation was concluded in June 2006. The country's extensive consultation process to develop a new national plan (NSP) for 2007/8- 2011/12 hinges on evidence about the epidemic and response in the country and elsewhere in the world

Uganda's comprehensive prevention package comprises the following tenets;

- Prevent the sexual transmission of HIV/AIDS
- Prevent mother to child transmission of HIV
- Promote greater access to HIV counseling and testing while promoting principles of confidentiality and consent.

- Integrate HIV prevention, care and support services with other health care and social services.
- Integrate prevention into care and support programs for persons with HIV/AIDS (PHAs).
- Prevent and treat sexually transmitted infections
- Focus prevention on vulnerable and high risk groups including, adults, especially in marriage.
- Advocate for protection of rights of women, girls, children, PHAs, internally displaced peoples and other minority groups within existing policy and legal frameworks.
- Prepare access to and use of new technologies for HIV prevention.
- Ensure blood safety and reduce HIV transmission in the health care and other settings.

New developments to access HIV/AIDS treatment

- Uganda has licensed the pharmaceutical companies to produce and sell drugs at cheaper prices.
- We have given land to a private investor who has constructed the first factory producing ARVs in Uganda at affordable prices for Ugandans and the region.
- There is research going on at various research centres for an HIV preventive vaccine.
- There is free testing and counseling in all Government hospitals and health centres.
- Access to the drugs for treatment of HIV/AIDS, malaria and Tuberculosis has been decentralized.
- Massive sensitization is ongoing.

7. Question/comments raised by ACHPR

Conflicts in the Northern part of Uganda (Acholiland) have continued to undermine development efforts in the country.

Response by the Government of Uganda (GoU)

Peace, Recovery and Development Plan for Northern Uganda (PRDP) 2007-2010

The Government of Uganda (GoU) promotes a development agenda that has led to a reduction in poverty nationally, with visible improvement in many of the welfare indices. The number of Ugandans who are unable to meet their basic needs declined from 56% in 1992 to 38% in 2003 and further to 31% in 2006 with a simultaneous improvement in other indices relating to access to health, education, water and sanitation.

However, the welfare indices for Northern Uganda have not improved at the same pace as the rest of the country because of the prolonged conflict in the North. In response to this His Excellency the President initiated a 14 point strategy for the reconstruction of Northern Uganda; this provided the basis on which the Office of the Prime Minister was tasked to co-ordinate the development of the Peace, Recovery and Development Plan for Northern Uganda.

Rationale for the PRDP

The PRDP is a development framework put in place by government to stabilize, recover and achieve peace in the Northern and Eastern parts of the country. It is a Government mechanism through which the 'Prosperity For All Programme' will be extended into the North.

The core strategic objectives of the PRDP

These are as follows:

- Consolidation of state authority to enhance the presence of the state in the region
- Rebuilding and empowering communities to respond to demand driven initiatives for social service
- Revitalization of the economy

- Peace building and reconciliation

Tenets of the 14 points programme

The above strategic objectives will be operationalized through the following 14 points programme;

1. Elimination of the terrorists' threat to stability
2. Building of security and access roads
3. Provision of water
4. Revival and re-enhancement of education
5. Provision of emergency relief
6. Health, immunization and educational out-reach including an all-out war against HIV/AIDs
7. Farming with oxen and ploughs for food security and income generation among the poor
8. Provision of light processing facilities such as rice hurlers and maize millers
9. Enhanced micro finance for micro business for ex-Lords Resistance Army (LRA) fighters, victims of the LRA and Auxiliary Forces
10. Re-education and re-orientation of the minds and hearts of the population towards peace and development rather than war and psychosocial counseling for children and others rescued from LRA fighting ranks
11. Vocational skills training especially for young people
12. Outreach to local population
13. Promotion of industrialization in Northern Uganda by, for instance, developing the sugar industry in the districts of Gulu,

Amuru and Adjumani and biofuel industry using Government land in Maruzi and Aswa and a fruit processing factory in Arua district.

14. Hyrdro-power development at Karuma and Ayago

Achievements of the PRDP to date

These include some of the following:

- Construction of Ferry services between Amolatar and Kamuli districts
- Electircity supply to Kaberamaido, Tororo and Oyam districts
- Purchase of Hydraform Machines (for brick making)
- Support to the Northern Uganda Data Centre
- Construction of a ferry on Lake Bisina in the Teso sub-region
- Construction of Bugema - Busano road in Elgon-Sub-region
- Procurement of tractors for Acholi, Karamoja and Bunyoro su-regopms
- Road construction in Manafwa district
- Road construction in Butaleja district

Cost of PRDP:

The estimated cost of the PRDP representing investments over a three year period is \$ 606,519,297 US Dollars.

8. Question/comments raised by ACHPR

The situation of approximately 1.5 million Internally Displaced Persons (IDP) living in substandard conditions in overcrowded camps and suffering from all kinds of human rights violations is also a cause for concern.

Response by the Government of Uganda (GoU)

Government of Uganda started the disarmament process since the beginning of the re-integration process and it is an ongoing program that needs a lot of funding.

Among the many disarmament programs, Uganda launched the Karamoja Integrated Disarmament Development Program (KIDDP) on 18th of April, 2008. It is a three year development program whose purpose is to develop

and implement a comprehensive, coordinated and sustainable disarmament program that enhances peace building and development in Karamoja. KIDDP is also linked to PRDP. While PRDP provides the overall strategic framework for interventions in Northern Uganda, KIDDP takes into account the unique context of the armed conflict in Karamoja which is different from that experienced in the rest of Northern Uganda covered under PRDP. KIDDP will integrate gun collection (Disarmament) intervention with development, conflict management and peace building initiatives.

9. Question/comments raised by ACHPR

The administration of justice by military courts as it is related to the trial of civilians as well as the implementation of the 2001 Principles and Guidelines on Fair Trial and Legal Assistance in Africa is an area of concern for the Commission.

Response by the Government of Uganda (GoU)

Administration of Justice under Military Courts

The current position of the law is that persons found in unlawful possession of ammunition or equipment ordinarily being the monopoly of the Defence Forces and other classified stores as prescribed are tried in military courts. However this position has been contested and an elaborate interpretation is awaited from the Supreme Court of Uganda.

Human Rights Sensitization in the UPDF.

A human rights department has been established in the Uganda Peoples Defence Forces (UPDF) with the mandate to sensitize the rank and file on human rights issues. These include the protection and promotion of fundamental and other human rights and freedoms, international conventions and United Nations Resolutions with regard to human rights (Resolution 1539 and 1612). This is the first of its kind in Africa and it needs support from all stake holders both materially and financially.

To further the human rights concerns in volatile Karamoja Region, the Director has been given a special assignment to monitor, document and report any human rights violations caused by the army.

10. Question/comments raised by ACHPR

The Commission is concerned by the exploitation, the discrimination and the marginalization of indigenous populations.

Response by the Government of Uganda (GoU)

National Land Policy

The Government is in the process of finalizing a national policy on land and a final draft is ready.

Some of the issues contained therein are as follows:

Land is an important factor in the mediation of social, cultural and religious life in Uganda. Indeed, land distribution not only mirrors political power but also determines relations of production between social classes in the country. Indeed denial of access to land has, historically, been used as an instrument of domination over women and other power minorities. As such, access, control and management of land is an important human rights and social justice issue.

The following strategies will be put in place to ensure that equity and justice prevails in the land sector –

- (i) the imposition of land ceilings to prevent unproductive accumulation of land;
- (ii) the protection and preservation of public land resources, heritage sites and fragile ecological areas against illegal appropriation;
- (iii) the recognition and strengthening of the land rights of women, children and other minorities under regimes of property justifiable in their social contexts;
- (iv) elimination of all discriminatory laws and practices in the manner in which access, control and transmission of land rights are determined; and
- (v) The development of land banks for the periodic resettlement of the poor and marginalized groups.

- (vi) Providing land titles to minimize fraud.

Note has been taken of the fact that most of the poor in Uganda live in the rural areas or in squalid conditions in urban settlements. Of particular concern are farm and urban informal settlement dwellers, ethnic minorities (including hunter-gatherers), and internally displaced populations. These population groups occupy land on the basis of precarious and less protected land rights systems, which expose them to constant evictions, removals and displacements. This has become a major cause of poverty among these groups.

In order to ensure that the *de facto* rights of urban and rural poor and marginalized communities are protected and that they are able to live a dignified life, legislative and other measures will be put in place to;

- (i) document and protect such *de facto* occupation rights against arbitrary evictions or displacements;
- (ii) accord security for informal sector activities without compromising physical planning standards and requirements;
- (iii) mainstream informal sector activities in overall rural and urban development planning;
- (iv) provide social infrastructure to development based on limited or precarious tenancy conditions;
- (v) promote and confer legitimacy to the land use activities of the urban poor especially in relation to urban agriculture;
- (vi) defend and preserve the traditional habitats of marginalized communities and provide infrastructure for their improvements; and
- (vii) Provide special protection to widows and orphans against deprivation of land resources through distress sales and discriminatory transmissions.

Pastoral communities occupy dry lands which are harsh in terms both of climate and ecology. The land use system is, therefore, characterized by territorial expansion, transhumance and competition over grasslands,

limited woodlands and watering areas. The dry lands environment also provides habitat for many wildlife species.

More recently, global climate change has exposed dry lands to extreme vulnerability. The resulting stress often leads to conflicts and competition over these resources. This is particularly the case in the North and North-Eastern parts of Uganda.

In order to prevent further threats to pastoral resources and mitigate the severity of competition over them legislative and other measures will be put in place to –

- (i) prescribe clear principles for the ownership, control and management of pastoral lands by designated pastoral communities and institutions as common property under customary law;
- (ii) maintain an equitable balance between the use of land for pasture, agriculture, and for wildlife protection;
- (iii) establish mechanisms for flexible and negotiated cross-border access to pastoral resources among clans, lineages and communities for their mutual benefit;
- (iv) Establish efficient mechanisms for the speedy resolution of conflict over pastoral resources.

With regard to the establishing of efficient mechanisms for the speedy resolution of conflict over pastoral resources Governemtn has put in place, by way of example, the Karamoja Integrated Disarmament and Development Programme (KIDDP),

The strategic objectives of KIDDP include the following:

1. Provide and ensure adequate security for the people of Karamoja
2. Establish law and order in Karamoja
3. Support the provision and delivery of basic social services to the people of Karamoja
4. Support the development of alternative means of livelihood

5. Undertake stakeholder mobilization, sensitization and education
6. Enhance the coordination, monitoring and evaluation systems
7. Cross-cutting issues

To achieve all these Government targets outlined in the KIDDP government is working towards improving access to and utilization of all the basic factors of production, the most important being labour.

Government is making sure that conditions are put in place for the successful implementation of the KIDDP. This includes, for example continued improvement in the security situation.

It is also imperative that those sufficient resources are mobilized for pursuit of the KIDDP. This necessitates continued cooperation and support of international partners for humanitarian and recovery processes within the KIDDP framework.

Government, within the framework of the KIDDP, also intends to improve production in the region by encouraging the Karamojong to start engaging in the following areas:

- i. Farming with oxen and ploughs for food security and income generation
- ii. Introduction of light processing facilities such as rice hurlers and maize millers, milk processing
- iii. Enhanced micro-finance for micro-business, village banks (SACCOS)
- iv. Provision of vocational/skills training especially for young people

11. Question /comments raised by ACHPR

The Commission is concerned by the recent NGOs registration (Amendment) act as this may impede the work of these organizations and hinder freedom of association and expression.

Response by the Government of Uganda (GoU)

The Non Governmental Organizations Registration (Amendment) Act was passed in 2006. The Amendments made to the Act came up due to concerns on the transparency and accountability of NGOs. The objectives of the amendments were to "provide for the registration of NGOs, provide for the monitoring of NGOs and establish a Board to handle administrative and management functions in registration, monitoring, renewal, and winding up of NGOs".

The Act provides for making of Regulations by the responsible Minister to enhance oversight functions of the state under Section 33. The areas for further regulations are:

- i) manner of winding up of the organization;
- ii) duration of the permit and its form;
- iii) fees payable on renewal of permit;
- iv) Conditions and directions that may be put in the permit.

The Regulations made by the Minister under the above section shall be presented before Parliament.

The Minister has developed the draft Regulations and the process of consultation with the stakeholders is ongoing. It should be noted that concerns have already been raised by various stakeholders on the draft regulations and government is still undertaking consultations.

The concern that the NGOs Regulation (Amendment) Act will hinder freedom of association is unfounded. The freedom of association and expression are never absolute. The Amendment only regulates the enjoyment of the freedom of association and expression of NGOs. There is a great deal of evidence of abuse of the said freedom by various NGO's. It is government's responsibility to ensure law and order and at the same time to ensure that there is a legal framework for individuals who are law abiding to enjoy rights but within the law.

The Amendment Act on the contrary has given more options under which civil society organizations can be legally registered without being subject to the NGO Act.

In the amended section 2 of the Act organizations that opt to register under the Companies Act and the Trustees Incorporation Act do not have to be registered under the NGO Act.

Civil society organizations should therefore crystallize and have their objectives before registration to determine the most appropriate form of registration that is applicable and suitable to their objectives. The NGO legislation sets a higher standard of disclosure and accountability to the public. Organizations that cannot meet the basic standards should use other options of registration.

Government's concern is that there is little transparency and accountability by NGO's to the public yet they get funds on behalf of the people. It should be noted that there is no other method of making NGO's accountable to the public.

12. Question/comments raised by ACHPR

The Commission is also concerned about the existence of the death penalty in Uganda.

Response by the Government of Uganda (GoU)

This matter was responded to in the previous report, and Uganda's position remains that the death penalty be maintained. The Appeal on this matter is currently before the Supreme Court for final determination.

PART V: CHALLENGES FACED BY UGANDA IN IMPLEMENTING THE CHARTER

A: Justice Law and Order Sector (JLOS)

- 1) Increased crime and the resultant strain on human resource capacity:** The workload in the sector has increased following the increase in reported crime and the 5% growth rate of reported cases into the judiciary. The physical de-concentration of offices countrywide also requires staff to man them.

- 2) **Lengthy procurement procedures:** Delays in procuring goods and services has been experienced across the JLOS because of the Governemtn has put in place new albeit complex procedures that are still being studied and may cause some difficulty in application. This has affected timely implementation of activities since institutions have to carry forward activity implementation from one financial year to another.
- 3) **Financial constraints to the JLOS recurrent budget:** The investments under the JLOS reform program, and also those under the Poverty Eradication Action Program (PEAP) as well as the Peace Recovery and Development Program (PRDP) intended to improve JLOS presence in conflict affected areas require corresponding recurrent budgets for wages of recruited staff and officers, as well as operations. However the budget, as is the case in many African countries, is not enough to meet this challenge *vis á vis* the competing national priorities.
- 4) **Low private sector participation:** Formal and designated avenues were introduced at the Commercial Justice working group, the JLOS Coordination Committees at local level and User Committees for private sector participation where their concerns could be raised and solutions sought. However, unlike Civil Society Organizations (CSOs), private sector representatives (Private Sector Foundation) have not used these avenues to engage with the JLOS at the working group, but rather at the Commercial Court and Uganda Registration Services Bureau user Committees. This gives limited input for discussion on private at the private sectoral level.
- 5) **The challenge of growing case backlog:** Government continues to grapple with this problem although, as outlined in Part 111 of this report, it is steadily gaining some momentum in stemming the said challenge.

B Adult literacy

- 1) There is overwhelming demand for functional adult literacy in the whole country. The available resources cannot meet the ever increasing demand for adult education.
- 2) There is inadequate supply of instructional materials although Government is doing all it can to address this problem.

- 3) Reliance on voluntary literacy instructors negatively affects the implementation of the program.
- 4) There is limited access to functional literacy by persons with special learning needs due to lack of trained literacy instructors in Braille, sign language and tactile.
- 5) Lack of an effective information management system negatively affects the implementation of the program as there are no up to date reliable statistics.

C Human rights in the UPDF

The process of disseminating information about human rights is facing challenges. Funding is inadequate making it difficult to reach the targeted groups.

D Amnesty

Some sections of the international community do not support blanket amnesty to people who have committed grave human rights violations.

Another challenge to blanket amnesty such as that offered by the Uganda Government is that it is perceived by some sections of the community as rewarding impunity while ignoring the victims of the atrocities.

CONCLUSION

Distinguished Commissioners,

I thank you once again for the specific attention paid by you to the Government and the people of Uganda to help us in our service delivery of human rights policies, activities and implementation processes. I assure you that the President and his entire Cabinet will continue to work towards achieving a better standard of living for Uganda's citizenry through, *inter alia*, the continuous assessment and improvement of its human rights record.

END