



ACHPR
African Commission on
Human and Peoples' Rights

Human Rights our
Collective Responsibility

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**Consideration of reports submitted by States Parties under Article 62 of
the African Charter on Human and Peoples' Rights**

**Concluding Observations on the Combined 6th – 8th Periodic Report of
the Republic of Uganda under the African Charter on Human and
Peoples Rights and Initial Report under the Maputo Protocol (2013-2022)**

Banjul, 8 March 2024

Introduction:

1. The Republic of Uganda (Uganda) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter), since 10 May 1986. Uganda ratified the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol) on 22 July 2010.
2. In accordance with the African Charter's Article 62 and Maputo protocol's Article 26 provisions, Uganda submitted its Combined 6th to 8th Periodic Report under the African Charter on 18 May 2023, and Initial Report under the Maputo Protocol on 6 September 2023.
3. Previously, Uganda submitted its Initial Report to the African Commission on Human and Peoples' Rights (the Commission) at the latter's 27th Ordinary Session (April / May 2000). Subsequently, Uganda has since submitted its 2nd, 3rd, 4th and 5th Periodic Report (2006 - 2013), reviewed at the 56th Ordinary Session of the Commission, held in Banjul - The Gambia, from 21 April to 7 May 2015.
4. The related Concluding Observations were adopted at the 57th Ordinary Session of the Commission, held in Banjul - The Gambia, from 4 to 18 November 2015.
5. The present Report was reviewed on 28 October 2023, in the framework of the ACHPR 77th Ordinary Session, held in Arusha (The United Republic of Tanzania), from 20 October to 9 November 2023.
6. A high-level Delegation from Uganda, led by Hon. Kafuuzi Jackson Karugaba, Deputy Attorney General, Ministry of Justice and Constitutional Affairs, attended the review¹.
7. The Commission expresses its appreciations for the presentation of the Report by the high-level delegation from Uganda, and the constructive dialogue that followed the presentation.
8. During the review, the Ugandan Delegation informed that it would provide written replies to questions that were not addressed in the presentation.
9. On 30 November 2023, the Commission received a written contribution from the Embassy of Uganda in Addis Ababa.
10. The present Periodic Report highlights developments achieved by Uganda in the promotion and protection of human and peoples' rights, as well as legislative, administrative and judicial measures taken in the framework of the implementation of the African Charter provisions, for the period 2013-2022.

¹ The detailed list of delegation is attached (Annex).

11. At the normative level, the Commission notes with satisfaction the adoption by Uganda of a number of laws and amendments dealing with the promotion and protection of human rights during the period under review, in order to domesticate the ratified treaties and conventions².

12. The Commission also welcomes the recent ratification by Uganda of the Protocols to the African Charter on Human and Peoples' Rights, relating to the rights of persons with disabilities and the rights of older persons, and commends the Government of Uganda (the Government) for this positive development.

13. At the institutional level, the Commission welcomes the recent reestablishment of the National Council for Disability (NCD), as well as the achievements made in enhancing the participation of women in the highest spheres of political institutions.

14. Uganda acknowledges the existence of challenges relating to human rights promotion, *inter alia*, global warming and climate change, the Covid-19 pandemic and limited human and financial resources.

15. The present Concluding Observations provides an account of the positive aspects and the factors restricting the enjoyment of human rights in Uganda. It also highlights areas of concern identified in the Report, and from additional information provided during the review.

16. Finally, the Commission makes recommendations to Uganda on measures needed to strengthen the enjoyment of human rights, as guaranteed by the African Charter, the Maputo Protocol as well as other relevant regional and international human rights instruments.

² Inter alia : The Human Rights (Enforcement) Act 2019; The Children (Amendment) Act, 2016; The Data Protection and Privacy Act 2019; The Mental Health Act 2018; The Prevention and Prohibition of Torture Regulations 2017; The Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act, 2019; Persons with Disabilities Act 2020; and The Succession (Amendment) Act 2022.

I. General Recommendations

- Article 62 : Reporting obligations

17. The Commission welcomes the commitment of the Government towards its reporting obligations under the African Charter and the Maputo Protocol.

18. However, the Commission notes that parts “A” and “B” of the Periodic Report, respectively dealing with the African Charter and the Maputo Protocol, have been submitted separately.

19. Furthermore, Uganda did not include a part “C” to cover the Kampala Convention, ratified on 29 January 2010.

Recommendations: Uganda should:

- Continue its commitment to the submission of periodic reports and strengthen its compliance with the relevant Commission’s guidelines in this regard.
- Include a part “C” on the implementation of the Kampala Convention in its next Periodic Report.

- Ratifications

20. The Commission welcomes the recent ratification by Uganda of the Protocols to the African Charter on Human and Peoples' Rights, relating to the rights of persons with disabilities and the rights of older persons.

21. The Delegation also informed that the Government is in the process of ratifying the African Charter on Democracy Elections and Governance and the Protocol to the African Charter on Human and Peoples Rights on the Rights of Citizens to Social Protection and Social Security.

22. While commending the positive steps taken in this regard, the Commission remains concerned that some African and other relevant international human rights instruments are yet to be ratified by Uganda.

23. The Commission also notes the information provided by the Delegation, stating that Uganda has in place sufficient institutions and national mechanisms to address the concerns of the optional protocols.

Recommendations:

- The Commission reiterates its recommendation to Uganda to give a concrete expression to its intention to ratify the following instruments:
- In the African Union's framework:
 - The African Charter on Democracy, Elections and Governance;
 - The Protocol to the African Charter on Human and Peoples' Rights on the Right of Citizens to Social Protection and Social Security;
 - The Protocol on the Statute of the African Court of Justice and Human Rights;
 - The African Charter on the Values and Principles of Public Service and Administration; and
 - The Protocol to the OAU Convention on the Prevention and Combating of Terrorism.

In the United Nations' framework:

- Convention on the Reduction of Statelessness 1961;
 - The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty;
 - The Optional Protocol to the Convention against Torture;
 - The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
 - The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and
 - The Optional Protocol to the Convention on the Rights of the Child on a communications procedure.
- Uganda also should make the Declaration under Article 34(6) of the Protocol on the African Court on Human and People's Rights (Ratified on 16 February 2001), accepting the competence of the Court to receive cases submitted by NGOs with observer status before the Commission and individuals.

- **Article 1** : legislative and other measures on the domestication of the African Charter's provisions

24. The Commission notes with satisfaction the adoption of a number of laws and amendments dealing with the promotion and protection of human rights, by Uganda during the period under review, such as the Presidential Elections (Amendment) Act, the Political Parties Organizations (Amendment) Act, and the Electoral Commission (Amendment) Act of 2020³.

³ As well as: The Human Rights (Enforcement) Act 2019; The Children (Amendment) Act, 2016; The Data Protection and Privacy Act 2019; The Mental Health Act 2018; The Prevention and Prohibition of Torture Regulations 2017; the

25. The Commission also welcomes the establishment of the Inter-Ministerial Committee (IMC) which currently serves as Uganda's National Mechanism for Implementation, Reporting and Follow-up (NMIRF).

Recommendations: Uganda should:

- Continue its efforts to upgrade its legislative framework dealing with human rights and to operationalise it, in particular through fast-tracking the adoption of the Legal Aid Bill.
- Pursue its efforts to develop a National Action Plan (NAP) on Human Rights, and provide adequate resources for its implementation.
- Take specific actions to disseminate and popularise the African Charter and the Maputo Protocol.

- **Article 2: Non-discrimination**

26. The Commission takes note of the Equal Opportunities Commission (EOC) Act, No. 2 of 2007 to operationalise Articles 21 and 32 of the Constitution, which guarantee freedom from discrimination, as well as the Equal Opportunities Commission that acts as a Court and has conclusively resolved a total number of 2,372 cases relating to discrimination and marginalisation or unequal treatment of persons on the basis of age, gender, sex, race, colour, ethnic origin, tribe, birth, creed or religion, health status, etc.

Recommendations: Uganda should:

- Support the Law Reform Commission process aiming at reviewing national legislation to ensure that discriminatory practices that may emerge over time are addressed accordingly.
- Ensure an effective implementation of the National Action Plan for Persons with Albinism 2020-2025, to promote inclusion, participation, independence, equal opportunities and equal treatment, recognition and respect of diversity for people with albinism.
- Strengthen measures to combat or discourage discriminatory practices, including those rooted in customary law.

- **Article 8:** Right to Freedom of Conscience

27. The Commission takes note of cases of *Carolyn Turyatamba & 4 Ors vs Attorney General & Anor* (Constitutional Petition No. 15 of 2006) [2011] UGSC 13 (8 August 2011), and *Dimanche Sharon and others vs Makerere University* (Constitutional Cause No. 1 of 2003) [2003], dealing with freedom of conscience.

Recommendations: Uganda should:

- In light of the Constitution Article 50 provisions, ensure effective remedies in judicial and administrative proceedings, regarding freedom of conscience and the related discrimination.
- Support the Inter-Religious Council (IRCU) in order to deliver more efficiently on its mandate.

- **Article 13:** Right to Participate in Public Affairs / Government

28. The Commission takes note of the Government commitment to ratify the African Charter on Democracy, Elections and Governance, signed by Uganda on 16 December 2008.

29. The Commission also notes the information provided by the Delegation with regards to the suspension of access to the internet during the general elections of January 2021.

30. However, the Commission remains concerned about the alleged restrictions of human rights and fundamental freedoms during the electoral context.

Recommendations: during upcoming elections, Uganda should:

- Ensure the full respect for freedoms of expression, assembly, association and opinion.
- Ensure the full registration of voters, according to Article 59 of the Constitution, including marginalised and indigenous communities.
- Strengthen the role of independent organs, including the Uganda Human Rights Commission, in monitoring and assessing electoral processes.
- Give effect to the Uganda Human Rights Commission (UHRC) recommendations relating to strengthening the presence of the Electoral Commission officials as well as of candidates' agents in polling centres.

- **Article 26:** National Human Rights Institution (NHRI) and other institutions

31. The UHRC is an “A” status accredited NHRI with the Global Alliance of National Human Rights Institutions (GANHRI), a member of the Network of African National Human Rights Institutions (NANHRI), and enjoys the affiliate status of the ACHPR.

32. The Commission notes that a Commissioner from the UHRC was part of the Governmental Delegation that presented the Periodic Report under review in Arusha. However, NHRIs are supposed to be state-mandated bodies, independent of government, with a broad constitutional or legal mandate to protect and promote human rights at the national level.

33. Furthermore, the Commission regrets that the UHRC did not submit any contribution or report, in the framework of the present review, to provide an independent assessment on the implementation of the African Charter Provisions by the State Party under review.

Recommendations: Uganda should:

- Ensure the real and effective independence of the UHRC, in accordance with the Paris Principles.
- Continue strengthening the financial independence and providing adequate human and financial resources to the UHRC, to enable it to deliver effectively on its mandate.
- Ensure a better involvement of the UHRC in the monitoring and the follow-up to the regional and international human rights organs' recommendations.
- Ensure effective independence of the UHRC members by avoiding any kind of conflicts of interest, such as the involvement in political activities.

II. Civil and Political Rights

Mandate of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary killings and Enforced Disappearances in Africa

Article 4: Right to Life

34. Uganda is observing a *de facto* moratorium, since the last execution which took place in 1999, but the death penalty is still applicable and has not been abolished *de jure*.

35. The report under review informs that national legislation has been amended to restrict the death penalty to the most serious crimes.

36. The Commission takes note of the case: Attorney-General Vs Susan Kigula and 417 Others, Constitutional Appeal No.3 of 2006 which held that the mandatory death sentence was inconsistent with the Constitution of Uganda.

Recommendations: Uganda should:

- Should move from the “*de facto*” moratorium to the “*de jure*” death penalty abolition.
- Should accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and supporting the ongoing efforts towards the adoption of a Protocol to the African Charter on Human and Peoples’ Rights on the abolition of the death penalty.
- Strive to commute death sentences to life imprisonment, in line with the January 2009 ruling of the Supreme Court of Uganda in the Susan Kigula case - Constitutional Appeal 3/2006.
- Ensure appropriate investigations, prosecutions or convictions with regards to allegations of unlawful and arbitrary killings in the context of protests by opposition party supporters during the 2020–2021 election campaign.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed in February 2007 and adopt a comprehensive law on enforced disappearances.
- Disseminate and implement the Commission’s Guidelines for the Protection of All Persons from Enforced Disappearance in Africa.⁴

⁴ <https://achpr.au.int/fr/documents/2022-10-25/lignes-directrices-protection-personnes-disparitions-forcees-afrique>

Mandate of the Committee for the Prevention of Torture in Africa

- **Article 5:** Prohibition of Torture and Cruel, Inhuman and Degrading Treatment

37. The Commission notes that Article 24 of the Constitution of Uganda (the Constitution) prohibits subjecting any person to any form of torture or cruel, inhuman or degrading treatment or punishment and that Article 44 (a) thereof further makes this fundamental right non-derogable. Furthermore, Uganda adopted the Prevention and Prohibition of Torture Act (PPTA) in 2012, and the Prevention and Prohibition of Torture Regulations in 2017.

38. The Commission takes note of all measures aiming at enhancing the capacity of security agencies (Uganda Peoples' Defence Forces, Uganda Police Forces and Uganda Prisons Services) to prevent and combat acts of torture.

Recommendations: Uganda should

- Provide adequate human and financial resources to ensure an effective implementation of the PPTA, including through the dissemination of the relating Interpretive Guide developed by the HRCU.
- The Commission reiterates its recommendation to Uganda to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Enact the Witness Protection Act, to enable the public to report cases of torture and ill-treatment, to mitigate non-reporting for fear of retribution.
- Ensure effective investigations, prosecutions and convictions in case of torture.
- Consider adopting standards for providing free legal aid and redress, including compensation and rehabilitation, to victims of torture.

Mandate of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa

- **Article 3:** Right to Equality before the Law and Equal Protection of the Law
- **Article 6:** Right to Personal Liberty and Protection from Arbitrary Arrest
- **Article 7:** Right to Fair Trial

39. The Commission takes note of the Administration of the Judiciary Act, 2020, which has facilitated the increase in the number of judicial officers (Appointment of 72 High Court Judges, 394 Magistrates, and 54 Registrars).

40. The Commission also takes note of the information provided with regards to specific actions adopted for women in detention.

Recommendations: Uganda should:

- Provide in its next report disaggregated and updated statistics on the prison population, as well as the occupancy rate of prisons and detention centres in the country.
- Accelerate the process of extending the police service to rural areas, as it is notoriously lacking.
- Allow the UHRC unrestricted access to prisons and places of detention to monitor and evaluate the conditions in which detainees are held, as part of its mandate.
- Allow the UHRC to investigate cases of complaints of violations of prisoners' rights by law enforcement officials.
- Provide data in the next reports on cases brought by the competent Government bodies against law enforcement officials who have violated prisoners' rights.
- Fast-track the adoption process of the National Legal Aid Bill.
- Promote the use of non-judicial, alternative or non-custodial sentences, for minor infractions, where deprivation of liberty may be a measure of last resort.
- Improve issuance of bond and bail, in order to reduce the number of remanded persons in detention facilities and to face overcrowding in prisons.
- Ensure the full compliance with and the diffusion of the Commission's Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention (the Luanda Guidelines).
- Pay particular attention to the situation of minors in conflict with the law, taking into account regional and international instruments.

Mandate of the Special Rapporteur on Freedom of Expression and Access to Information

- **Article 9:** Right to Receive Information and Free Expression

41. The legal framework of access to information and freedom of expression in Uganda includes Article 41 of the Constitution and the Access to Information Act 2005. The Commission takes note of the Delegation's declaration affirming that the Government recognises the importance of freedom of expression as a cornerstone of a democratic society.

Recommendations: Uganda should:

- Provide in its next periodic report details on the national media landscape.
- Consider amending the Access to Information Act 2005, to ensure its conformity with the Commission's "Model Law on Access to Information"⁵
- Ensure that all restrictions on freedom of expression and access to information, take into account the principle of reasonable and justifiable limitations.
- Ensure a better protection for journalists against harassment and intimidation in particular contexts, like elections.
- Strengthen the diversity of the media landscape by encouraging the private sector to open up audiovisual media outlets.
- Ensure fair access to public subsidies for all media, including private media.
- Strengthen citizens' equitable access to the Internet, access to information and freedom of expression on the Internet.

Mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa

- **Article 10:** Right to Freedom of Association
- **Article 11:** Right to Freedom of Assembly
- **Article 13:** Right to Participate in Government

42. In Uganda, the right to peaceful assembly is enshrined in Article 21 of the Constitution. The Commission recalls the decision rendered in the Constitutional Petition No. 56 of 2013, styled Human Rights Network and others versus Attorney General, which declared Section 8 of the Public Order Management Act unconstitutional, thus affirming the fundamental right to hold public meetings without undue interference.

43. The Commission welcomes the intention of the Government to adopt a law on the protection of human rights defenders, as stated by the Delegation.

⁵ <https://achpr.au.int/en/node/873>

Recommendations: Uganda should:

- Consider switching to a declaratory system, with regards to the establishment of associations and the notification regime for public gatherings.
- Fast-track the revision of existing laws by Uganda Law Reform Commission (ULRC), in light of the 2013 decision, which declared Section 8 of the Public Order Management Act unconstitutional.
- Use the Commission's Guidelines on Freedom of Association and Assembly in Africa when amending the existing legislation or drafting new laws on these rights.
- Adopt a balanced approach between the respect of freedom of assembly and the imperative of preserving public safety.
- Ensure the dissemination and the implementation of the Commission's Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa⁶.
- Implement and popularise the Commission's Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa.
- Fast-track the adoption of a law on the protection of human rights defenders.

⁶ https://www.veritaszim.net/sites/veritas_d/files/achpr_guidelines_on_policing_assemblies_eng.pdf

III. Economic, Social and Cultural Rights

Mandate of the Working Group on Economic, Social and Cultural Rights

44. The Commission remains concerned that several questions on the implementation of economic, social and cultural rights have not been addressed by the Ugandan Delegation, including in its written replies.

Recommendations: Uganda should:

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Ensure that national ID system enables all persons, including vulnerable groups, to access public services like social protection.

- **Article 14:** Right to Property / Right to housing

45. The Commission notes that, neither the report nor the written replies did address the right to adequate housing or governmental efforts or policies in this regard.

Recommendations: Uganda should:

- Address discriminatory practices inspired by customary laws, relating to the right to property and access to land, especially for women.
- Allocate sufficient budgetary resources to implementing the right to adequate housing.

- **Article 15:** Right to Work under equitable conditions

Recommendations: Uganda should:

- Provide in its next Periodic Report statistics on Uganda's employment and unemployment rates.
- Fast-track the process of amending the Employment Act 2006 and the Employment (Domestic Workers) Regulations.
- Continue its efforts to combat child labor and forced labor.

- **Article 16:** Right to the enjoyment of the highest attainable standard of physical and mental health

46. The Commission is concerned about human resources allocated to the health sector, as reports state that the doctor-patient and nurse-patient ratios in Uganda were

approximately 1 to 25,000 and 1 to 11,000, respectively – far below the ratio of 1 to 1,000 recommended by the World Health Organization.

Recommendations: Uganda should:

- Strengthen the human resources of the health sector by increasing the number of doctors in hospitals and health facilities.
- Ensure that the financial resources allocated to the health sector in Uganda meet the Abuja Declaration's objective (a minimum of 15% of the total annual budget).
- Pursue efforts to strengthen the population's access to health facilities and increase the level of use of health services, in line with international standards.

- **Article 17:** Right to Education

47. The Commission notes that the Delegation of Uganda did not address, in its written replies, the questions on the implementation of the Right to education, raised during the review.

Recommendations: Uganda should:

- Take measure to ensure that primary education is compulsory, free and inclusive.
- Continue its efforts to ensure equal access to education for all, including the vulnerable categories, especially in remote and rural regions.
- Increase budgetary allocation to the education sector to fund expansion of infrastructural facilities and hiring of teachers.

- **Article 22:** Right to Economic, Social and Cultural Development

48. The Commission takes note of the Operation Wealth Creation (OWC) which is intended to facilitate socio-economic transformation with a focus on raising household incomes, the Presidential Initiative on Wealth and Job Creation (Emyooga) targeting to transform 68% of homesteads from subsistence to market-oriented production, as well as the Parish Development Model to improved productivity on households and enterprises at parish level.

Recommendations: Uganda should:

- The Commission reiterates its recommendation to Uganda to Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Right of Citizens to Social Protection and Social Security.
- Strengthen its efforts to reduce poverty, foster socio-economic development and combat regional development disparities.

IV. Rights of the family and vulnerable groups

- Mandate of the Working Group on Rights of Older Persons and People with ties

49. The Commission reiterates its congratulations to Uganda for having ratified recently the Protocols to the African Charter relating to persons with disabilities and older persons, and commends the Government for this positive development.

50. The Commission also welcomes the adoption of the Persons with Disabilities Act 2020, which re-establishes the National Council for Disability as the National Council for Persons with Disabilities (NCD) and provides job quotas for persons living with disabilities.

51. However, the Delegation did not address the Commission's specific questions under the rights of persons with disabilities and older persons.

Recommendations: Uganda should:

- Provide in its next Periodic Report disaggregated statistics on people with disabilities and older persons in the country.
- Take concrete measures in order to prevent incidents similar to the fire at the Salma School for the visually impaired in the village of Luga.
- Extend the Direct Income Support Program to older persons as defined by relevant international standards (Aged 60 and above).
- Ensure the full and effective implementation of policies dealing with the rights of older persons and persons with disabilities, including their dignity, wellbeing, safety and security, and protecting them from any kind of abuses.
- Pursue its efforts to combat discrimination against peoples with disabilities and the age-related discrimination.

Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrant in Africa

52. The Commission acknowledges that Uganda's refugee-hosting model is one of the most progressive in the continent and in the world.

53. Uganda hosts over 1.5 million refugees, making it the largest host country in Africa and the fourth in the world. Uganda continues to receive refugees and asylum seekers largely from South Sudan and other countries like Somalia, DRC, Eritrea, Ethiopia, Sudan and Burundi, among others.

54. However, the Periodic Report did not include a part “C” on the implementation of the Kampala Convention, bearing in mind that the process leading to the adoption of this instrument was sponsored by the Government.

55. The Commission notes that the Delegation did not address some of the specific questions under the mandate of the Special Rapporteur for Refugees, Asylum Seekers, Internally Displaced Persons, Migrants and stateless persons in Africa.

Recommendations: Uganda should:

- Pursue the implementation of the comprehensive refugee legal framework, and ensure the respect of general principles such as non-refoulement.
- Address challenges to the successfully naturalising of refugees and asylum seekers, due particularly to the broad discretionary power of the authorities in this regard.
- Include a part “C” in its next Periodic Report, dedicated to the Implementation of the Kampala Convention, in accordance with its Article 14-4.
- Provide in its next report updated information and disaggregated statistics on internally displaced persons in the country.
- Consider lifting the reservation made with respect to Article 18 paragraph 3 (d) of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Strengthen measures aiming at preventing and combating discrimination against migrants and IDPs.
- Ratify the 1961 Convention on the Reduction of Statelessness and adopt specific legislation to address issues related to statelessness and consider lifting reservation on the 1951 Refugee Convention.
- Address birth registration issues, especially for “Children Born of War”.

Mandate of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV

56. The Commission notes that the HIV prevalence in Uganda reduced by 24% (from 7.1% in 2014 to 5.5% 2022). The State Party registered a 42% reduction in HIV new infections (from 66,000 in 2015 to 37,000 in 2020). Also, new HIV infections have been reduced and to 1.3/1000 susceptible infections, which is below the national target of reducing new infections (3.5/1000 by 2021/22).

57. The Commission recognises that, in spite of its limited resources, the Government has undertaken several initiatives to mitigate the effects of HIV.

58. As in many other countries of the region, the proportion of women aged 15 to 49 living with HIV/AIDS in Uganda is higher than that of men, which may accentuate their vulnerability.

Recommendations: Uganda should:

- Redouble its efforts to implement the governmental vision, which objective is not just about defeating a virus; but also upholding human dignity and ensuring access to healthcare as a fundamental right.
- Pursue the existing efforts and adopt specific targeted measures for the most affected or vulnerable categories, such as women in the reproductive age (15 to 49 years).
- Pay particular attention to people with HIV in special contexts, such as people in Prison and Correctional institutions.
- Strengthen public campaigns to raise awareness and promote comprehensive knowledge about HIV/AIDS, particularly among adolescents and young adults and other vulnerable groups.
- Continue its efforts to address the negative effects of the stigma faced by persons living with HIV, particularly in the educational sector.

V. Collective Rights / Peoples' Rights

- Articles 19-24: Mandate of the Working Group on Extractive Industries, Environment and Human Rights Violations

59. The Commission commends Uganda for its recent efforts to strengthen the legal framework relating to extractive industries, in particular through the adoption of the National Local Content Act 2020, the National Environmental Management Act 2020, the Mining and Minerals Act 2022, the East African Crude Oil Pipeline (EACOP) (Special provisions) Act 2022.

60. The Commission notes that the Delegation did not address some of the specific questions under the mandate of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa.

Recommendations: Uganda should:

- For the next Periodic Report:
 - o Comply with the Commission's State Reporting Guidelines on Extractive Industries, Environment and Human Rights Violations.
 - o Provide detailed information on the types of natural resources that are exploited or available as well as the percentage that the extractive industries contribute to GDP in Uganda.
- Strengthen the legal framework, by enshrining the principles of: State duty to protect human rights, corporate responsibility to respect human rights, and access to remedy for victims of corporate abuses.
- Fast-track the enactment of the Social Impact Assessment and Accountability Bill.
- Operate a reasonable revenue sharing arrangement between the national government and local authorities, to ensure that local communities benefit from the extraction process revenues.
- Strengthen the legal guarantees for local communities to fully participate in all stages of the launch of operations of extractive industries.
- Ensure the full protection of the rights of indigenous communities, women, children and other vulnerable groups in the context of business / extractive corporations' activities.
- Ensure that the National Environmental Act 2019 is implemented in a way to strengthen the obligation of undertaking Environmental Impact Assessments, to provide for judicial or non-judicial remedies to address environmental issues, as well as effective compensation for those affected by the despoliation of the environment.

Mandate of the Working Group on Indigenous Populations / Communities and Minorities in Africa

61. The Commission takes note of the establishment of the national Indigenous People's Reference Committee, as well as parliamentary representation of indigenous peoples like the Ethur and the Batwa.

62. However, the esteemed delegation did not provide replies to some issues raised by the Commission through the specific questions on the mandate of the Working Group on Indigenous Populations / Communities and Minorities in Africa.

Recommendations: Uganda should:

- Provide in its next report statistics on Indigenous population and communities.
- Ensure the enforcement of the 2005 Consent judgment of the domestic Court, which recognised the Mosopisyek people as indigenous occupants of Mount Elgon, as well as the implementation of the Commission's recommendation in this regard⁷.
- Redouble its efforts to implement the National Dialogue on the Impact of Extractive Industries on Indigenous Communities recommendations (held in Kampala, Uganda on 27 and 28 November 2018).
- Ratify the ILO Convention 169 on Indigenous and Tribal Peoples of 1989.
- Pursue its measures to ensure the effective participation of all communities in decision-making bodies, including through the introduction of quotas.
- Take targeted measures to protect ancestral lands, including through the issuance of a collective title deed that can stand up in court.
- Strengthen and improve access for all communities to essential services such as education and health.

⁷ <https://achpr.au.int/index.php/en/news/press-releases/2022-10-04/urgent-call-cessation-multiple-rights-violations-benet-mosopisyek>

C- The Maputo Protocol

Mandate of the Special Rapporteur on Women Rights in Africa

63. Uganda ratified the Maputo Protocol on 22 July 2010, with reservations on Articles 14 and 21.

64. In September 2023, Uganda submitted a report on the implementation of the Maputo Protocol, while the report under the African Charter was submitted in May 2023.

65. The Commission notes with appreciation that the report of Uganda is the first State Report to be drafted in line with the Maputo Protocol Scorecard and Index (MPSI) Report Generation Guide, issued in 2022 by the African Union Women, Gender and Youth Directorate.

Recommendations: Uganda should:

- Submit its next report on the implementation of the Maputo Protocol jointly with the report under Article 62 of the African Charter (as Part B).
- Observe the Commission's guidelines on reporting under the Maputo Protocol.
- Consider lifting the reservations on Articles 14 and 21 of the Maputo Protocol.

Articles 2 and 3: Equality and Non-Discrimination

66. The Commission takes note of the detailed information provided by the Government of Uganda on the various measures to change social and cultural practices and patterns of conduct of women and men.

67. However, many specific questions raised by the Commission under this topic were not addressed by the Delegation.

Recommendations: Uganda should:

- Pursue its efforts to combat patriarchal authority and the traditional view of women that limit their ability to enjoy their rights.
- Ensure the effective protection of the women's right to land, through the implementation of the Land Act relevant provisions.
- Pursue its efforts of raising awareness on the rights of women, particularly in rural areas.

Articles 4 and 5: Violence against Women, and elimination of harmful practices

68. The Commission notes with appreciation all measures taken by the Government to prevent violence against women (including teenage, child marriages and FGM).

69. In particular, the Commission welcomes the involvement of the Department of Culture and Family, which works with 16 officially gazetted cultural institutions, to address, among other priorities, Gender Based Violence.

70. However, many specific questions raised by the Commission under this topic have not been addressed by the Delegation.

Recommendations: Uganda should

- Disseminate and implement the Commission's 2017 Guidelines on Combating Sexual Violence and its Consequences in Africa.
- Provide in its next report statistics on SGBV, issued in the framework of the National Gender Based Violence database.
- Continue its efforts to ensure the effective implementation of the legislation on SGBV, in particular with regards to the victim's protection, compensation and rehabilitation.
- Provide adequate funding for victim support units to investigate violations and offer support to victims of gender-based violence.
- Ensure that marital rape is criminalised under the national legislation.
- Pursue its efforts to eradicate SGBV in specific contexts, such as Covid-19 Pandemic, communities with high FGM prevalence or digital violence against women.

Articles 6 and 7: Marriage, Divorce, Separation and Annulment

71. The report informs that the Marriage Bill 2022 has been submitted to the Parliament for consideration. The Bill seeks to reform and consolidate the laws governing marriage, provide for the types of legal marriage, marital and property rights and duties arising from marriage, and grounds for divorce.

Recommendations: Uganda should:

- Fast-track the enactment of the Marriage and Divorce bill.
- Ensure that the judicial and non-judicial procedure that determines, in practice, the division of matrimonial property at the dissolution of marriage is not discriminatory against women.
- Disseminate and implement the Joint General Comment of the Commission and The African Committee of Experts on the Rights and Welfare of the Child on Ending Child Marriage (2017).

Article 9 - Participation in Political and Decision-Making Process

72. Uganda made many commendable achievements in enhancing the participation of women: the Vice-President, Prime Minister, and First Deputy Prime Minister are women, almost half of Cabinet positions are held by women, and the State party applies statutory quotas, such as reserved parliamentary and local assembly seats, for women, including women with disabilities.

Recommendations: Uganda should:

- Continue its efforts to improve the proportion of women at the decision-making level, in both elected and appointed positions and in the private sector positions.
- Take concrete measures taken to protect women against political violence or harassment or in election-related conflict.

Articles 10 and 11: Right to Peace and protection of women in armed conflicts

Recommendation: Uganda should:

- Ensure the implementation of the Third National Action Plan on Women Peace and Security 2020-2025, in accordance with the United Nations Security Council Resolution (UNSCR) 1325.

Articles 12 - 17 - Economic, Social and Cultural Rights

Article 12: Right to Education and training

73. The Delegation informed that the Government launched in 2021 a national campaign on prevention of teenage pregnancy and positive parenting including offering the second education to child mothers.

74. The Commission takes note of the Functional Adult Literacy Programmes and Vocational Skills Training Programmes. While commending the initiative, the Commission is concerned that among the beneficiaries, the proportion of women is drastically low compared to the proportion of men⁸.

Recommendations: Uganda should:

- Continue its efforts to strengthen the rights to education for girls in secondary and higher education, particularly in specific contexts and areas.
- Strengthen women access to Adult Literacy and Vocational Skills Training Programmes.
- Redouble its efforts to implement the national campaign on prevention of teenage pregnancy.

Article 14: Right to health

75. According to the Standards and Guidelines on Reducing Maternal Morbidity and Mortality from Unsafe Abortions issued by the Ministry of Health in 2015, unsafe abortions account for 26 percent of maternal mortality, which is a serious source of concern for the Commission.

Recommendations: Uganda should:

- Adopt the legislation envisaged in Article 22 (2) of the Constitution and other measures to encourage safe abortion, as provided for in Article 14-2 (c) of the Maputo Protocol.
- Enact a comprehensive Reproductive Health Bill to promote and protect the reproductive health rights at national and county levels.
- Strengthen its measure to address the high prevalence of HIV for women compared to men.

Articles 20-24 - Protection of Specially Protected Groups of Women

76. The Commission takes note of the detailed information provided by the Delegation on the situation and the rights of women in detention.

77. The Commission also takes note of the existing legislative and policy frameworks to ensure legal and substantive equality to special interest groups, including women with disabilities.

⁸ (3656 males and 196 females / formal education; 7407 males and 425 females / functional skills training; 4520 males and 510 females / vocational training skills and; 13871 males and 589 females / agricultural skills training).

78. However, the Commission is concerned that the Children Act does not specifically grant widows automatic legal custodianship of their children upon the death of their husbands.

Recommendations: Uganda should:

- Amend its legislation to put it in line with Article 20 (b) of the Maputo Protocol (providing for the automatic legal custodianship for widows of their children).
- Adopt measures to adequately protect the rights of widows, in line with the Maputo Protocol, especially those married under customary law and widows subject to cleansing in some rural areas.
- Consider lifting the reservation on Article 21 of the Maputo Protocol.
- Strengthen its measures to promote and protect the rights of older women and women with disabilities in the country.

Conclusio

79. The Periodic Reporting mechanism is an important component of the Commission's mandate.

80. In fact, State Parties' reports review constitute an effective tool for assessing the implementation on the ground of the human rights enshrined in the African Charter and the other relevant instruments.

81. The Commission wishes to congratulate Uganda for the submission and the review of its 6th to 8th Combined Periodic Report on the implementation of the African Charter, and the Maputo Protocol.

82. The constructive engagement with the Ugandan Delegation during the Periodic Report review was and is commendable.

83. Uganda is encouraged to continue its constructive cooperation and engagement with the Commission.

84. The Commission hopes that the present recommendations will be taken into account and implemented by the Government.

85. The Commission is pleased to attest that Uganda is now up to date with its obligations under Article 62 of the African Charter and Article 26 of Maputo Protocol.

86. In accordance with Resolution 517 on the method for calculating the time limit for the submission of periodic reports DACHP/Res.517 (LXX):

The Commission invites the Republic of Uganda to submit its next periodic report (9th) on the implementation of the provisions of the African Charter and the Maputo Protocol **in February 2026.**

ACHPR, 8 March 2024

Annexe

List of the Delegation to the review of the Republic of Uganda's 6th- 8th Periodic Report (28 October 2023)

1. Hon. Kafuuzi Jackson Karugaba, Deputy Attorney General, Ministry of Justice and Constitutional Affairs / Head of Delegation
2. Amb. Rebecca Amuge Otengo, Uganda Ambassador to Ethiopia and Djibouti / Alternate Head of Delegation
3. Amb. Eunice Kigenyi, Head International Legal and Social Affairs, Ministry of Foreign Affairs / Delegate
4. Amb. Anne Katusiime, Uganda Consulate Arusha, Consul General / Delegate
5. Mr. Erasmus Twaruhukwa, Director Legal Affairs/AIGP, Ministry of Internal Affairs / Delegate
6. Ms. Noowe Monalisa Wakomo, Director Human Rights, Ministry of Defence / Delegate
7. Colonel Deo Karikona, Director Human Rights-UPDF Uganda Peoples' Defence Force / Delegate
8. Mr Stephen Basaliza, Commissioner, Uganda Human Rights Commission / Delegate
9. Ms. Naatukunda Aliyo, Commissioner of Prisons, Uganda Prisons Service / Delegate
10. Dr. Angela Nakafeero, Commissioner Gender and Women Affairs, Ministry of Gender, Labour and Social Development / Delegate
11. Ms. Akumu Christine Okot, Principal Gender Officer Ministry of Gender, Labour and Social Development / Delegate
12. Ms. Lydia Nabiryo, Principal Social Development Officer-Rights, Ministry of Gender, Labour and Social Development / Delegate
13. Ms Christine Nabisaawa, Ministry of Justice and Constitutional Affairs / Delegate

14. Ms. Rosette Ndungutse Kuhirwa, Manager Governance and Public Sector Planning, National Planning Authority / Delegate
15. Mr. Gilbert Ainomugisha, Senior Clerk Assistant and Clerk to the Parliamentary Standing Committee on Human Rights, Parliament of Uganda / Delegate
16. Mr Osumile Jonathan, Senior Assistant Secretary, Ministry of Agriculture, Animal Industry and Fisheries / Delegate
17. Mr. Hannington Ddamulira, Policy Analyst, Ministry of Foreign Affairs / Delegate
18. Ms Safina Oduka, Uganda Embassy in Addis Ababa / Delegate