

PARLIAMENT OF UGANDA

REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE 21ST, 22ND, 23RD AND 24TH ANNUAL REPORTS OF THE UGANDA HUMAN RIGHTS COMMISSION FOR THE YEARS 2018 TO 2021

OFFICE OF THE CLERK TO PARLIAMENT
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1.0 INTRODUCTION

The Committee on Human Rights is mandated under Rule 185 of the Rules of Procedure of Parliament;

- a) to track and report on human rights concerns in every business handled by Parliament;
- b) to monitor Government compliance with national and international human rights instruments to which Uganda is a party and follow up on Government periodic reports to international human rights monitoring bodies;
- c) examine the recommendations in the Uganda Human Rights Commission reports and ensure that Government is held accountable in this regard;
- d) to inquire into any matter relating to human rights in Uganda; and
- e) carry on such other functions relating to human rights as may be assigned to it by Parliament under these Rules or any other law in force.

Article 52 (2) of the Constitution mandates the Uganda Human Rights Commission to submit to Parliament annual reports on the state of human rights in the country.

During the 7th Sitting of the 3rd Meeting of the 1st Session of the 11th Parliament held on Wednesday 9th February 2022, the 22nd and 23rd Annual Reports on the State of Human Rights and Freedoms in Uganda - 2019 and 2020 were laid before the House and referred to the Committee for consideration.

Furthermore, during the 9th sitting of the 3rd meeting of the 1st Session of the 11th Parliament held on Thursday 17th February 2022 that the 21st Annual Report of the Uganda Human Rights Commission - 2018 was laid before the House and referred to the Committee.

2.0 SCOPE

The Committee restricted itself to the annual Reports of the Uganda Human Rights Commission for the years 2018, 2019, 2020 and 2021.

The Committee considered a broad range of cross cutting and multisectoral issues on which the Uganda Human Rights Commission made recommendations.

MDAs were expected to provide progress on their implementation of the recommendations made to them by the Uganda Human Rights Commission through the aforementioned Annual Reports.

3.0 METHODOLOGY

The Committee held meetings and received memoranda from the following;

- i. Director of Public Prosecutions
- ii. Electoral Commission
- iii. Lotteries and Gaming Regulatory Board
- iv. Ministry of Agriculture, Animal Industry and Fisheries
- v. Ministry of Defence and Veteran Affairs/UPDF
- vi. Ministry of Education and Sports
- vii. Ministry of Energy and Mineral Development
- viii. Ministry of Finance, Planning and Economic Development
- ix. Ministry of Gender, Labour and Social Devt
- x. Ministry of Health
- xi. Ministry of Internal Affairs
- xii. Ministry of Justice and Constitutional Affairs
- xiii. Ministry of Lands, Housing and Urban Devt
- xiv. Ministry of Local Government
- xv. Ministry of Public Service
- xvi. Ministry of Security
- xvii. Ministry of Water and Environment
- xviii. Ministry of Works and Transport
- xix. Office of the Prime Minister
- xx. Parliamentary Commission
- xxi. The Judiciary/ Courts of Judicature
- xxii. Uganda Bureau of Statistics (UBOS)
- xxiii. Uganda Communications Commission (UCC)
- xxiv. Uganda Law Reform Commission
- xxv. Uganda National Bureau of Standards (UNBS)
- xxvi. Uganda Police Force

xxvii. Uganda Prisons Service

The Committee scrutinised the 21st, 22nd, 23rd, and 24th Annual Reports of the Uganda Human Rights Commission for the years 2018, 2019, 2020 and 2021.

The Committee also reviewed documents including the Relevant Treaties ratified by Uganda, Uganda's Reports to the United Nations Universal Periodic Review (UPR) and resolutions and declarations passed by different legislative bodies such as the Inter-Parliamentary Union and the European Parliament specifically relating to Uganda.

The Committee sent requests for responses, followed by invitation letters to meetings of the Committee; to the Ministry of Foreign Affairs and Ministry of Trade, Industry and Cooperatives but to date no response was received.

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4.0 FINDINGS AND RECOMMENDATIONS

Rt. Hon. Speaker and Hon. Members,

The Uganda Human Rights Commission is established by Article 51 of the 1995 Constitution of the Republic of Uganda, and operationalized by the Uganda Human Rights Commission Act No. 4 of 1997 as well as the Uganda Human Rights Commission Procedure Rules No. 22 of 1998. The Commission's statutory establishment coupled with its entrenchment under the Constitution guarantees the Commission's independence and also, ensures its long-term existence. The decision to establish a permanent National Human Rights Institution in our country was taken in recognition of Uganda's violent and turbulent history that had been characterized by arbitrary arrests, detention without trial, torture and brutal repression with impunity particularly on the part of security organs during both pre- and post-independence era; and this violent and turbulent situation had more devastating effects and consequences for women and children than the other people in our country.

The core functions of the Commission include among others: receiving and investigating complaints on human rights violations; inspecting detention facilities such as police, prisons, juvenile and military detention centers; monitoring the human rights situation in the country; monitoring Government's compliance with International Human Rights instruments; education, sensitization and awareness raising on human rights; as well as encouraging the public to defend the constitution which contains among other provisions, the Bill of Rights in Chapter Four.

Under Article 53 (1) of the Constitution, the UHRC also has powers of a court to summon or order a person to produce any document or record relevant to its investigation; it has powers to question any person in respect of any subject matter under its investigation, and powers to commit a person for contempt of its orders. If satisfied that there has been a human rights violation involved in the detention or restriction of any person, the Commission may order for the release of the detained or restricted person. In addition, using its quasi-judicial powers the Commission hears complaints through its Tribunal which may order for payment of compensation or any other legal remedy or redress where found necessary. To sum it all up, the Commission has jurisdiction over all the human rights enshrined in the Constitution, and those contained in the

The UHRC has five Directorates through which it executes its mandate, namely: Complaints, Investigations and Legal Services; Research, Education and Documentation; Monitoring and Inspections; Regional Services; and Finance and Administration. The Commission also has 12 regional offices located evenly across the country and specifically, in Gulu, Fort Portal, Mbarara, Soroti, Moroto, Jinja, Masaka, Arua, Hoima, Lira, Kabale and Kampala for the Central Region. In addition, there are 11 field offices which serve the public under some of the aforementioned Regional Offices.

The Headquarters of the Commission are located in Kampala Capital City. All these offices implement the mandate of the Commission of protection and promotion of human rights including the rights of children, with the Regional and Field Offices taking the services of the Commission closer to the ordinary people living far away from Kampala in the various regions of the country.

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4.1 **ELECTORAL COMMISSION**

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Electoral Commission should deliver election materials to the nearest polling station/post in time for polling stations to be set up on the eve of the elections. In urban areas, election materials should also be delivered to Divisions just as those in rural areas are delivered to Sub counties. This will go a long way in addressing the issue of congestion and commotion at Electoral Commission offices in urban Centres on the morning of elections and hence delays in opening of polls.

The Committee was informed that the Electoral Commission delivered polling materials to all polling stations on polling day during the 2021 General Elections. However due to the sensitivity of polling kits it was not possible to deliver them on the eve of the election. Moreover, most polling stations in urban areas are usually located in public roads or commercial areas which cannot be sealed off for more than one day. The Commission undertook to continue improving on its strategy of delivering polling kits to all Polling stations on polling day in a timely manner delivered.

The Committee observes that there were cases of late delivery of polling materials in urban areas within the Greater Kampala Metropolitan Area (GKMA) which raised questions, by Election Observers and Opposition Political Parties, concerning the impartiality of the Electoral Commission in the election process.

The Committee recommends that;

- i. the Electoral Commission should deliver polling materials to ALL polling stations across the country, on time,**
- ii. Government should provide sufficient security at the polling stations to ensure the safety of polling materials,**
- iii. Government should allocate additional resources to the Electoral Commission to guarantee free and fair elections,**
- iv. the Electoral Commission should deliver polling materials to the Subcounty headquarters on the eve of the elections.**

Recommendation 2: The Electoral Commission should ensure that presiding officers ascertain, preferably the day before elections, that the environment at the polling station meets the required standards; for instance, there should be no campaign posters in the vicinity of the polling stations.

The Electoral Commission informed the Committee that it emphasizes thorough check up of the polling centres, not only for campaign posters, but also to mobilize furniture on the eve of polling. Therefore, this will continue to be emphasized to the field officials during training.

The Committee takes note of the Electoral Commission's response.

The Committee recommends that the Electoral Commission should ensure that polling stations are devoid of any campaign materials, including money, that can be used for electioneering or buying votes on polling day.

Recommendation 3: The Electoral Commission should clearly mark each polling station in cases where more than one polling station is located in the same area. This would ease identification of each polling station and reduce the confusion and disorganization. Voters and other stakeholders should be given prior information in case of merged polling stations.

The Electoral Commission informed the Committee that it employs an orderly officer whose duty is to direct voters to their rightful polling stations on Polling Day. The Commission further issues voter location slips that contain details of each voter's polling station ahead of polling to guide voters to the right polling stations.

Political parties and other stakeholders are further given packing lists which indicate the number of polling stations and voters per polling station.

The Committee commends the orderly officers for the work they do on election day.

The Committee recommends that the Electoral Commission should pay more attention to the voters with special needs.

Recommendation 4: The Electoral Commission should make special arrangements to enable the vulnerable persons like the PWDs, the elderly and the ill to easily access the polling stations and effectively exercise their rights.

The Electoral Commission informed the Committee that, the Police Constable deployed at the polling station ensures that once such categories of voters arrive at the polling station, they are given priority without lining up in the queue. The Commission further strives to ensure that polling stations are located on fairly even grounds that are easy to access.

The Committee takes note of the response by the Electoral Commission.

The Committee recommends that the Electoral Commission should enhance the capacity of orderly officers to support the police constables in ensuring that vulnerable persons are helped to access polling stations.

Recommendation 5: The District Registrars should act professionally and avoid bowing to undue political pressures.

The Electoral Commission informed the Committee that it trains all its staff to always execute their work in accordance with the Commission mission, being, to organize and conduct free and fair elections and referenda professionally, impartially and efficiently. The Commission also handles all complaints raised by stakeholders on the conduct of its staff in a timely manner.

Additionally, the Electoral Commission Act CAP 140 S30 (7) states that where in any election petition, Court finds the Commission to have committed an election irregularity or illegal practice and awards compensation to the successful party, a Returning Officer is found to be personally liable for that election irregularity or illegal practice and pays a portion of the compensation, as may be determined by Court. The Commission will continue to sensitize its staff about these legal obligations.

The Committee recommends that the Electoral Commission should enhance its handling of complaints raised by stakeholders to improve its public image and restore confidence in the democratic process.



Recommendation 6: The Electoral Commission should organise elections for PWDs at the regional level to minimize the inconvenience of voters with disabilities travelling all the way from their districts to Kampala.

The Electoral Commission's position on the recommendation for the Amendment of S.8(h) of the Parliamentary Act, 2005 (as amended) in respect of elections of representatives of persons with disabilities to Parliament - Uganda Human Rights Commission Report (2018-2021) is as follows;

The supreme law as stated in Article 78(1) (c) of the Constitution of the Republic of Uganda is to the effect that Parliament shall consist of such numbers of representatives of Persons with Disabilities.

As required by the above stated Article, Section 8 of the Parliamentary Elections Act, 2005 (as amended) provides for district or city women representatives and special interest groups and states that there shall be representatives of special interest groups in parliament, and that for Persons with Disabilities (PWDs), there shall be five representatives, at least one of whom shall be a woman.

The representatives of Persons with Disabilities in Parliament shall be elected in accordance with the Persons with Disabilities Act, 2020 as expressly stated in Section 8H of the Parliamentary Elections Act, 2005.

The recommendations contained in the Uganda Human Rights Commission (UHRC) Annual Reports for 2018-2020 propose that elections for PWDs be organized in such a way that regional Members of Parliament are voted for by members of the Electoral College from that particular region. Further, these elections be held at regional level to minimize the inconvenience of voters with disabilities travelling all the way from their districts to Kampala or any other appointed venue. The current position of the law regulating the PWD elections, provides that the Electoral College shall consist of five persons with disability, executive committee members from each district of Uganda.

The said persons convene in one delegates' conference in a chosen venue by Electoral Commission and the electoral process is conducted, supervised and results declared in that one venue by the Returning Officer appointed by the Commission.

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This reduces on the cost of conducting the elections in four regional venues that is; North, East, West, Central and a fifth member elected from a national conference to make a total of five Members of Parliament.

However, this is an inconvenience for the PWDs travelling from all over the country. The recommendation by the UHRC intends to remedy this above-mentioned inconvenience given the disability condition that the candidates suffer from. The Electoral Commission position intends to balance the two interests as follows;

- (a) Firstly, ensuring the election is conducted with utmost effectiveness of costs by the Commission; and
- (b) Secondly, it is important to factor in the effectiveness and the benefit of the end- user of the law, i.e. it is convenient for the candidates to converge in their respective regions to elect their PWD Representatives without exerting upon them the distance and cost of paying the support staff (their guide persons) they usually move along with.

The Committee recommends that Section 8(h) of the Parliamentary Elections-Act, 2005- (as amended) should be amended to accommodate the Delegates _Conferences of PWD elections in the four (4) traditional regions and one National Conference for the 5th PWD Member of Parliament for a more cost-effective process.

Recommendation 7: Electoral Commission should adequately train election officials on the basic requirements, procedures and standards for conducting the elections as well as the use of the equipment, particularly the Biometric Voter Verification System kit in addition to adequately equipping them including for harsh weather

The Electoral Commission informed the Committee that it has the following Strategies for improving the training of Biometric Voter Verification Kit (BVVK) operators.

- a) Increasing the number of trainers such that the ratio of trainers to trainees is 1:40.
- b) Increasing the number of Biometric Voter Verification Kits for training,
- c) Reducing the number of trainees per training kit to 2 during General Elections and 1 during By-Elections.

- d) Increasing the number of days for training from one to three days for the General Elections. The first day will be for training and the next two days for hands-on practice and rehearsals.
- e) The training will include the technical operation; safety and security of the kits.

The Committee recommends that the Government should support the Electoral Commission to implement the laid down training strategy.

Recommendation 8: Review the maximum number of voters to be handled at each polling station to avoid imbalances in the workload and congestion at some of the polling stations

The Electoral Commission informed the Committee that the maximum number of voters at a Polling Station was set at 1,200 voters per Polling Station in Kampala, Wakiso & Mukono due to the heavy populations and levels of development in these areas and 800 voters per Polling Station for the rest of the Country. For the previous elections i.e., the 2015/2016 General Elections and the 2020/2021 General Elections, this threshold was considered and reorganization of Polling Stations was carried out prior to the elections basing on these numbers.

The Commission will continue to review this threshold to maintain manageable numbers of voters subject to the availability of funds.

The Committee recommends that the Electoral Commission should continuously keep track of polling station and population statistics to ensure that to avoid congestion at polling stations.

Recommendation 9: The Electoral Commission should organize general elections starting with the lower local government elections upwards and end with the presidential and parliamentary elections in order to sustain the voters' interest in all levels of elections.

The Electoral Commission informed the Committee that, timelines within which to conduct the general elections are governed by Article 61(2) of the Constitution. All the different category of elections are to be conducted within the first thirty days of the last term of the President, Parliament or local government councils, as the case may be.

The Commission in its operations prioritizes the Presidential Elections over the rest of the elective offices given the optimum number of votes required before a

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declaration under Article 103 (4) of the Constitution. A declaration of a winner cannot be made unless the number of votes cast in favour of the said candidate at the election is more than 50 percent of valid votes cast.

In terms of timing for the election, the presidential election is conducted first to give the Commission, in its operations, time to comply with Article 103 (5) on a re-run which ought to be conducted within 30 days, taking into consideration procurement of election materials, printing of election materials, etc. Time is of essence in complying with the constitutionally prescribed timelines for this election.

Progressively, the rest of the elective offices are managed accordingly given that a Declaration of winners in these elections is based on the simple majority of votes (obtained). Further, whereas under Article 61 (3) of the Constitution, the Commission is required to hold general parliamentary and local government council elections on the same day, save when impracticable to do so, the impracticable challenges here include the logistical concerns, management by election officials and voter fatigue associated with casting of up to 12 votes (elective offices involved) in one day.

The Commission is of the view that the voters' interest in all levels of elections can be sustained and addressed through continuous voter education and a dedicated effort on civic education on elections in the country.

The Committee recommends that;

- i. the timelines within which to conduct the general elections as provided for by Article 61(2) of the Constitution should be maintained,***
- ii. Government should facilitate the Electoral Commission to hold all pending elections at the local government level to cover political leadership gaps.***

Recommendation 10: Conduct adequate voter education and sensitize the voters on the relevance of the Local Government elections to address the tendency of low turn up for the local council elections as well as the loss of interest in the electoral processes after the presidential and parliamentary elections.

a) The Electoral Commission is mandated under Article 61 (g) of the Constitution of the Republic of Uganda 1995 (as amended) to formulate and implement voter education programs related to elections. The Commission is

also empowered under Section 12(1) (g) and (i) of The Electoral Commission's Act Cap 140, to promote and regulate voter education to the citizens of Uganda on the purpose and voting procedures of any elections, including where practicable, use of sign language.

b) The conduct of voter education is aimed at improving stakeholders' sensitization, creating awareness and mobilizing the electorate in order to enhance participation in electoral activities.

c) Voter Education is conducted before the commencement of every electoral activity namely; update, display, nominations, campaigns and polling, using some of the following approaches: -

- i. Outreaches to Educational Institutions.
- ii. Regular meetings with Key Stakeholders.
- iii. Outreaches to targeted groups such as Civil Servants, Business Community,
- iv. Committees of Special Interest Groups, Cultural and Religious Leaders.

The Electoral Commission will continue to engage Government for more funding to intensify Voter Education.

The Committee recommends that Government should avail funding for the Electoral Commission to conduct adequate voter education and sensitize the voters on the tenets of democracy and good governance.

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4.2 UGANDA LAW REFORM COMMISSION 2018 - 2020

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1. The Uganda Law Reform Commission should review the Public Order Management Act, 2013 to bring it in line with human rights standards.

The Uganda Law Reform Commission informed the Committee that the Constitutional Court in the case of Human Rights Network Uganda & 4 others vs Attorney General (Constitutional Petition No. 56 of 2013), had declared section 8 of the Public Order Management Act (POM Act) unconstitutional on account of its contravention of Article 29 of the Constitution of the Republic of Uganda. Article 29 protects the freedom of conscience, expression, movement, religion, assembly and association.

As the Commission prepares to undertake a review of the Public Order Management Act, 2013, the provisions of the law that were declared unconstitutional have been omitted from the statute book, during the exercise of revision of the laws.

The Committee recommends that the Uganda Law Reform Commission should expedite the process of reviewing the Public Order Management Act, 2013 as well as a comprehensive review of the Penal Code Act.

Recommendation 2. The Uganda Law Reform Commission and the Ministry of Justice and Constitutional Affairs should review the Civil Procedure Rules and the Magistrates Court Act to prohibit detention of civil debtors.

The Uganda Law Reform Commission did undertake a study in 2005- 2006 in relation to committal to prison of civil debtors. The overall objective of the study was to assess the law governing committal to prison of judgment-debtors and to explore alternatives for enforcement of judgment debts in Uganda.

The specific objectives of the study were to:-

- a) examine the law on imprisonment of judgment debtors as a mode of enforcement of judgments;

- b) solicit the views of stakeholders on the relevance of the use of imprisonment as a mode of execution of judgment; and
- c) explore alternatives to imprisonment for debtors. The study established that imprisonment of civil debtors is a preferred mode of execution of a judgement. The study findings however indicated mixed opinions towards imprisonment of civil debtors.

Respondents against imprisonment of civil debtors argued that the mode of execution is inhuman, as it stigmatises debtors and is costly for the judgement creditor who must pay upkeep for the debtor while in prison.

At the conclusion of the study, it was agreed that: -

- a) Imprisonment of a civil debtor should be applied as a last resort after other modes of execution have been explored.
- b) The courts should, before committing a debtor to imprisonment satisfy itself that the judgement debtor has deliberately refused or neglected to pay the debt.

The committee recommends that the Civil Procedure Rules and the Magistrates Court Act should be amended to take into account that civil debt isn't a criminal matter but a civil matter and to prohibit detention of civil debtors.

Recommendation 3: The Uganda Law Reform Commission should consider reviewing the Universities and Tertiary Institutions Act, 2001, especially in respect to the University Council Provisions.

The Law Reform Commission appealed to the Committee that it would appreciate further guidance on this issue with the provisions on the University Council in the Universities and Tertiary Institutions Act, 2001.

The Committee recommends that the UHRC should provide detailed recommendations on the Universities and Tertiary Institutions Act, 2001, especially in respect to the University Council Provisions to inform The Uganda Law Reform Commission to make the necessary reviews.

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Recommendation 4: The Uganda Law Reform Commission should initiate and champion efforts towards revising provisions of the Uganda People's Defence Forces Act, No. 7 of 2005 that permits trial of civilians before military courts.

The Uganda Law Reform Commission noted the concerns and recommendations raised by Uganda Human Rights Commission in relation to the Uganda People's Defence Forces Act, No. 7 of 2005 and specifically the issue of trial of civilians before military courts.'

The Commission further notes that the Constitutional Court in the case of *Kabaziguruka v Attorney General* ruled that military courts should not try civilians. The Government has however appealed against the above ruling, and the Commission awaits the decision of the appellate court to guide the process of reform or revision of the law.

The Committee notes the following:

The trial of civilians before military tribunals is in violation of the principles of international human rights law. Uganda is state party to several regional and international human rights regimes which guarantees to every person the right to be a fair hearing. This is extensively re-iterated in the 1995 constitution. Further, the right to a fair hearing is a norm of customary international law from which no derogations can be made.

In 2009, the Supreme Court ruled that military prosecutions of civilians are unlawful and unconstitutional, and established the illegal nature of Section 119 (g) and (h) of the UPDF Act.¹ The African Commission on Human and People's rights² too and at its 22nd extraordinary session from 29th July to 7th August 2017, delivered a landmark ruling on Communication 339.07: *Patrick Okiring and Samson Agupio Vs the Republic of Uganda*. The said communication was initiated by Human Rights Network Uganda (HURINET) and ISIS -WICCE in 2007, and included: ³

¹ <https://chapterfouruganda.org/articles/2021/03/17/uganda-joint-civil-society-statement-enforced-disappearances> accessed on 15th April 2021

² It is a quasi-judicial body whose decisions are understood not to be binding on state parties though due to the concept of State Sovereignty.

1.0 ³ Uganda under Museveni: Trial of civilians in military courts violates human rights By Mohammed Ndifuna dated 23rd February 2021 can be accessed on [https://www.dailymaverick.co.za/article/2021-02-23-uganda-under-museveni-trial-of-civilians-in-](https://www.dailymaverick.co.za/article/2021-02-23-uganda-under-museveni-trial-of-civilians-in-military-courts-violates-human-rights/)

[military-courts-violates-human-rights/](https://www.dailymaverick.co.za/article/2021-02-23-uganda-under-museveni-trial-of-civilians-in-military-courts-violates-human-rights/) accessed on 15th April 2021


- a. Those 14 persons, including Patrick Okiring and Samson Agupio, had been charged with treason and concealment of treason and accordingly committed before the High Court of Uganda in Case No. 95 of 2005;
- b. On 16 November 2005, the 14 were granted bail by the High Court, the military cordoned off the court premises, stormed the High Court and forcefully returned the bailed suspects, including Patrick Okiring and Samson Agupio, back to Luzira Maximum Prison;
- c. On 17 November 2005, the accused were charged with offences of terrorism, and in the alternative being in unlawful possession of firearms in the General Court Martial;

The ACHPR, in its ruling, found violations of the Charter under right to personal liberty and protection from arbitrary arrests⁴, right to fair trial⁵ and the duty to guarantee independence of courts⁶. The ACHPR directed the Government of Uganda to do the following:

- 1) To pay adequate compensation to the Victims for the violations of Article 6, Article 7(1) (b), (c), (d) and Article 26 of the Charter. That in assessing the manner and mode of payment of compensation, the Government of Uganda shall be guided by international norms and practices relating to payment of compensatory damages
- 2) To ensure that the provisions of the Uganda Peoples' Defense Forces Act No. 7 of 2005, through which the Victims who are civilians were charged in the General Court Martial, is revised to prohibit the trial of civilians before military courts.
- 3) Requested the Government of Uganda to inform the Commission within one hundred and eighty (180) days the measures taken to implement the decision in accordance with Rule 112 (2) of the Rules of Procedure of the Commission.

The Committee recommends that the Uganda People's Defence Forces should stop trying Civilians before the Court Martial. The Uganda Law Reform Commission should initiate and champion efforts towards revising provisions of the Uganda People's Defence Forces Act, No. 7 of 2005 on this matter.

⁴ Article 6
⁵ Article 7
⁶ Article 26



Recommendation 5: Parliament, the Uganda Law Reform Commission and the Ministry of Gender, Labour and Social Development should expeditiously enact the Rights of Older Persons Bill.

The Law Reform Commission informed the Committee that the Government was in the process of tracking the enactment of the Rights of Older Persons Bill, 2021. This Bill has however been affected by the rationalisation process, since the National Council for Older Persons is one of the Councils that is subject to the proposed Cabinet decision on rationalisation of Government agencies.

The Committee recommends that Government should expeditiously Table the Rights of Older Persons Bill to ensure that the needs and rights of the older person are adhered to in accordance with the laws of the Land.

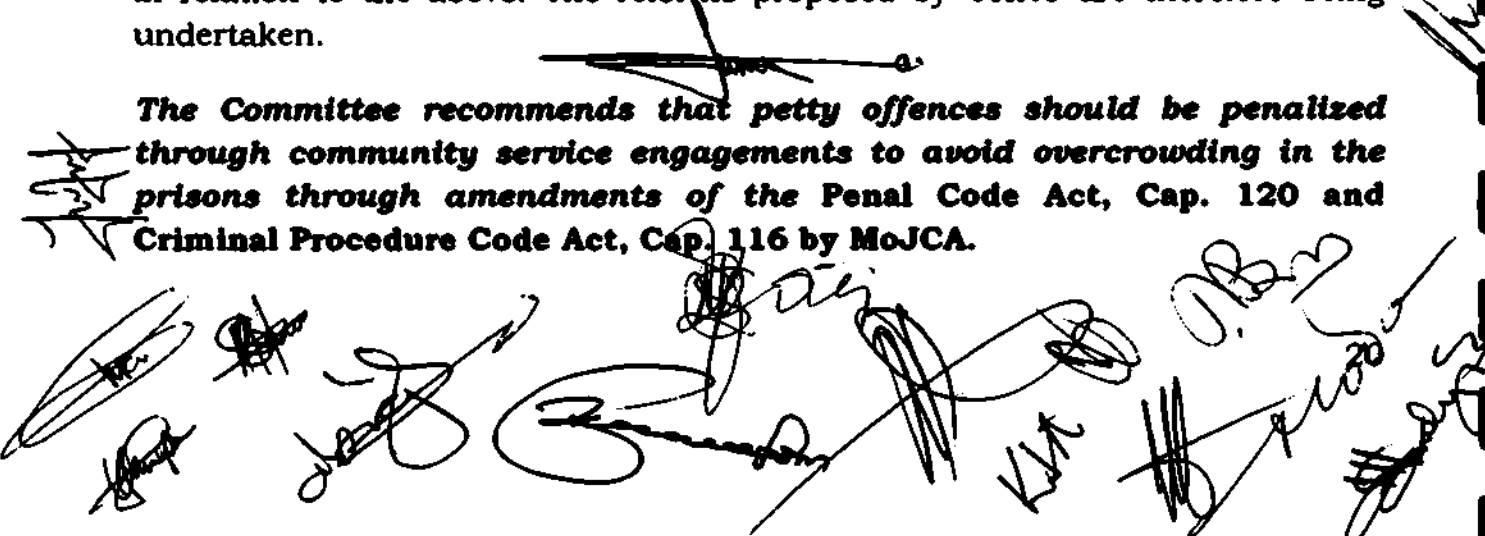
Recommendation 6: ULRC together with MoJCA, should have the Penal Code Act, Cap. 120 and Criminal Procedure Code Act, Cap. 116 amended to decriminalise petty offences.

The Uganda Law Reform Commission and Ministry of Justice and Constitutional Affairs have reviewed the study reports initiated by ULRC that have a bearing on criminal related laws and made proposals for repeal of obsolete provisions and provisions that have been declared unconstitutional among other recommendations.

The proposals are contained in the draft Penal Code (Amendment) Bill, which was prepared by the Ministry of Justice and Constitutional Affairs; premised on the Study Report on the Penal Code Act published by ULRC. The draft Penal Code (Amendment) Bill seeks to repeal the provisions on petty offences, among others.

A Regulatory Impact Assessment report on criminal justice has been prepared in relation to the above. The reforms proposed by UHRC are therefore being undertaken.

The Committee recommends that petty offences should be penalized through community service engagements to avoid overcrowding in the prisons through amendments of the Penal Code Act, Cap. 120 and Criminal Procedure Code Act, Cap. 116 by MoJCA.



Recommendation 7: Review the offences which currently provide for the death penalty in Uganda with the aim to ensure that the death penalty is only imposed for crimes of extreme gravity involving intentional killings, especially by specifying the categories of people and age groups that maybe handed a sentence of death.

The Committee was informed by the Uganda Law Reform Commission that In undertaking review of the Penal Code Act, it considered the issue of the death penalty. Following consultations with stakeholders and consideration of legislation of selected jurisdictions, the study recommended retention of the death penalty for capital offences. The study recommended removal of mandatory death penalty to give judicial officers discretion. The Commission and the Ministry of Justice and Constitutional Affairs have since addressed the issue of the death penalty by making legislative proposals to classify the offence of murder into-

- a) 1st degree murder; and
- b) 2nd degree murder.

In the process specifying the categories, the issue of gravity and circumstances of the offence of murder.

The Committee recommends that death penalty in Uganda should be replaced by life imprisonment to ensure that our laws are aligned to international human rights requirements and standards. Reviews on this matter should be initiated by the necessary entities.

Recommendation 8: The Uganda Law Reform Commission should review the Persons with Disabilities Act, 2019 to criminalise the concealment, abandonment, neglect or segregation of children with disabilities and also provide for the government to support information, awareness and support activities designed to prevent the concealment, abandonment of neglect or segregation of children with disabilities by their parents.

The Persons with Disabilities Act, No. 13 of 2020 provides in section 4 (2) for a child with disabilities to enjoy all the rights enshrined in the Children Act on equal basis as a child without disability and to have the right to know and be cared for by his parents or guardian. Section 4 (3) of the same Act imposes a

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The Committee recommends that there is need to severely criminalize the concealment, abandonment, neglect or segregation of children with disabilities. Children with disability need to be treated with dignity.

Recommendation 9: The Uganda Law Reform Commission should amend the Toxic Chemicals Prohibition and Control Act, 2015 to include stricter measures on sale, distribution and use of acid.

The Toxic Chemicals Prohibition and Control Act, 2015 provides for prohibitions in section 9 thus:

9 (1) Subject to this Act, a person shall not: -

- a) develop, produce or acquire, stockpile, or retain chemical weapons;
- b) transfer, directly or indirectly, chemical weapons to another person;
- c) use chemical weapons;
- d) engage in any military preparations to use chemical weapons;
- e) assist, encourage or induce, in any way, any person to engage in any military preparations to engage in any activity prohibited under the Convention;
- f) use riot control agent as a method of warfare;
- g) design or construct a chemical weapons production facility;
- h) modify a facility or material of any kind with the purpose of carrying out any activity in contravention of this Act; or
- i) engage in any other activity prohibited under the Convention.

9 (2) A person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for life.

Section 10 of the Act provides general prohibition in relation to chemicals. It prohibits the acquisition, retention, in-country transfer, import, export and use of chemicals unless the chemicals are exclusively applied to research, medical, pharmaceutical, agriculture or protective purposes and the types and quantities of chemicals are strictly limited to those which can be justified for such purposes. Contravention of the section attracts imprisonment for life on conviction.

Section 11 prohibits the development, production and stockpiling of scheduled chemicals. The Commission is of the opinion that the sale, distribution and use of acid is provided for under the ambit of the Toxic Chemicals Prohibition and Control Act, 2015 and that the penalties provided for under the Act are prohibitive.

The Committee recommends that there is need to prohibit irregular manufacture, sale, distribution and use of acid to combat light weapons manufacturing and cases of terrorism.

Recommendation 10: The Uganda Law Reform Commission should amend the Persons with Disabilities Act, 2006 to include acid attack victims among persons with disability because a number of them have become disabled as a result of acid attacks.

The Committee was informed by the Uganda Law Reform Commission that the Persons with Disabilities Act, 2006 was amended by the Persons with Disabilities Act, 2020. Section 2 of the 2020 Act provides for determination of disability by a medical doctor with relevant expertise or an expert appointed by the Council to carry out an examination to confirm a disability.

The Commission is of the view that the 2020 Act addresses the concerns expressed in the report of the Uganda Human Rights Commission.

The Committee recommends that The Uganda Law Reform Commission should amend the Persons with Disabilities Act, 2006 to include some acid attack victims among persons with disability after establishing the extent or gravity of the disability caused through a doctor's recommendation.

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4.3 UGANDA NATIONAL BUREAU OF STANDARDS (UNBS)

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Uganda National Bureau of Standards (UNBS) should be equipped with High Technology to deal with Food Quality in Uganda.

The Bureau currently operates Internationally Accredited Food Safety Laboratories, which are located at UNBS Headquarters in Bweyogerere, Industrial and Business Park. These includes the Chemistry Laboratory used for analysis of Food and Chemical Products and Microbiology Laboratory used for analysis of Food and other Non-Food Products.

The Food Safety Laboratories analyse a wide scope of parameters in Food and Non-food products, including among others;

- a) Pesticide Residues and other Organic Contaminants in Fruits,
- b) Vegetables, Fish, Water and other foods.
- c) Veterinary Drug Residues (Antibiotics) in Beef, Poultry, Fish and Caffeine in soft drinks.
- d) Aflatoxins in Grains and Cereals.
- e) Heavy Metal Contaminants in Food and Nonfood products.
- f) Methanol in Alcoholic Beverages.
- g) Adulterated Food and Nonfood items.

Uganda National Bureau of Standards also operates an Electrical Laboratory for testing of Electronics and Products and the Engineering Laboratory testing of Construction Materials and other Engineering Products.

With the support received from Development Partners (Trademark East Africa and VODP), the Bureau was able to acquire additional equipment for decentralization of Laboratory Testing Services to Regional Offices so as to increase both the outreach and access of testing services.

These include the Gulu Food Safety Laboratory to cater for Northern Uganda, which was launched in July, 2022 and this will be followed by Mbale for Eastern Region and Mbarara for Western Region by end of Q2 in December, 2022.

Given resources, the Bureau plans to establish more Testing Laboratories at major Border Entry Points and acquire Mobile Laboratories to respond to the increased demand for testing services countrywide.

The Bureau is also encouraging the Private Sector to invest in Laboratory Testing Services and has so far recognized nine (9) Private Commercial Laboratories and four (4) In-house Manufacturer's Laboratories complement UBS testing capacity in specific scopes of their competences.

3 The Committee observes that the major challenge faced by the Bureau is low funding and understaffing in Food Safety Laboratories, Product Certification, Imports Inspection and Market Surveillance, which are critical in reducing the prevalence of harmful and substandard products on the Market.

The Bureau will continue to lobby Parliament through the Budget Committee to consider enhancing the current Budget provision of UGX 41Billion in order to facilitate the recruitment of additional staff and have adequate funding to consolidate the progress so far made.

The Committee recommends that Government should support the Uganda National Bureau of Standards (UNBS) to procure High Technology to deal with counterfeit products most especially on Food Quality in Uganda. These have a direct effect on the health of citizens.

4.4 UGANDA BUREAU OF STATISTICS (UBOS), 2018 - 2021.

UHRC Recommendations, responses, and, Committee recommendations

UHRC Recommendation: The Uganda Bureau of Statistics should handle comprehensive statistical data on the social, economic and political status of the indigenous minorities in Uganda.

Ethnic minorities and indigenous peoples are among the extremely marginalised populations in Uganda and in Africa. The Uganda Bureau of Statistics (UBOS) Act, 1908 mandates UBOS as the source of official statistical information. The demand for statistics has grown exponentially over the past decade; this is majorly attributed need to measure progress on every aspect of development and social wellbeing

The application of statistics therefore is extensive; there is almost no human activity where the use of statistics is not needed. This increasing demand for more and better statistics has therefore brought to the fore the importance of statistics as a strategic resource for national and international development. Today, statistics are now recognized internationally as part of the enabling environment for national development Kiregyera (2008).

Meeting user needs is a cornerstone to statistical development, in this regard, statistics are majorly produced to satisfy user demands, which are extremely varied and fast changing according to a number of dimensions.

In this regard, the Bureau has done the following to avail data on the status of indigenous minorities in Uganda:

- a) collected and compiled information on the tribe of individuals through the population and Housing census that takes place every 10 years.
- b) data on socio-economic indicators has been extracted from the census for the above and a monograph on minority population will be published. It will highlight issues such as: sex, age, religion, disability status, educational attainment, use of ICT, fertility level, marital status, economic status, household characteristics, source of livelihood.
- c) development of an atlas mapping minorities by place of residence is ongoing to highlight the inequalities and inequities to leave no one behind.

The following challenges were faced in availing such data:

There are varying considerations of who is considered as a minority in Uganda. UNCHR suggests a threshold number below which a community is referred to as a minority, which Uganda as a country has not yet agreed to. However, the indigenous population is clearly defined in the Uganda Constitution.

Data on minority groups are best captured during a population census undertaking which takes place only every after ten years. Whereas the 2014 census mentions all the ethnic groups in Uganda, it was based on the Third schedule of the 1995 (as amended in 2005) Constitution which leaves out the following ethnic minorities, Maragoli, Benet, Bagabo, Bakingwe, Mosap, Kadam, and Baziba/Haya community and other stateless persons.

Surveys are based on samples which may not capture sufficient observations on minority groups because they are not usually factored in at the sampling stage. E.g the Uganda Demographic and Health Survey is one such survey that captures tribe of respondents.

Below is what the Bureau plans to undertake to ensure availability of statistical data on the social, economic and political status of the indigenous minorities in Uganda

In preparing for the next population and Household Census wide stakeholder consultations will be made to include human rights advocates specifically the Uganda Human Rights Commission (UHRC), Equal Opportunities Commission (EoC) and other organisations such as Minority Rights Group International.

Deliberate efforts can be made to create a large sample of the minority population to be included in the regular household surveys so that socio-economic indicators can be monitored regularly. The bureau is currently preparing for the 2022/23 Uganda National Household Survey, and this creates an opportunity to capture minorities. This comes with additional cost implications.

Publish a report on indigenous minorities before by the end of August 2022. Based on the Plan for National Statistics Development (2020/21 - 2024/25), CSOs are encouraged to generate data through support and development of their Strategic Plans for Statistics. This will be followed through.

Popularise the Citizen Generated Data toolkit that was launched in May 2022 by the Minister of Finance, Planning and Economic Development, whose aim is

to provide basic guidelines for producers of non-traditional data such as the Civil Society Organizations (CSOs) and Private Sector Institutions.

These minority groups are a good platform for utilisation of this toolkit at minimal costs.

The Committee recommends that the Government should;

- a) Adopt the African Commission definition of who an indigenous person is. The Commission identifies indigenous peoples according to the following characteristics:**

"The overall characteristics of groups identifying themselves as indigenous peoples are that their cultures and ways of life differ considerably from the dominant society, and that their cultures are under threat, in some cases to the point of extinction. A key characteristic for most of them is that the survival of their particular way of life depends on access and rights to their traditional lands and the natural resources thereon. They suffer from discrimination as they are regarded as less developed and less advanced than other more dominant sectors of society. They often live in inaccessible regions, often geographically isolated, and suffer from various forms of marginalization, both politically and socially. They are subjected to domination and exploitation within national political and economic structures that are commonly designed to reflect the interests and activities of the national majority. This discrimination, domination and marginalization violates their human rights as peoples/communities, threatens the continuation of their cultures and ways of life and prevents them from being able to genuinely participate in decisions regarding their own future and forms of development".

Groups in Uganda who fall under these criteria for indigenous peoples are nomadic or semi-nomadic hunter-gatherers or pastoralists, such as the Batwa, Benet and Karamojong. There is therefore a gap between the manner in which the Ugandan government perceives the term "indigenous peoples" and the manner in which it is employed by the African Commission does. ~~Therefore there is need to amend the Constitution.~~

- b) allocate additional resources towards the population census to be conducted within FY2022/23 and existing national level surveys to widen the sample size.**

c) Consider utilisation of this existing information that will be
availed to forge entry into the Parish Development Model for the
minorities specifically.

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4.5 MINISTRY OF DEFENCE AND VETERAN AFFAIRS - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Defence and Veteran Affairs/ UPDF should expedite the disarmament process in the karamoja sub-region, to end the violation of human rights that has been witnessed during this process.

The Ministry informed the Committee as follows;

That the disarmament campaign that ended in 2009, recovered over 40,000 guns from the Karimoja sub-region. This led to relative peace in the region. This peace lasted until 2019, when armed warriors resumed Cattle Rustling.

The emerging threat of increasing incidents of cattle rustling and theft being occasioned by armed warriors in Karamoja sub-region is associated with increased rearming of perpetrators. It has also been noted that there is a rise in criminality such as armed robberies and killings, in the region. However, the UPDF has developed yet another plan to disarm the marauding warriors.

On the 13th July 2021, the Operation code-named Operation 'Usalama Kwa Wote' was launched to disarm illegally armed elements, recover raided livestock, arrest and prosecute criminals.

It is noteworthy that the operation is intelligence led and a joint effort by security forces that include; UPDF, ASTU, ISO and UPF.

By the 18th July 2022, the operation "Usalama kwa wote" made one year of existence. As a result of the operation, the security situation in Karamoja sub region perpetrated by armed criminal groups is firmly handled by the joint security forces.

Prior to the launch of the said operation, 500 people had been profiled as illegally armed.

The operation in its initial stages concurrently encouraged voluntary handover of guns and forceful disarmament for the hardcore criminals that did not want to surrender guns peacefully.

Ever since the Operation was launched, a total of 438 guns and 3,315 ammunition have so far been recovered from illegal hands. The recovery

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constitutes 88% of the guns that had been targeted. 5% of these guns were recovered from people who had not been originally profiled but a through interrogation of arrested suspects as well as cordon and search.

As the operation progresses, quite a number of suspects related to cattle rustling have been arrested and prosecuted by 3DCM and the civil courts. So far, 11,218 suspects have been arrested and out of these, 650 have been prosecuted and sentenced by the 3DCM. 1481 suspects have been handled by civil courts and remanded. 9087 suspects were screened and released.

The operation has so far recovered 25,206 livestock out of the 42,025 allegedly raided.

Since the launching of the ongoing operation, the situation has improved, but requires other approaches to decisively deal with armed warriors who have adamantly refused to hand over the guns. These approaches include among others, simultaneous cordon and search across the sub-region to recover guns, ammunition, livestock and apprehending suspects in order to break the alliance of criminal elements.

The cordon and search operations, target networks of the rustlers that include; Warriors armed with guns, Warriors armed with bows and arrows, Warriors with sticks to drive the stolen livestock, informers/ collaborators of warriors and other suspects still at large.

As a result, 226 guns have been recovered within a period of two months (June & July 2022). This is a higher figure recovered within such a short period of time in comparison to the recovery of 212 guns in the earlier 10 months. It suffices to note that hard core criminals have either been killed, captured or prosecuted.

As a result of the pressure mounted on warriors, most of them have resorted to stealing and target village saving scheme boxes, shops, goats and cows. The security forces are however, managing this emerging trend.

In the course of execution of the operation, incidents of interference by some politicians have been registered. The operation has also led to the recovery of several guns from some of the local leaders most especially; LC1s, LC3s and councillors. This is a clear indication that some of the local leaders are involved in criminality.

The operation has drastically reduced commercial raids.

Intelligence sources continue to pick signals of some local people who are illegally arming themselves. However, intelligence networks have been created across the border in order to dismantle such networks.

Some of the ring leaders have been killed in action, others arrested or captured in action. These include; Killed during operations:

- i. Aile Losirikori was killed following a raid on his hideout in Kotido. He was a Moroto Prison break escapee and warrior coordinator in the greater Panyangara in Kotido District.
- ii. Adia Loperikori from Lokorok village, Lokwakial S/County
- iii. Umolopiri Chupaa from Nakabaale S/County, Kotido District.
- iv. Lopasiya from Kalobwang village, Nakapelimoru S/County, Kotido District.
- v. Gwatakao parish, Longol Aped, the LCIII Vice Chairperson of Napumpum was killed while leading his team on a raiding mission in Napak District on March 2022.

Notable Criminals captured or arrested in action

- i. Nailkan Losike (Moroto prison break escapee) from Loletio Sub County in Kotido district,
- ii. Lokiru Losiamong (Moroto prison break escapee),
- iii. Lokorikou Atubukalel Francis from Mireriyai village, Losilang parish, North Division in Kotido Municipality
- iv. Lowot Micheal from Karogel West, Kukuwam parish, Kacheri Sub County in Kotido.
- v. Acucu Lokiru Peter, a notorious raider who in June 2021, voluntarily surrendered to the UPDF with 02 guns, but later returned to criminality was rearrested together with some members of his raiding group who included Ariko Lumuria a Peace Committee Member of Rupa S/County in Moroto district leading to the recovery of 04 guns. They were both sentenced to 10 years in prison.
- vi. Lobiri Mariko, a notorious warrior whose group used to raid anyangara S/C of Kotido and Abim Districts was arrested on 03 May 2022. His arrest led to the recovery of 06 guns. He appeared before the 3DCM and was sentenced to 10 years in prison.
- vii. Lokure John Bosco- the LCIII Chairperson Lokopo S/C in Napak together with Lokure Emmanuel- District Councilor for Lokopo S/C and Logit Mario Agil- Speaker Lokopo S/C were arrested in relation to the killing of the GISO Lokopo S/C in Napak District. They appeared in court and were remanded.

- viii. Igira Nakoritodo AKA Museveni, a ring leader based in Kacheri Sub County was arrested on 12 July 2022, he is responsible for ambushing and killing a UPDF soldier who was riding a motorcycle along Kotido - Kaabong road on 22 May 2022. His group is also responsible for raids in Kaboong, Karenga and parts of Agago and Kitgum Districts. He is currently helping intelligence to track and arrest members of his group.
- ix. Akollonyia - the LCII Chairperson Napetakori Parish, Kalapata TC and Lodukae Lokol - the LCII Chairperson Kalapata in Kalapata TC, who threatened to kill GISOs in Kaabong on allegations that they are responsible for identifying the locals owning guns, were arrested on 03 July 2022 following a tip off, two SMGs were recovered from them.

The operation has to a big extent adhered to the human rights concerns. The Ministry Of Defence and Veteran Affairs/UPDF should deploy more forces at the National Borders to ensure armed groups do not cross into Uganda to destabilize the security in Karamoja Sub- Region.

Due to increased armed warrior raids in the Karamoja sub-region, 3 Inf Division which is responsible for keeping security in the region has been reinforced with 02 Infantry Brigades.

One of the Brigades is solely responsible for monitoring of the international borders between Uganda, Kenya and South Sudan.

The 02 Brigades have been deployed in the general areas of;

- a) Nabilatuk
- b) Katakwi
- c) Abim
- d) Kapelabyong
- e) Amudat
- f) Karenga
- g) Kabong
- h) Amudat

In addition, the following Air assets have been deployed in the sub- region;

- a) MI-17
- b) Jet rangers for surveillance
- c) Attack helicopters with night vision capability

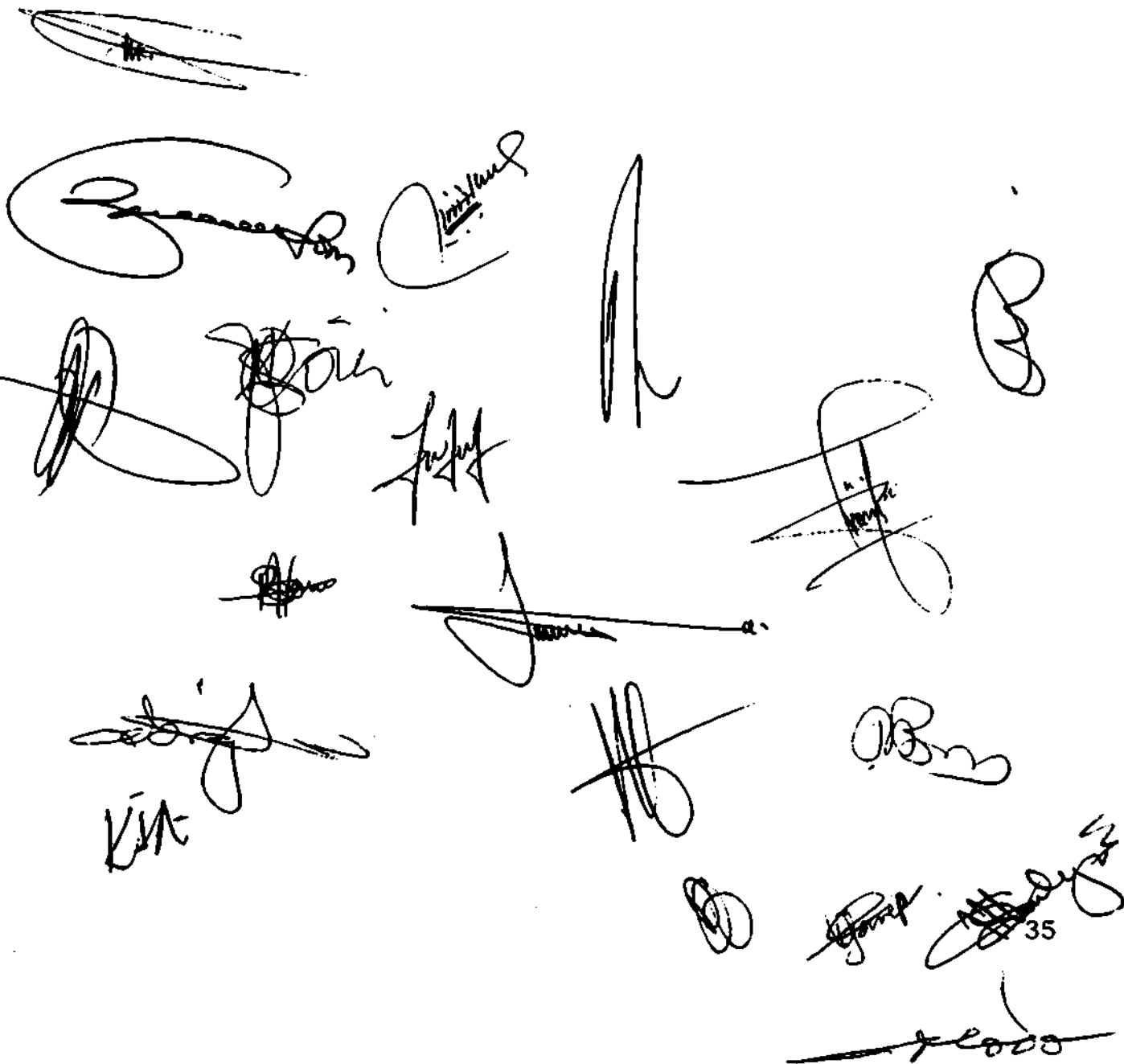
Infantry Fighting Vehicles have been deployed in the sub-region and a number security roads are under construction.

Hon. Members, the above security measures have been undertaken to ensure that security prevails in Karamoja sub-region. It is highly hoped that cattle rustling will be brought to an end within the shortest time possible to enable the flourishing of economic development in the region.

The Committee observed that complaints of human rights violations during disarmament continue to be reported by the civilian population particularly complaints of alleged torture and over detention of civilians in military installations.

The Committee commends the Ministry of Defence and Veteran Affairs and the UPDF for the progress of the disarmament process.

The Committee recommends that all cases of torture should be investigated and culprits apprehended and prosecuted.



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4.6 MINISTRY OF HEALTH

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Through the Ministry of Health, the Ugandan Government should strengthen emergency response capacity and systems at all levels to detect emerging and new variants early

The Ministry of Health has developed the capacity to conduct surveillance for diseases across all levels of society from the community level through to the national referral hospital. This has been structured around our health facilities as well as through community-based surveillance where cases are identified through vigilance and engagement with the communities.

This capacity is demonstrated in our response and successful containment of outbreaks like Ebola, and Cholera among others. When an alert of a case is received through either of these systems, our health workers collect laboratory samples which are then transported to the designated testing laboratories using the hub system. In this way, we are able to rapidly detect diseases across the country, and respond to the situation in a timely manner.

The Ministry of Health has over the last two years of the pandemic expanded its capacity to conduct PC testing for COVID-19, from 1 laboratory at the national level to over 40 laboratories across the country from both the private and public sectors. Of these, we have also built additional capacity within 3 national referral laboratories capable of conducting genomic sequencing for the detection of variants. We have also increased our genomic capacity at the Central Public Health Laboratory in Butabika to monitor not only variants of COVID-19 but other pathogens and antimicrobial drug resistance. In this way, we have reduced the turnaround time to results from 4 weeks to 10 days and are working to have this reduced even further.

Therefore, Uganda is one of the few African countries with the capacity to monitor variants. Through our surveillance network and the laboratories, the Ministry of Health is continuously monitoring emerging and circulating COVID-19 variants. Our rigorous system is capable of detecting variants of concerns to inform the timely response.

The Committee observes that emergency responses are still wanting.

The Committee recommends that the Ministry of Health should continue strengthening emergency response capacity and systems at all levels to detect emerging and new variants early.

Recommendation 2: Through the Ministry of Health, the Ugandan Government should optimize vaccination by enhancing uptake, ensuring vaccination efficacy and understanding specific vulnerabilities

Ministry of Health recognizes health as a fundamental human right and health services as a human right, as enshrined in the Constitution of the Republic of Uganda. The Ministry of Health provides health promotion, disease prevention, treatment and rehabilitative services in fulfilment of promoting, protecting and defending health.

Vaccination is one of the tools for prevention of diseases and promoting the citizens right to health. Uganda provides vaccines against childhood illnesses, prevention of cancers and diseases in adulthood, and vaccines in response to disease outbreaks guided by the vulnerability profiles of the priority groups;

Prevention of childhood illnesses and mortality:

Children are vulnerable to Malaria, severe diarrhea, pneumonia, Diphtheria, Polio, Pertussis, Tetanus, Tuberculosis, Measles and Rubella. New vaccines are being progressively added to the national immunization schedule. Vaccination against yellow fever is going to be added to the national vaccination schedule in the course of the year 2022.

Ministry of Health has increased vaccination coverage (DPT3) to 92% in 2021 compared to immunization of 9% in 1981. There is a corresponding reduction of childhood mortality to 42 per 1,000 live births in 2016 from 98 per 1,000 live births in 1988.

Prevention of cancers and diseases in adulthood:

In line with the epidemiological transition of the national disease profile, Ministry of Health has introduced two vaccines against control of the leading cancers in Uganda; cancer of the liver caused by Hepatitis B Virus and cancer of the cervix caused by the Human Papilloma Virus in 2002 and 2015 respectively.

Vaccination against Epidemics and pandemics:

Ministry of Health established the Integrated Disease Surveillance and Response system since 20 years for monitoring diseases with epidemic potential and disease targeted for eradication or elimination. Upon confirming outbreaks of such diseases, Ministry of Health responds institutes public health measures including vaccination of vulnerable persons. These include vaccination against measles and Rubella, Yellow Fever, Cholera, Meningitis, Ebola, and COVID-19 outbreaks.

Ministry of Health is informed by the epidemiology of the diseases to ensure the people, at the highest risk of infection and adverse outcomes are prioritized for prevention of diseases with vaccines. That explains why children are mainly targeted based on the vulnerability they have. You may note that for COVID-19, the elderly, persons with underlying health conditions: persons at increased risk of infections were prioritized based on their vulnerability to severe disease. hospitalizations and death. These groups responded well to the call of the Ministry and the coverage among this groups stands above 80%.

Accordingly, the Ministry invested in cold chain capacities to ensure adequate vaccines are stored to meet the needs of the target population.

In the long term, Ministry of Health envisions a Uganda that is free of vaccine preventable diseases; and in the medium term the public health importance of the disease in terms of morbidity, mortality and disability is reduced to improve health and productivity.

The goal of the vaccination program is to ensure every child and priority populations at risk of Vaccine Preventable Disease are fully vaccinated. To this end, the Ministry strives to; Provide equitable access to and create demand for immunisation services; Ensure availability of effective vaccines and supplies, and appropriate storage; Monitor and evaluate program performance, occurrence of Vaccines preventable diseases and adverse events following immunisation.

The Committee recommends that through the Ministry of Health, the Ugandan Government should optimize information dissemination on the need for vaccinations of every citizen.

Recommendation 3: The Ministry of Health should ensure that all health workers are routinely tested for COVID-19 and provided with protective gear in the course of their work

The Ministry of Health routinely provides personal protective gear (PPE) and testing for all infections-both for health workers that are at highest risk in case of the outbreak (for the prevention of infection) as they conduct their work. These are provided through National Medical Stores (NMS). For example, when there is a heightened need for testing and increased PPE-such as during the COVID peak sessions, there was an increased need for protective gear and Government ordered additional PPEs which were later distributed. Given the current downtrend of cases, there are adequate supplies for both infection control and testing of any suspicious cases in multiple laboratories including hospitals and centralized laboratory testing facilities.

Recommendation 4: The Ministry of Health should upgrade Buvuma Health Centre IV and Kalangala Health Center IV to hospital status and increase the staffing in various health centers. In the same vein, the state of the health facilities should be improved and additional ones constructed to enable islanders to have better health care access

Health Status for Kalangala and Buvuma Districts

State Objective XX provides that "the State shall take all practical measures to ensure the provision of basic medical services to the population." Connectivity between islands remains one of the major impediments to access services. For instance, there are no practical measures to help mothers living on islands access specialized maternal health care where the need arises, and the cost of travel is prohibitive to most islanders.

Both Buvuma and Kalangala have Health Centre IVs that serve as referral facilities. The distances from the referral point to the Health Centre IIs and IIIs are covered by water, and it is costly to transfer a patient to the referral centres. UHRC established that Buvuma Health Centre IV had a water ambulance; however, the maintenance and operation cost in terms of fuel was beyond the resources available.

The healthcare service providers were very few in both districts compared to the population they served. This is reflected in the frequent referrals of expectant mothers to go and deliver from across the islands. Other challenges afflicting the health sector included poor antenatal services, poor road network

infrastructure, and absenteeism of health workers, poor bed patient ratio and low staffing levels. The geographical location was also a challenge in terms of the connectivity of mothers to antenatal services in and outside the island.

The cost of referrals to the patients was always very costly because they had to foot bills of a special hire boat on the water as well as ambulance costs on land, which many could not handle. Some very outlying islands did not even have a single health centre, thereby using local private clinics or drug shops. Malaria and water-borne diseases leading to dysentery and diarrhoea were found to be the leading health problems. Malaria was especially rampant due to the geographical siting of many fishing camps and settlements near swamps and marshes, the living and working patterns, and the poor sanitation conditions.

Table 1 - Distribution of health centres (HC) in Buvuma and Kalangala

District	Hospital	HC IV	HC III	HC II	PNFP ⁷
Kalangala	0	2	6	7	2
Buvuma	0	1	3	6	2

To understand the cost of health services in the islands, the Center for Human Rights and Development article aptly illustrated that a person needs up to UGX 300,000 to access health care. Broken down, about UGX 100,000-150,000 is needed for boat and engine hire, UGX 100,000 for fuel and UGX 50,000 for hiring a person to sail the boat.⁸ This cost is over and above what ordinary islanders can afford.

3.3.1 High prevalence of HIV/AIDS cases in both districts

Being predominantly fishing communities, islands attract more males than females. Figures UHRC obtained from the district probation office in Kalangala show high gender imbalances in the islands where the male gender constituted 80%. This demographic characteristic acts as a catalyst for the spread of HIV/AIDS as many men end up sharing the available few women. While a few NGOs like Rakai Health Projects (focusing on counselling and behavioural change) were on the ground, there seemed to be a lack of government presence

⁷ Private-not-for-profit.

⁸ <https://www.cehurd.org/the-deteriorating-state-of-health-care-in-kalangala-district/>.

in terms of robust prevention programmes in the district. For instance, in one of the islands, UHRC interacted with residents, and they reported a scarcity of condoms, which is the most commonly used prevention method against HIV/AIDS in the islands.

The Committee noted that Kalangala has a population of 65,000 people, with 2 HC IVs which are fully functional. Buvuma has a population of 121,000 people with one HC IV which is fully functional. The government is in the process of upgrading Kalangala and Buvuma HC IVs into community hospitals if funds allow next financial year.

The Committee was informed that Buvuma was allocated 3.3 Bn shillings for wage, 6.2 Bn shillings for capital development for building staff houses in selected health facilities so that the accommodation for staffs can be improved.

The Committee recommends that Health Center IVs in Kalangala and Buvuma Districts should be upgraded to Hospital status.

Recommendation 5: The Ministry of Health should ensure that fully facilitated water and land ambulances are put in place to help reduce cases of maternal deaths that occur due to delayed access to health facilities

The Ministry of Health recognized the increased maternal deaths due to delays felt by mothers when they fail to access ambulance services. The Ministry has now embarked on making available well equipped and professionally staffed ambulances for use in the community. The policy provides for 1 type B ambulance per constituency or 100,000 population. As of 20th July 2022, the country has 12 boat ambulances allocated to 11 districts and 2 others that were returned to the manufacturer due to the damage sustained in transit. These ambulances are for lakeside districts.

With Road ambulances, the country requires 355 type B ambulances for constituencies and so far has acquired 140 ambulances leaving a gap of 215 Type B ambulances.

Another 52 Type B ambulances exist in districts but lack equipment, supplies, and staff to operate optimally (Type A will be phased off as standard Type B ambulances become available).

Recommendation 6: The Ministry of Health should conduct specialized training for health workers to build their capacity to effectively document cases of victims of torture who report to them for treatment

The Committee was informed that the Ministry of Health had not started specialized training for health workers on effectively documenting cases of victims of torture. This has not been done due to budget constraints but with effect from this financial year with support from the development partners and government of Uganda, the Ministry will be able to develop training manuals and be able to train the health workers in documenting torture victims.

The Committee recommends that specialized continuous training for health workers to build their capacity in the country is paramount. A budget line for this item should be created and funded.

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4.7 UGANDA COMMUNICATIONS COMMISSION (UCC)

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Enforcement of Regulations and Media Compliance with the professional standards and fulfillment of obligations.

The Parliament, while passing the Uganda Communications Act 2013, included specific obligations which every broadcaster is expected to comply with. Of specific importance is Section 31 of the Act, which expressly provides the Minimum Broadcasting Standards in Schedule 4 of the Act. The Minimum Broadcasting Standards are meant to ensure professionalism and fair reporting by broadcasters.

In addition, section 32 of the Uganda Communications Act 2013, provides for the ethical broadcasting standards and the professional code of ethics, which broadcasters and journalists must observe and comply with.

It is also worth noting that the Parliament of Uganda, in 2020, approved the Uganda Communications (Content) Regulations 2019, and the Uganda Communications (Consumer Protection) Regulations 2019. The above regulations provide for further regulation of matters relating to content, promotion and safeguarding the interests of consumers and operators, empowering more Commission to receive, investigate and determine consumer complaints relating to communications services and provide for the investigation of any consumer related complaints referred to the Commission by the Minister.

The regulations contain provisions that ensure protection of children, content for persons with disabilities, local content quota requirements, general record keeping requirements, rules for live broadcasting, conduct of interviews and commentaries, reporting on controversial issues and Election coverage.

The Commission has also developed codes, standards, and guidelines to provide guidance to media practitioners and ensure professionalism. The standards include:

- a) The Standards for General Broadcast Programming
- b) The Advertising Standards
- c) The Standards for Religious broadcast programming
- d) Guidelines for Live Coverage
- e) Guidelines for Election coverage

The Press and Journalist Act provides for registration of Editors and Journalists as well as handling and arbitrating complaints against errant Journalists.

The above laws, regulations and standards are included in every broadcaster's license and UCC continuously sensitizes media owners and practitioners about the standards.

The Commission regularly inspects licensed media operators and monitors compliance with the laws, regulations and standards. Licensed operators that are found not to be complaint are sanctioned accordingly as provided for in the Uganda Communications Act, 2013.

Challenges in Enforcement of regulations and compliance with professional standards

The Commission informed the Committee that it had noted that several media practitioners want to operate without any regulation, and whenever the regulator summons them to answer to any alleged breach of the law, they use their media space or platforms to politicise every intervention and make it appear to be an attack on their freedom of expression.

The UCC further informed the Committee that the law does not set a minimum qualification for one to become a radio or Tv presenter. This means that virtually any person with a good voice or with a relationship with a TV or radio owner can easily find their way on TV or radio as a presenter, show host, news anchor, reporter etc.

This has resulted into a lot of unprofessionalism, with many radios and TVs often complained about by members of the public and security agencies for alleged breach of the Standards.

As the sector regulator, when complaints are received, or when we monitor and notice that a broadcaster is violating the law or the standards, we ensure that the requisite processes are undertaken to address the concerns. All our processes are conducted in accordance with the law, regulations, and the principles of fair trial.

To address the growing levels of unprofessionalism in the broadcasting sector, UCC has intensified its monitoring function to ensure that operators are constantly engaged about the quality of their broadcast content. UCC also



continuously works with the Media Council to undertake joint initiatives aimed at improving professionalism and accountability amongst media practitioners.

Under this arrangement, UCC and the Media council have been able to conduct several media sensitization workshops with journalists across the country. Through these engagements and workshops, we have been able to create awareness amongst media practitioners about their responsibilities and duties.

From the data available to UCC, there is evidence that more and more Ugandans are now using computer systems (Phones, Laptops, tablets) for consumption of the different communications services.

As UCC, in accordance with the mandate under section 5(1)(i) of the Act to receive, investigate and arbitrate complaints regarding the provision of communication services, we have seen an increase in the number of incidents of people infringing and violating other people's rights, through digital platforms, mainly social media

UCC has also registered many complaints and cases of alleged computer misuse. The cases mainly concern alleged electronic fraud, offensive communication, cyber stalking, publication of fake news among others.

In accordance with UCC's mandate under the law, it has developed capacity to investigate such cases, and we work closely with the Uganda Police Force in ensuring that offenders of communication related laws are identified, and appropriate actions taken against them.

The Committee noted that, providers of social media platforms like Facebook, Twitter and WhatsApp are not licensed in Uganda, and as such, it is not always possible for UCC to identify all the perpetrators of social media abuses. This is a regulatory challenge not just for UCC, but all regulatory in Africa and the world at large.

In order to support proper exercise of our mandate under the law, UCC set up an investigation and prosecution unit, within its legal department, with mandate to investigate and prosecute communications related offences. This unit works closely with the Uganda Police and the Office of the Director of Public prosecution to ensure that offenders of communication laws are appropriately dealt with in accordance with the law.

To further improve accountability and professionalism amongst providers of online broadcasting services, in 2017, UCC introduced a license category for

providers of online data communication services. This license is supposed to be obtained by persons engaged in the provision of services online newspaper services, online radio services as well as online TV services. We have so far granted authorisation to 75 providers of such services.

The terms and conditions of these authorisation commit the providers to adhere to the professional standards and regulations applicable to the sectors. This has improved the level of compliance amongst online service providers.

Through these interventions, UCC has been able to protect the public against violation of their rights using digital and computer systems.

The Commission further notes that processes have commenced to review and strengthen the Uganda Communications Act and the Computer Misuse Act, to help put in place more robust regulatory frameworks for the regulation of social media platforms.

The Committee recommends that;

- i. **Government should support UCC to sensitise the public to appreciate that using digital platforms does not give them any immunity to legal processes. Whatever is illegal offline, is also illegal online.**
- ii. **Users of computer systems should be reminded that rights like freedom of expression, must be enjoyed within the allowed legal limits, including respecting the rights of other users and the public.**
- iii. **UCC should work with the Ministry of Foreign Affairs and the African Union to align with countries on the continent such as South Africa and Nigeria that are making progress towards domestic licensing of providers of social media platforms.**

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4.8 MINISTRY OF LOCAL GOVERNMENT - 2021

UHRC Recommendations, responses, and, Committee recommendations

The Committee, while considering the 24th Annual Report of the Uganda Human Rights Commission for 2021, invited the Ministry of Local Government to submit responses to one of the recommendations contained in the report.

Recommendation 1: The Ministry of Gender Labour and Social Development should review the functionality of Probation and Social Welfare with the view of splitting the probation roles from Social Welfare functions to be performed by different officers.


The ministry responded as follows:

Under Section 95 of the Local Government Act CAP 243, the Ministry of Local Government is responsible for guidance, inspection, monitoring and coordination of Local Governments to ensure compliance with the LGA and any other law. Furthermore, Section 96 of the same Act provides for Ministries to inspect, monitor and where necessary, offer technical advice, support, supervision and training within their respective sectors.

Section 97 provides that Ministries will establish minimum national standards of service delivery in the sectors under its jurisdiction.

The role of the Probation and Social Welfare Officer in the Local Government is regulated under the Probation Act (1963) Cap 122 and the Children (Amendment) Act 2016, Cap 59. The statutory functions of a Probation and Welfare Officer include the following:

- a) Supervision of Probation orders for people on Probation
- b) Supervision of community services orders
- c) Inquiring into domestic violence matters, prepare and submit a report to court to facilitate decision making
- d) Conduct field social inquiries and preparing reports for court when children are in conflict with the law
- e) Attending court to represent and advocate for children
- f) Applying and supervising supervision court orders for children beyond parental control
- g) Mediation in matters involving violation of children's rights

- 
- h) Receiving and assessing applications for foster care, Guardianship, Adoption of children, Supervision of foster parents, assessing children's homes to consider approval or closure
 - i) Inspection of child care institutions including children's homes and remand homes
 - j) Technical advisor on the approved children home management committee that sits on a quarterly basis to oversee the day to day running of the home
 - k) Attends interviews for a child who is in conflict with the law at police
 - l) Applies and supervises court care orders for children in need of care and protection
 - a. Guidance and counselling of children and families
 - m) Networking, coordination and collaboration with child focused
 - n) organizations in the district
 - o) Awareness creation about the dangers of child abuse, violence, neglect
 - p) and exploitation

The functions of a Probation Officer relating to the implementation of Court Decisions make them Officers of Court while the work relating to Child Wellbeing make them Rights Advocates. The Probation and the Social Welfare functions are very critical for Local Governments especially because about 57% (equivalent to 21.3 million) of the population are children.

The Ministry of Local Government is in agreement with the Proposal by the Human Rights Commission to split the functions of the Probation Officer and Social welfare Officer to be performed by different officers respectively. The Ministry of Gender, Labour and Social Development and the Ministry of Public Service shall to propose the Job Descriptions for these two offices.

It should also be noted that these roles fit in the Community Based services for Local Governments. The Ministry of Local Government and the Ministry of Gender Labour and Social Development will remain responsible for the technical supervision of the functions.

The Committee recommends that due to the special functionality of the probation officers from that of social welfare officers. Both offices need to be created.

4.9 MINISTRY OF SECURITY UNDER OFFICE OF THE PRESIDENT - 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: With regard to kidnaps, the UHRC recommended;

- a) Heighten security presence, foot patrols and community policing.**
- b) Continuous capacity building to cope up with the modern trends in technology in as far as crime prevention and management are concerned.**
- c) Officers involved in unprofessional conducts should be made accountable for their actions of the incidents and their human rights implications.**

The Ministry of Security informed the Committee that the major drivers of cross-border insecurity were:

- a) Porous borders; One factor which was cited by most of the respondents interviewed by the Commission is the porous borders between Karamoja sub-region and the neighboring countries. Due to minimal presence of government structures along the border points, there are few designated border crossing points.*
- b) Climate change and the resultant struggle for natural resources; Climatic change is one of the drivers of the cross-border conflicts. As earlier on mentioned, most pastoralist communities live in arid and semi-arid areas. They experience prolonged dry spells and subsequently, most pastoralists from Kenya and South Sudan tend to enter into Uganda to seek greener pastures and water for their animals during the dry season.*
- c) Ignorance and disregard of law among pastoralist communities; Ignorance and disregard of the law among the pastoralists has contributed to insecurity in Karamoja sub-region.*

The Committee recommends that the all persons should be encouraged to install cameras at their premises to augment Government efforts to strengthen security.

3
Recommendation 2: All stakeholders involved in peace initiatives in Karamoja sub-region need to reevaluate their strategies to ensure that the peace dialogues are effective in addressing the insecurity situation in the area.

The Committee was informed that the challenge of the insecurity situation in Karamoja Sub-Region has been a recurring matter for a number of years and as such, some of the interventions listed here are reiterated in the subsequent years.

- a) A series of disarmament exercises have been carried out by Government beginning in 2001. Between 2001 and 2010 alone, over 40,000 illegal fire arms were recovered from locals bringing an end to cattle rustling and its associated raids until 2019 when the challenge resumed.
- b) Additionally, the Voluntary Phase of Disarmament was launched in 2000. It involved mobilization and sensitization of locals by political leadership, massive participation of all stakeholders, pacification process with strict guidelines, and not war with the Karamojong. This registered steady successes like bringing an end to large-scale rustling as well as beginning a phase of open display of fire arms.
- c) Furthermore, in 2004 the President re-launched the disarmament to be guided by the Karamoja Integrated Disarmament and Development Programme (KIDDP). This phase was meant to contribute to adequate human security, restore justice, law and order promote recovery and development, and provide alternative livelihoods and delivery of social services to the people.

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The Committee recommends that the Ministry of Security together with the Ministry of Defence and Veteran Affairs and the Uganda People's Defence Forces should conduct the pacification of the Karamoja region without committing gross human rights violations and breaking the law.

Recommendation 3: With regard to the 2018 elections (local and parliamentary), UHRC recommended that;

- a) Security agencies should respect the freedom of expression and media freedoms and allow journalists to perform their legitimate role without undue interference.**
- b) The Uganda Police Force and UPDF should desist from the use of live bullets and other dangerous weapons on unarmed demonstrators and non-violent suspects.**

The Ministry wishes to acknowledge that, there have been some overzealous security personnel, who have attacked journalists during the course of their work.

- a) However, efforts have been made to educate/sensitize all security Agencies through workshops, seminars and other retreats on human rights matters. UHRC has been among the facilitator for these trainings/workshops.**
- b) The Police Officers always take all the necessary procedures when querying demonstrations; they use loud speakers asking demonstrators to disperse, and when (demonstrators) fail to heed, Police use tear gas and rubber bullets. In few circumstances live bullets have been used when demonstrators have turned violent with lethal objects.**

The Committee recommends that Security agencies should always provide security for journalists as they provide coverage in potentially riotous demonstrations.

Recommendation 4: UHRC, in its report for 2019 recommended that;

- a) Security agencies should gazette safe houses as specialized places for rehabilitating hard-core criminals,**
- b) Security agencies should conduct thorough investigations into all the allegations about torture in safe houses in order to establish their authenticity; safeguard the reputation of the institutions in question; and bring the culprits the tortures and those who make false claims) to book,**
- c) Security agencies should observe human rights in the course of their work as provided for under the Constitution.**

2

The Minister of Security informed the Committee that he had studied the reports of the UHRC in detail and dully noted that the majority of the concerns raised were had also been raised during my interaction with the Committee earlier in the year on 17th March 2022.

Amongst other things, he reminded the Committee that he had made the following responses which also relate to those contained in the reports of the UHRC for the years 2018, 2019 and 2020:

- a) he stressed that Government does not condone torture and that Government takes action to individual perpetrators. Furthermore, he also mentioned that the security agencies are under strict instructions to ensure that they do not break the law in the course of their work.
- b) he had mentioned that the H.E. the President has always been on the record advising officers to ensure that the law is followed without breaking the law themselves.
- c) Training of special assets is done in some safe houses but the safe houses are not for torture. The Government has no active safe houses at present.
- d) Security Institutions are cognizant of the provision of Chapter Four (4) the Constitution of the Republic of Uganda (1995) as amended in particular Article 20 (2) which states that " The rights and freedoms of individuals and groups enshrined in this chapter shall be respected, upheld and promoted by all organs and Agencies of Government and by all persons". Under this provision, The Government takes all steps to ensure that human rights are respected and observed.

The Committee recommends that overzealous individual perpetrators of torture should be apprehended and prosecuted.

Recommendation 5: The UHRC made the following recommendations in relation to issue of illegal possession and misuse of fire arms

- 7/1/22
- a) Security agencies should tighten the control of use of fire arms in public places like bars and other public places like markets.
 - b) Urban authorities and security agencies should ensure adequate street lighting and CCTV cameras within the urban centres where gun violence has been commonly reported.
 - c) There is need to strengthen training standards of private security organizations and ensure closer supervision of all their activities and their fire arms within the hands of private owners.

The Committee was reminded that on 20th June, 2018, H.E the President addressed Parliament on the state of security in the country following increased murders and kidnaps that had left the citizens in fear. He ordered that all the guns in the country be fingerprinted and registered as part of master plan to contain killings and kidnaps in the country.

- a) On 20th June, 2018, H.E the President addressed Parliament on the state of security in the country following increased murders and kidnaps that had left the citizens in fear. He ordered that all the guns in the country be fingerprinted and registered as part of master plan to contain killings and kidnaps in the country.
- b) Following the directive, in April 2019 a joint security team comprising of UPDF, UPF, UPS, UWA, ESO and ISO undertook an exercise of registering and/fingerprinting all guns in the hands of the police, prisons, private security and private individuals in the country. The team captured the data of each individual gun and matched it against that of the holder. The purpose of this was to make the work of tracking guns easier after Use.
- c) There has been some effort to install street lighting especially in Kampala Metropolitan area and other Cities like Masaka, Gulu, Fort Portal and Lira. However, due to lack of resources, many of the urban centres are not adequately covered. On the other hand, Government has an ambitious program of extending surveillance cameras to all strategic points in urban centres and along major routes which requires funding. Government is also encouraging the public especially prominent business owners to install CCTV cameras at their business premises.
- d) The Ministry agrees with the recommendation as regards to recruitment and period of training of private security operatives. However, there are strict controls on licenses of arms to private individuals which so far has been strictly observed under the supervision of the Uganda Police Department of Private Security Organisations and Firearms.

The Committee recommends that there is need to strengthen the training of private guards and local defence officers to help them attain some minimum standards.

Issues contained in the report of the Uganda Human Rights Commission to Parliament for the year 2020 pertinent to the Ministry of Security

According to the 2020 Annual Report of the UHRC, the human rights concerns flagged which are pertinent to the Ministry of Security to address are covered under Chapters 7, 8 and 10 of the same report. According to the report, these issues were picked from complaints of human rights violations, media reports research findings from stakeholders and whistle blowers. The specific emerging human rights issues of 2020 as well as recommendations of the UHRC that are directly pertinent to the security sector for the Minister for Security to make appropriate responses to were;

- a) The insecurity in Karamoja sub-region; as a result of cattle-rustling practices. The UHRC of 2020 as was the case in 2018 indicates that insecurity challenge in Karamoja sub-region continued to pose a serious threat. According to this report, proliferation of small firearms amplified the cattle rustling practice amongst the Karimajong as they raided neighbouring communities. (Interventions are the same as those indicated in 2018 and 2019)
- b) The state of detention places for suspects throughout the country; The UHRC report for 2020 noted that there is overcrowding in prisons has remained an intractable challenge, with some prisons housing twice as much or up to three times their designated capacities. In this respect, the male inmates are most affected. It is an international operational requirement that detention accommodation should provide adequate cubic content of air, floor space, lighting, heating and ventilation for the detainee population. However, according to UHRC Report this was not attained during the year 2020. (Uganda Prisons Service can ably give this committee details on this matter).
- c) Security issues related to the COVID-19 pandemic; Commission raised concerns about the lingering use of excessive force by some members of the security officers operating outside the aforementioned official Government Policy thus, leading to violations of the right to freedom from torture and cruel inhumane degrading treatment or punishment, right to life and deprivation of the right to personal liberty, specifically detention beyond 48 hours as evidenced by the 128 complaints received by the commission.

Insecurity in Karamoja Sub-Region

The UHRC Report of 2020 as was the case in 2018 indicates that the insecurity challenge in Karamoja sub-region continued to pose a serious threat. According to this report, proliferation of small firearms amplified the cattle-rustling practice amongst the Karamojong as they raided neighboring communities.

During the delivery of the State of the Nation Address of this year, H.E. The President pronounced himself on a number of interventions undertaken by government to cure this recurring challenge. Amongst others, the President stated that Government was building capacity through enhanced intelligence gathering as well as recruitment, training and deployment of more troops both UPDF, UPF. Other interventions are similar as indicated above in the previous years.

Mechanisms for increased collaboration and coordination amongst security agencies and the general public.

The Committee was informed that there are mechanisms for collaboration and coordination among security Agencies that include; Joint Intelligence Committee where each intelligence Agency is represented, Joint Operations Command where Police is the lead Agency where all other sister Agencies are members. Besides, each security Agency has a public relations department responsible for regularly communicating to the public through press briefings. On the other hand, Joint Operation Command may co-opt other organizations in their meetings basing on the situation at hand i.e Immigration, KCCA, UWA etc.

The Minister further recalled that some questions had been raised in regards to the use of the so called "drones" used by the security agencies, suspects re-arrested in courts, and arresting officers in masks and hoods. To remind members, my response was that;

On the issue of 'drones', the Minister informed the Committee that some of them may belong to security personnel but some may not be belonging to security personnel.

Name:

1. Damulira John
2. Kafeero Matthew
3. Kigozi Mathew
4. Namanya Sarah
5. Nadawere Agnes

Date of Arrest

21 November, 2020
21 November, 2020
21 November, 2020
21 November, 2020
21 November, 2020

6. Kasumba George
7. Chekede Ibrahim

21 November, 2020
21 November, 2020

The Minister for Security informed the Committee that he had taken action and cross-checked with sister agencies with a view of obtaining the whereabouts of the said persons. Out of the alleged 7 persons, as of now the Security agencies can only account for one in the names of Mr. Damulira John who is currently on bail undergoing trial by Courts of Law. The rest of the alleged missing persons, investigations are on-going to ascertain their whereabouts: The Minister undertook to avail Parliament any further information as soon as it is available.

The Committee was informed that, further inquiries conducted by the Uganda Human Rights Commission with Damulira John's family, as at 5th September 2022, revealed that Damulira John is still missing and his family does not know his whereabouts. This is contrary to the Minister for Security's assertion that Damulira John is currently on bail.

The Committee recommends that the Minister of Security should be sanctioned for submitting false information to the Committee in relation to the missing person named Damulira John.

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4.10 OFFICE OF THE PRIME MINISTER - 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: OPM together with the Ministry of Agriculture, Animal Industry and Fisheries should construct national food reservoirs.

The Office of the Prime Minister informed the Committee that under the NDP III, the responsibility of silos is for Ministry of Trade.

The Committee recommends that the Uganda Human Rights Commission should follow up this matter with the Ministry of Trade and report to Parliament in the 25th Annual Report for the year 2022.

Recommendation 2: Office of Prime Minister should streamline the Policy of land ownership and related benefits for the host communities before, during and after occupation by refugees.

The Office of the Prime Minister informed the Committee that Government owns land for refugee settlements in South west and mid- West. Land in west Nile and Northern region is community land, given on people's good will and the host communities benefit from the development Aid and access to projects like DRIP which have contributed to infrastructure development and access to social services in the area.

The Committee recommends that the Office of the Prime Minister should be supported to acquire more land to settle the increasing number of refugees fleeing conflicts in the region.

Recommendation 3: OPM should create its own biometric system of registration of refugees or attain control over the UNHCR system,

The Office of the Prime Minister informed the Committee that discussions are on-going within government, UN system on how to create, fund and manage refugee registration system.

The Committee recommends that the Office of the Prime Minister should expedite the process of setting up and operating a refugee registration system and should report to Parliament on its progress within 6 months.

Recommendation 4: Government should, through the office of the Prime Minister, support the host communities who have already given out their land for refugee settlements and have nowhere to sustain their livelihoods

The Office of the Prime Minister informed the Committee that the host communities enjoy refugee services and development Aid. There is an intervention ratio principle of 70:30 percent in distribution of services. It's required for each partner to apportion 30% of their resources to the refugee hosting community.

In addition, government through projects like DRDIP, has a livelihood support component to host communities and refugees.

The Committee recommends that the refugee hosting communities should be given additional benefits for their sacrifice in welcoming and accommodating refugees rather than considering that the services to refugees are their reward.

Recommendation 5: OPM should conduct massive awareness raising among the host communities on the terms and conditions on which their land was donated to the government for settlement of refugees as well as how to tap the benefits arising from refugee population such as utilizing them as labour and market for produce.

The Office of the Prime Minister informed the Committee that sensitization and continuous awareness among the host community and refugees is carried out. This has fostered peaceful coexistence thus creating an enabling environment of trade and labor utilization.

The Committee recommends that Government should address all land issues raised by the refugee hosting communities to avoid conflicts between the people and the refugees they host.

Recommendation 6: OPM, UNHCR and World Food Programme should revise the food distribution system in the settlements with a view to ensuring that food is not distributed very far away from the families.

The Office of the Prime Minister informed the Committee that together with UNHCR and World Food Programme (WFP) were alive to the nature of the refugee settlements in terms of size and distances and to this end a measure is in place that all distribution centres are in the radius of 5km to ensure that refugees don't have to walk long distances to food collection centres in accordance with the Sphere standards.

The Committee recommends that the furthest distance from food distribution points for refugees should not exceed 5 kilometers.

Recommendation 7: Office of the Prime Minister should ensure that more schools, especially secondary schools and health centres are set up within the settlement or in areas close to the households.

The Committee was informed by the Office of the Prime Minister that in the past 3 years, more schools and health centres had been set up within the settlement and host communities under projects like Development Response to Displacement Impact Project (DRDIP), Refugee Response Fund-KWF and partners in the refugee response. 500 classroom blocks have been constructed in both primary and secondary schools and 200 classrooms for secondary schools.

A total of 67 health facilities have been rehabilitated and 10 new health centre facilities have been constructed.

The Committee recommends that the schools and health facilities that have been constructed under the different refugee response projects should be staffed and equipped to serve both the refugees and the refugee host communities.

Recommendation 8: PM and Development partners should increase on water supply by installing a bigger water system to address the problem of inadequate water.

The Office of the Prime Minister informed the Committee that, in collaboration with Partners, it had increased water supply system capacity using a high

motorised water yielding system. A total of 289 boreholes using this system have been constructed and have brought the water usage per person to Sphere standard levels.

The Committee recommends that Government should invest more funds in providing safe water for all Ugandans.

Recommendation 9: OPM should establish tertiary/ vocational training institutions for the refugees and host communities to help the people, especially the youth, attain some skills

The Office of the Prime Minister informed the Committee that a number of vocational skill training institutions had been set up within the refugee settlements to help refugees and host communities attain significant levels of livelihood skills. About 37 vocational institutions were established between 2019-2021. For example, Comboni Missionaries in Paloriya Refugee Settlement have set up a vocational skills training offering Carpentry wood work, welding and fabrication, Bakery, Cooking oil refinery and animal husbandry. Similarly, Don Bosco in Palebek Refugee Settlement is equipping youth refugees through courses in mechanics, sewing, construction, agriculture, hairdressing and solar energy among others.

The Committee recommends that Government should facilitate the 37 vocational institutions set up between 2019 and 2021 to train and equip refugees and refugee hosting communities with skills in mechanics, sewing, construction, agriculture, hairdressing and solar energy among others.

Recommendation 10: OPM to expedite the process of resettling the disaster-affected communities to avoid future disasters.

The Office of the Prime Minister informed the Committee that the process of resettling affected communities to avoid future disasters was ongoing within the available resource envelope.

The Committee recommends that Government should utilise some of the funds from the contingencies fund to facilitate resettlement activities under the Office of the Prime Minister.

Recommendation 11: Department of Disaster Preparedness in conjunction with OPM should ensure sustainable implementation of Climate change Adaptation as spelt out in the Development goals.

The Office of the Prime Minister informed the Committee that the department of disaster preparedness was implementing the Disaster Risk Management Plan which addresses climate change adaptation.

The Committee recommends that Government;

- i. should avail resources to fund the implementation of the Disaster Risk Management Plan,**
- ii. should engage development partners to access global climate change mitigation funding.**

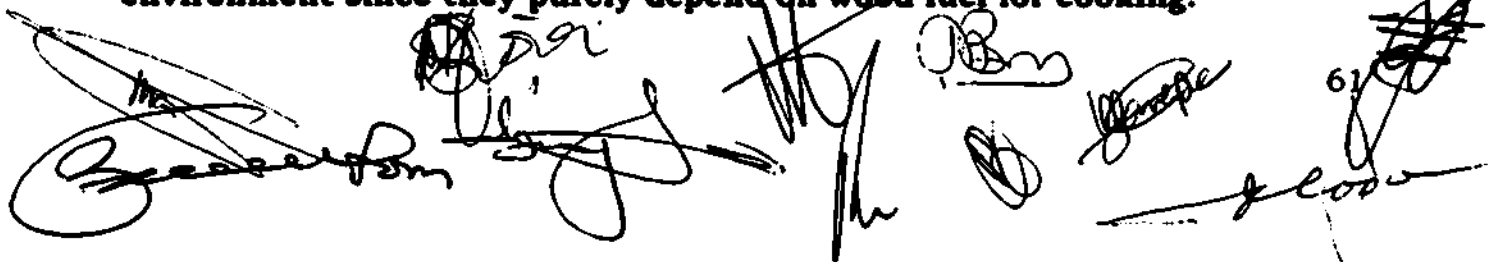


Recommendation 12: Office of the Prime Minister, UN agencies and humanitarian and human rights organizations should develop standard and Operating procedures on how to address, without breaching the principle of the best interest of a child, the unprecedented complex situation of legally married refugee child mothers whom the domestic law of Uganda does not recognize.

The Office of the Prime Minister informed the Committee that Refugees while in Uganda are governed by the laws of the land, including child protection against marriages. Therefore, refugee child mothers are supported and entitled to all benefits like any other refugee and extra attention and support is given by partners like counselling and nutrition food supplements.

The Committee recommends that Government should comprehensively address the issue of child marriages for both refugees and citizens in line with the laws governing the country especially after the COVID-19 pandemic.

Recommendation 13: OPM, Ministry of energy and mineral Development, Ministry of Water and Environment and humanitarian partners should provide the refugees with alternative energy options in order to save the environment since they purely depend on wood fuel for cooking.



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The Office of the Prime Minister informed the Committee that Government together with partners are building capacity of refugees on use of alternative fuel sources such as Biomass, improved cook stoves such as Lorena stoves and use of briquettes. All these efforts are fostered towards addressing environment management and conservation.

With support from World Bank, Ministry of energy and mineral development together with OPM are to commence the Electricity access scale up project to increase access of hydro power in host communities and refugee settlements, as well as contribute to fuel alternatives.

The Committee recommends that Government should expedite the implementation of the electricity scale up project to increase access of hydropower in host communities and refugee settlements.

Recommendation 14: OPM, UNHCR and Humanitarian partners need to forge a holistic (legal, sociological, rights based and gender diversity) approach to the response and management of settling child mothers and unaccompanied minors.

The Office of the Prime Minister informed the Committee that there is use of a participatory approach in interaction with persons of concern. This is geared to learn challenges of different age groups which help partners to make informed intervention that address the actual needs.

During these meetings/ interactions individuals are categorised according to age groups, OPM, UNHCR and other partners take part in engaging with the different age groups of child mothers and unaccompanied minors and this has helped with coordinating intervention response and priority tailored programs.

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The Committee recommends that Government should maintain the use of a participatory approach in interaction with persons of concern including child mothers to learn their challenges and make informed decisions.

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Recommendation 15: OPM, UNHCR and other UN agencies and humanitarian partners should adequately support the adults who take care of the unaccompanied refugee minors: livelihood should be imparted to the minors and adults who keep the minors, empowered economically and socially.

The Committee was informed by the Office of the Prime Minister that adults who take care of unaccompanied minors as foster parents are supported with start-up capital to foster their livelihoods so that they ably take care of the minors placed under their care. The unaccompanied minors are enrolled for education and supported with scholastic materials and other necessities until they are young adults and engaged in gainful employment.

The Committee recommends that the inadequate funds allocated to foster parents of unaccompanied minors should be increased to guarantee a safe and comfortable life for these minors and their adoptive families.

Recommendation 16: OPM, UNHCR and humanitarian partners should provide peace building skills and human rights-based interventions for the most vulnerable persons like the older persons, women and children.

The Office of the Prime Minister informed the Committee that periodic peace building trainings are conducted as well as sensitization trainings with regard to their human rights as refugees and their obligations while in Uganda. There is a peace building and conflict resolution intervention under which are peaceful coexistence taskforce and a technical working group which has fostered peaceful co-existence among refugees and host communities.

The Committee recommends Government should work together with development partners to roll out the peace building and conflict resolution intervention to support older persons, women and children in the refugee community to develop peace building skills.

Recommendation 17: OPM and Ministry of Water and Environment should ensure that refugee settlements are set up near water sources and work with their humanitarian partners to provide water during dry seasons.

The Committee was informed that OPM is currently promoting land use management plans that enhance systematic planning for land use while settling refugees. Water provision services are set up in new refugee zones and water trucking is available in the initial stages of settlement.

The Committee recommends that Government should always look for water at the site of every refugee settlement before setting it up to avoid high costs of drilling water and setting up water access facilities where no natural water source exists.

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Recommendation 18: Verify and register all unregistered Urban Refugees in Kampala.

The Committee was informed by OPM that all refugees and asylum seekers in Kampala are registered. There are 120,518 refugees and asylum seekers in Kampala. Uganda is now a host to 1,528,057 refugees as at 1st July, 2022. There are well established procedures under the Refugee Act 2006 and its Regulations of 2010 and International Refugee Law, through which asylum seekers can be registered and granted refugee status.

Asylum Seekers must apply for Asylum in the host country and declare their intentions to seek asylum, in order for Government to assess their individual applications for asylum.

The Committee recommends that Government should continue engaging development partners for additional financial resources to effectively host the more than 1,528,057 refugees in the country.

Recommendation 19: Establish a monitoring and recording mechanism for employed urban refugees to ensure that they are not exploited. Refugees should also be assisted in applying for and acquiring work permits.

The Office of the Prime Minister informed the Committee that the Refugee Registration System records individual profiles of refugees. We are currently undertaking a refugee verification exercise and updating individual profile of all refugees and Kampala site is beginning September 2022 up to November 2022. The Office of the Prime Minister will have updated records of what every refugee does.

Categories who need work permits from Immigration Department can get free work permits in accordance with Ministry of Internal Affairs Statutory Instrument No. 13 of 2016, free of charge.

The Committee recommends that Government should expedite the refugee verification exercise and updating individual profile of all refugees in order to collect data that will inform interventions for refugees in the short to medium term.

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4.11 MINISTRY OF ENERGY AND MINERAL DEVELOPMENT

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1. Extractive Industries in Karamoja Sub-Region

The Ugandan Government should fast track the amendment of the Mining Act and related policies by facilitating and supporting community consultations and dialogues on the review of the mining regulatory and legal framework.

The Ministry of Energy and Mineral Development informed the Committee that it had continued to fast track the Amendment of the Mining Act, 2003. A new Mining and Mineral policy of Uganda, 2018 has been in place since 7th May 2018. The principles for the Mining and Minerals Bill, 2020 was approved by Cabinet on 12th April, 2021 and Bill was subsequently passed by Parliament on 17th February 2022. The Bill was forwarded to H.E the President for assent but was returned to Parliament for further clarification. Issues raised has been duly addressed and Parliament subsequently passed the Mining and Mineral Bill on 3rd August 2022.

The Committee recommends that Government should expeditiously formulate regulations and implement the Mining and Mineral Act that was passed by Parliament on 3rd August 2022.

Recommendation 2. The Ugandan Government should support the organisation and formulation of artisanal small-scale miners into groups and associations to facilitate organised mining, thus increasing their market bargaining power, acquisition of location licenses and financing for these small organised groups.

The process of formalizing Artisanal Miners is ongoing. The Ministry of Energy and Mineral Development (MEMD) procured a consultant to develop management strategy for Artisanal Small-Scale Miners (ASMs) in Uganda and undertake Biometrics registration of ASMs in the Country. This intervention has been on going and the field based biometric registration of artisanal miners was launched on 9th December 2021 in Gulu City with initial biometric registration of 200 miners. The roll out of the field based biometric registration

exercise in the rest of the country has been delayed by limited funding experienced by the sector.

The Ministry has issued 95 location licenses to registered Artisanal Miners. In addition, the Ministry is in the process of establishing regional mineral beneficiation centres in Rwengoma, Ntungamo and Nyaka Avenue in Fort portal to facilitate skills transfer and best mining practices by ASMs.

The strategy is to undertake biometric registration of all artisanal and small-scale miners, service providers, dealers and agents, issue them with renewable certificates and or permits, create a database with all the bio-data of all miners including names, sex, age, location, affiliations to registered ASM associations and National I.D Numbers (NINS) to linked with NIRA Database.

The registration of miners coupled with further studies will enable government to; explore ways to identify alternative livelihoods such as programmes aiming at encouraging more income generating activities to diversify on artisanal household incomes along the ASMs supply chain, understand challenges, contributions and development appropriate mechanism for management and improvement of Artisanal and small scale mining practices in the country as well as generate more revenues from the sector. The exercise aim is to register, formalize and regulate the operations of ASMs in the Country.

The Committee recommends that Government should organise the mining sector by undertaking biometric registration of all artisanal and small-scale miners, service providers, dealers and agents as per the proposed strategy.

Recommendation 3. The Ministry of Energy and Mineral Development and the district local government should disseminate mining laws and regulations to the local community, including the national action plan on business and human rights, and monitor their implementation.

Copies of Mining Act 2003 and regulations 2004 have been disseminated annually to local district leaders. Inspections and monitoring of exploration and mining operations continued in Karamoja, Eastern, Central and Ankle regions. Sensitization was carried out for mining lease and location license holders to observe Health and safety guidelines during mining operation.

In the F/Y 2021/2022, 1,600 ASMs in 40 location licenses were sensitized on the legal framework for mining operations in Uganda, safety and health in mining operations and business skills as part of inspection of ASM operations. 4 regional stakeholders' workshops were conducted in Gulu, Tororo, Mbarara and Entebbe.

The Committee recommends that Government should continuously train Artisans and small-scale miners to develop their appreciation of the legal framework for mining operations in the country.

Recommendation 4. The Ministry of Energy and Mineral Development and Mineral Police should monitor the enforcement of restoration practices.

In collaboration with Police Minerals Protection Unit, the Ministry conducted inspections and monitoring in the F/Y 2021/2022, 40 location licenses were inspected for compliance with working obligations. Enforcement actions were undertaken on some of the emerging ASMs sites in Mubende and Kassanda areas.

The Ministry will ensure that areas specific for ASM operations are demarcated and that minerals adhere to the requirement of the Mining and other relevant law.

The Committee recommends that Government should train and equip the Police Minerals Protection Unit to build the capacity of the force to crack down on illegal mining.

Recommendation 5. Access to Electricity in Uganda. The Ugandan Parliament should amend the Electricity Act 1999 to diversify electricity sources, especially to promote off-grid solar that can serve vulnerable groups better.

The Electricity Act was amended this year and the Electricity Act Amendment (2022), provides for better sector regulation and service delivery. The Ministry is in advanced stage of reviewing the Energy Policy, 2022. The new Policy will provide for inclusive growth and address energy needs of the vulnerable and marginalised groups. Additionally, the Ministry has developed the National Electrification Strategy (NES), which provides for the implementation of both

grid and off-grid solutions to ensure 100% access to electricity for all Ugandans.

The Committee recommends that Government should utilise all funds currently spent on deemed energy, amounting to over Shs. 113bn, to connect Ugandans to the national grid so that they can consume and pay for the power.

Recommendation 6. The Ministry of Energy and Development should prioritise the connection of all health facilities to the national grid.

Government has been prioritising both grid and off-grid provision of power to health facilities. Not all facilities can be connected to the National Grid considering the capital-intensive nature of the transmission and distribution infrastructure. Facilities far from the grid are being electrified using off-grid solutions such as mini-grids and solar PV systems.

The Electricity Access Scale-up Project will expand provision of power (both grid and off-grid) to public institutions, health facilities inclusive.

The key drivers for electricity tariffs include the electricity generation costs (both the capital and the operation and maintenance costs) which accounts for 60%; operation and maintenance costs for power transmission which account for about 8%; power distribution costs (both the capital costs and the operation and maintenance) which account for about 32%, and the level of consumer demand for the generated power.

The power generation plants and transmission infrastructure are capital-intensive, which huge costs have to be recovered through the tariff. These costs have to be paid back by grid-connected end-users of which the customer base is still low. The number of grid-connected end users is currently 1.7 million connections (about 1.6 million households and the balance of 100,000 is for commercial enterprises and industries). The implication is that the costs are paid back by only a few consumers, which keeps the tariff high.

Government through the Ministry of Energy and Mineral Development together with the Electricity Regulatory Authority (ERA) is implementing a number of tariff reduction initiatives which include: Lifeline tariff, cooking tariff for domestic consumers and institutions, debt refinancing for Bujagali hydropower plant, lower tariffs for extra-large consumers involved in manufacturing

including a declining block tariff where the consumer pays a lower tariff at higher levels of energy consumption, and extension of power to industrial parks to increase demand among others initiatives. Additionally, the Electricity Act Amendment, 2022 will allow industries to directly purchase power from generation plants and transmission substations without first going through distribution companies.

Government is also undertaking the development of about twenty-five (25) industrial parks which should increase demand. Projects continue to be packaged to take power to these industrial parks.

The Committee recommends that Government should utilise some of funds currently spent on deemed energy, amounting to over Shs. 113bn, to connect all health facilities to the national grid so that they can consume and pay for the power. This will also help efforts to lower the tariffs.

Recommendation 7. The Ministry of Finance Planning and Economic Development should make deliberate efforts to increase funding in the energy sector to boost activities directed toward expanding the grid line.

The Committee was informed by the Ministry of Energy and Mineral Development that the Power Sector requires substantial funds to supply adequate and reliable power to Ugandans for social-economic development as well as grow demand to absorb surplus generation.

Ministry of Energy and Mineral Development continues to engage the Ministry of Finance, Planning and Economic Development (MoPED) to avail funding for power transmission and distribution infrastructure.

Recent government efforts towards increasing funding towards expanding access include securing funding from development partners. Notable among the sources are funding of the Grid Expansion and Reinforcement Project - Lira, Gulu, Nebbi to Arua Transmission Line aimed at providing power supply to the Northern and West Nile Regions of Uganda; and also provide infrastructure to enable implementation of Rural Electrification Program.

Other government efforts are providing funding for bridging the demand gap through the accelerated rural electrification Programme (TBEA), targeting mainly electricity connections to the sub county headquarters.

The Committee recommends that Government should prioritise funding for power transmission and distribution infrastructure for Karamoja and West Nile regions.

The Committee recommends that Government should prioritise funding for power transmission and distribution infrastructure for Karamoja and West Nile regions.

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4.12 OFFICE OF THE DIRECTOR PUBLIC PROSECUTIONS - 2018-2020.

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1. The Uganda Police Force, the Office of the Director Public Prosecutions and the Ministry of Justice and Constitutional Affairs should ensure speedy prosecutions of perpetrators of sexual violence.

The Committee was informed by the Office of Director of Public Prosecutions that in executing its mandate of ensuring speedy prosecutions, it works with other government institutions, key among which is the Uganda Police force who conduct investigations in these cases, and the Judiciary who fix the hearing dates for the trials to be conducted.

The above notwithstanding, the OPP has adopted some good practices to ensure the speedy prosecution of cases involving sexual violence as follows;

- i. The ODPP established a Department of Gender, Children and Sexual Offences in the ODPP to oversee the handling of Sexual Gender Based Violence (SGBV) cases in accordance with prosecution standards.
- ii. The ODPP conducted a number of trainings covering the handling of child related cases using the prosecutors' handbook as well as child psychology and development to equip prosecutors with skills on how to handle child victims and traumatized witnesses.)
- iii. ODPP established the Witness Protection and Victim Empowerment Department- to employ a victim centered approach while handling criminal cases particularly those of sexual violence, in an effort to empower the victims for purposes of accessing justice. The ODPP with assistance from the High Commissioner, United Nations Human Rights developed a brochure meant to give information to victims as to how they can access justice. we conduct Prosecutor- guided (prosecution-led) investigations to ensure that good quality evidence is gathered for successful prosecutions. This helps us to get good quality and relevant evidence. Cases handled this way hardly collapse in court for lack of proper evidence. We encourage all our staff and all OC Cid's to adopt this method.

The ODPP conducts and advocates for Joint trainings of prosecutors and investigators, so they get to appreciate their respective roles, responsibilities

and challenges as they execute their mandate. With support from UNICEF some of our prosecutors have been trained in digital forensics and the investigations of offences committed online and against children. Their skills acquired have enhanced our capacity to handle and manage cases with cyber related offences, (how to retrieve evidence online, trace suspects who commit online offences, as well as the law applicable.

The OPP is a member of the national working committee to fight online sexual abuse against children and has participated in a number of trainings facilitated by the department of gender on how to peruse, identify and prosecute such offences. The committee is comprised of representatives from the UPF, ODPP, Min of gender- (Child help line), Min of foreign affairs and UNICEF.

According to the officers at the child help line at the ministry of gender, after the success registered in the last Sexual Gender Based Violence sessions the number of people reporting cases of sexual violence has increased. These cases are brought to our attention and so far 3 cases are now in court.

Designation and tooling of children rooms within the ODPP offices. These are centers meant to act as waiting rooms for child victims and witnesses in a child friendly atmosphere, in Kampala, Masaka, Mukono, Jinja, Mbarara, Soroti, Kabale and Male Regions.

We have effectively participated in four phases of specialized criminal sessions of Sexual and Gender Based Violence intended to ensure speedy prosecution of cases from 2018-2020 as follows;

- a) Phase 1 (2018) where 687 cases concluded, we secured 322 convictions
- b) Phase 2 (2019) where 584 cases concluded, we secured 351 convictions and
- c) Phase 3 (2019) where 601 cases concluded, we secured 442 convictions and
- d) Phase 4 (late 2021 - 2022) where 541 cases were concluded, we have so far secured 380 convictions.
- e) Totaling to 2,413 cases handled in specialized criminal sessions at a conviction rate of approximately 62%.

The performance above is still being hindered by a number of issues;

- a) Lack of specialized investigative skills; Successful prosecutions cannot be achieved when the investigations are poor. The investigator who handles

a theft case is the same investigator handling sexual and gender-based violence cases they lack interviewing skills that are victim responsive.

- b) There is limited use of forensic and scientific evidence in SGBV cases due to inadequate scientific and forensic facilities. Yet in cases of sexual assault, DNA should link the perpetrator to the survivor. In Uganda, the facilities are inadequate and this delays investigations.
- c) Then most medical officers charge a fee before examining an SGBV victim which most victims cannot afford. Even after the doctors have examined the victims, they do not come to court because they are not paid.
- d) Delayed trials which affect the turn up of witnesses, who migrate, lose interest.

The Committee recommends that Government should finance efforts by the ODPP, Police and the Ministry of Gender, Labour and Social Development to ensure speedy prosecutions of perpetrators of sexual violence.

Recommendation 2. Judicial Service Commission and the OPP should recruit more judicial officers and prosecutors to deal with issues of case backlog in the courts of law to expeditiously handle cases

The Committee was informed that the ODPP was still pursuing the implementation of its human resource structure. That requires filling the approved posts for deepening service provision up to County level.

It should be noted that due to inadequate funding, the ODPP has currently filled up to only 40% of its approved structure for both legal and non-legal officers, while the judiciary has in the last 2 years undertaken a massive recruitment of judicial officers at all levels, The OPP had planned to recruit 120 state attorneys, however, His Excellency the President of the Republic of Uganda guided that the money for recruitment be used to enhance the salaries for those already in service.

As a result, Ministry of Public Service as directed by His Excellency the President advised OPP to stay any recruitment in the F/Y 2022/2023 except recruitment on replacement basis. The OPP is engaging the Ministry of Finance

Planning and Economic Development for funds for recruitment in the next financial year.

The Committee recommends that Government should fund the Judicial Service Commission and the Office of the Director of Public Prosecutions to recruit more Judicial Officers and Prosecutors to address the issue of case backlog in the courts at all levels.

Recommendation 3. The OPP should institute criminal proceedings against police officers suspected to have shot dead Ramathan Walyendo, Samuel Ssekiziyivu and Yasin Kawuma when they fired live bullets to disperse the crowds.

The ODPP informed the Committee that in respect to the death of Ramathan Walyendo, the police file vide Bugiri GEF 10/2018 was submitted to the office of the Resident State Attorney on 17th August 2018, perused and dispatched back to police for further inquiries on the 6th September 2018, it has not been resubmitted since.

The ODPP further informed the Committee that in respect to the death of Samuel Ssekiziyivu, a police file vide Mityana CRB 65S/2018 was opened up and received by our office in Mityana for perusal. We advised for the suspects to be charged with the offence of murder. We were however, informed that the suspects are on the run.

In regard to the issues covered in paragraphs 3, a police file, reference number Arua CRB 3442/2018 was opened up to investigate charges of murder of Yasin Kawuma. The file was received by our office in Arua on 26th October 2018, perused and was sent back for police for conduct further investigations on November 2018. File has not been resubmitted.

The Committee recommends that,

- i. Government should support the Office of the DPP to develop the capacity to carry out prosecutor led investigations rather than engaging in ping-pong movement of files between the Police and the ODPP especially in cases where Police Officers are the culprits,**
- ii. the ODPP should take up the investigation and disposal of the cases relating to the murder of Ramathan Walyendo, Samuel**

Recommendation 5. ODPP should expedite the prosecution of officers of Uganda police force and UPDF who assaulted, tortured and damaged the property of journalists and suspects as they covered the Arua by elections and the recent demonstrations.

The Committee recommends that Government should support the Office of the DPP to develop the capacity to carry out prosecutor led investigations especially in cases where Police Officers are the culprits.

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4.13 UGANDA PRISONS SERVICE 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

A. Situational Report

Uganda Prisons Service is currently running 260 prison units grouped in 16 regions across the country with a population of 70,101 (June, 2022) prisoners against the holding capacity of 19,986.

Staffing

The staff strength is 12,602 with 12,152 uniformed and 450 civilian staff. Male staff account for 71.1% and female staff account for 28.9%. The staff-to-prisoner ratio is at 1:6; ideal is 1:3. 202 CAPs are still undergoing training at Prisons Academy and Training School.

Recommendation 1. Uganda Prisons Service should completely phase out the bucket waste disposal system.

The Committee was informed that the Uganda Prisons Service was working towards elimination of the night soil bucket system; 29 out of the 260 prison units still have bucket system.

Infected
The Committee recommends that Government should commit a sum of Shs. 500 billion over the next 5 years to eradicate the bucket system in all detention facilities in the country, in a phased manner.

Unimpaired
Recommendation 2. Uganda Prisons Service should stop the torture of detainees in their custody.

UPS does not tolerate acts of torture in prison facilities. A person who performs any act of torture commits an offence and is criminally liable for any consequences that arise from the acts of torture on conviction. If a staff is involved in acts of torture he or she is handed over to Police for prosecution.

Infected
The Committee recommends that Government should prosecute all persons, inmates or staff who torture others in prison facilities.

Recommendation 3. Uganda Prisons Service should be provided with adequate funds to enable them build better structures so as to have facilities suitable for human habitation and stop overcrowding.

The accommodation capacity is 19,986 prisoners. With a population of 70,101, occupancy rate is at 350.8%. Uganda Prisons has constructed some new prisons and some have been expanded. New prisons include Kyangwali, Butyaba, Kitalya Minimax, Amudat,

Nwoya and Sheema. Expanded prisons include Mutukula, Nebbi, Adjumani, Ragem and Orom-Tikau; Mutufu, Rukungiri and Ntungamo are being expanded. The accommodation capacity is expected to increase after completion of Mutufu, Rukungiri and Ntungamo Prisons. The new prisons have provisions for ramps at entry points and arm supports in toilets.

The Committee recommends that Government should commit a sum of Shs. 500 billion over the next 5 years to implement the Prisons Infrastructure improvement plan and eradicate the bucket system.

Recommendation 4. Uganda Prisons Service should prioritise the implementation of the Prohibition and Prevention of Torture Act, 2012.

Prisons Standing Orders were revised in 2017 and the Prevention and Prohibition of Torture Act (PTA) provisions were considered and incorporated therein. A Guide Booklet on application of Human Rights Standards and Principles when enforcing the Prevention and Prohibition of Torture Act was compiled by Human Rights Centre Uganda (HRCU) together with the Uganda Human Rights Commission and the African Centre for Treatment and Rehabilitation of Torture Victims and distributed to prison officers. This booklet is comprehensive and can be easily understood by all levels of prison officers.

Information, Education and Communication (IC) materials like posters on the PPTA were also produced by HRCU. These were disseminated together with copies of the Act. They helped to improve the awareness and knowledge of the prison staff on human rights.

Over 95% of the prison staff have undergone human rights training. Human rights is one of the basic modules at Prisons Academy and Training School. A few staff of the former Local Administration Prisons have not undergone the

training, but there are regular refresher courses at the Training School so they will also undergo the training.

The Legal and Human Rights Department of Uganda Prisons Service visits prison units regularly to sensitise the staff and prisoners on human rights and obligations.

Uganda Prisons Service in conjunction with Human Rights Centre Uganda have been training the staff through capacity building workshops on the Prevention and Prohibition of Torture Act, 2012. They covered the Eastern, Northern and Central Regions of the country.

The Justice Law and Order Sector sponsors staff to undertake a diploma course in human rights at the Law Development Centre, Kampala; over 30 staff have completed the course since 2015.

The Committee recommends that Government should strengthen human rights committees in all Prisons and avail funds for training prisons staff across the country in basic human rights principles.

Recommendation 5. Uganda Prisons Service should sensitise personnel on the implementation of the Robben Island Guidelines and the Luanda Guidelines on conditions of arrest, police custody and pre-trial detention.

Pre-Trial Detention

UPS has a responsibility of keeping individuals who are lawfully deprived of their liberty safely and then, in most cases release them back to the community.

Section 64 of the Prisons Act provides that:

(1) Prisoners who are not convicted are presumed to be innocent and shall be treated as such and they shall be kept separate from convicted prisoners.

(2) Where a prisoner is committed for remand in a prison by order of a court or other competent authority, he or she shall be handed over to the custody of the officer in charge with the warrant of commitment, and officer in charge shall detain the prisoner in custody for a period indicated

in the warrant and cause the prisoner to be discharged at such time, or as to the terms of the warrant in question may specify.

(3) For the purposes of his or her defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, to receive visits from a legal advisor, and for these purposes, the prisoner shall if he or she desires to be supplied with writing materials and the interviews between the prisoner and the legal advisor may be within sight but not within the hearing of a police or prison officer.

All persons received into prisons must be registered.

UPS keeps an up-to-date official register. The register shows date and time of admission and the authority under which the person is imprisoned. The information in such registers must be accessible to the courts and other competent authorities and any other person with a legitimate interest in the information.

The register must be bound with numbered entries. The details relating to each prisoner should be sufficient to identify each prisoner. This is to ensure that people are only held in prison if there is a legitimate sanction for their detention, that they are not held for longer than the law allows and in order to guard against human rights violations such as disappearance, torture or ill-treatment and extra judicial killing. The register is bound and the entries numbered so that it is not possible to delete or add entries out of sequence.

All prisoners, as soon as possible are told about their right to legal representation supported to inform their legal representatives, and their families of their whereabouts. This facility is also provided whenever a prisoner is transferred to another prison. The prisoners can contact a lawyer in order to discuss their legal options and to begin to prepare their defence. Arrangements are sometimes made for those with no financial resources to be assisted by legal aid service providers.

UPS has a total of over 50 vehicles for delivery of prisoners to 264 courts countrywide. Special provisions are in place to ensure that prisoners can maintain meaningful contact with their friends and relatives.

The prisoners are also made aware of the regulations of the prison, what is expected of them and what they can expect of the prison staff.

Foreign national prisoners are given all reasonable facilities to communicate with and to receive visits from representatives of their governments - consular visits. The consent of the prisoner has to be sought first because there may be cases where prisoners require protection from expulsion or repatriation to a state where there are grounds to believe that they would be in danger of torture or ill-treatment.

It is the responsibility of UPS, as soon as possible after a person is admitted to prison, to conduct a medical examination by a properly qualified medical officer. Any necessary medical treatment is then offered.

UPS ensures that pre-trial prisoners are not managed as if they were convicted since in some cases, pre-trial prisoners will be found to be innocent once their cases come to trial.

Pre-trial prisoners are entitled to separate accommodation from the convicts, but in most cases this requirement is not met considering the overcrowding conditions in our prisons so it is important that investigative and judicial processes be fast.

Health and Sanitation

All prisoners have access to the health services available in the country without discrimination of their legal situation. UPS has taken measures to ensure that the right to health of all categories of prisoners is observed. The health care coverage of prisons has increased over time - Village Health Teams have been established in 98% of the prisons; 2% access health care from nearby health centres. Sanitary requirements like soap, razor blades, sanitary pads for women, uniforms and beddings are provided regularly to the prisoners.

Juveniles, with their mothers in prison are offered special care. There is a provision for day care centres. 20 of the prisons have access to safe and clean water supply. Measures are in place to ensure that all prisoners can access safe and clean water.

Food

The prison administration provides prisoners with three wholesome and nutritious meals daily.

Work and Exercise

One of the functions of UPS is to ensure performance by prisoners of work reasonably necessary for the effective management of prisons. In addition, the work done by inmates is aimed at facilitating their rehabilitation and reintegration in a bid to make them responsible members of society when they are released.

It should be noted that regulations regarding prison labour, composition of prison labour, nature of work done, earning scheme and payment of prisoners, employment of vulnerable persons are all in place. Strict measures are in place to ensure that officers in charge comply with these regulations.

Section 70 of the Prisons Act provides that every prisoner not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily.

Discipline

Every person committed to prison shall be in the lawful custody of the officer in charge during the whole period of imprisonment and shall be subject to prison discipline and the provisions of the Act (Section 63 (1) of the Prisons Act, 2006).

All prisoners are subject to prison discipline and to all laws, orders and directions relating to prisons and prisoners during the whole time of imprisonment whether they are within the premises of the prison or not.

When a prisoner is charged with a prison offence, an officer in charge hears the case. The prisoner is informed of the offence with which he or she is charged and he or she is given the opportunity to make a statement in person, hear and question a witness giving evidence and also call a witness whom he or she thinks necessary.

The punishments which may be imposed on a prisoner for committing prison offences are; confinement in a separate cell, forfeiture of remission, forfeiture of earnings, of privileges, or forfeiture of the earning scheme reduction in earnings, reduction in wages or forfeiture

Open door policy

It was noted that the NGOs, FBOs and CSOs partner with UPS in the management of prisoners. In the Northern and Mid Northern Regions inmates have been receiving entrepreneurship training from an organization called

Advance Afrika. The training addresses the challenge of unemployment faced by many people in the communities and some inmates were equipped with business kits. Ex-inmates in the two regions have started businesses to sustain them and employ relatives and neighbours.

Human Rights Committees

Human rights committees for staff and prisoners which were established in all the prisons to monitor human rights observance, awareness and adherence to human rights standards and also to address human rights issues are operational.

They work under a structured system:

- a) Complaints mechanism that facilitates reporting of abuses and violations without fear;
- b) Protection of those who report (whistle blowers); and
- c) Conducting of monthly meetings and compiling monthly reports in the areas of access to justice, health, accommodation, torture etc. with recommendations for improvement.

The Committees have enhanced staff and prisoners' awareness of rights and obligations. They also hold prison staff and the inmates' leadership (Katikiros) accountable for their actions and demand for prisoners' rights and freedoms.

Formal education/ Functional Adult Literacy (FAL)

The Linking Remand Inmates Programme

UPS with support from ILs developed the Linking Remand Inmate Programme to help address congestion through linkages with the criminal justice agencies and other stakeholders.

Post-release visits

Inmates are followed-up through post release visits to find out whether the ex-inmate is coping well with life outside prison and to ensure that the prisoner does not become a recidivist. Reports show that inmates who are followed into the community do not re-offend.

Death in Custody

Whenever a prisoner dies from any cause whilst in custody in a prison (other than when a prisoner dies whilst under-going treatment in a civil hospital), the procedure provided in the Prisons Standing Orders is followed.

The coroner of the District in which the death has occurred shall hold an inquest. The result of the inquest shall be notified to the Commissioner General by the Officer-in-Charge. Subject to permission being granted by the Coroner or the Coroner's Office, there is no objection to the body of a deceased prisoner (other than a prisoner executed by law) being handed over to his/her relatives for burial. On no account will the body be handed over until all formalities have been completed to the satisfaction of the Coroner.

The Committee recommends that Government should enhance the capacity of the Uganda Prisons Service to address human rights issues through creating awareness of the provisions of the Robben Island Guidelines for all Prisons Staff.

Recommendation 6. State of human rights on prison farms:

- a) Enforce the prescribed working hours in order for detainees to take part in vocational skills;**

Regulation 64 of the Prisons Regulations 2012 provides that the hours of labour for a prisoner shall be as directed by the Commissioner.

The Prisons Standing Orders provide that prisoners shall be required to engage in work for not more than 8 hours.

Agricultural training is one of the vocational skills offered by Uganda Prisons Service and there are 4,437 inmates undergoing that training. 23,061 prisoners are undergoing Industrial Vocational Training.

- b) Revise the payment made for prison labour to ensure meaningful remuneration for labour provided;**

The revised rates of payment of gratuity and earnings for prisoners in the Earning Scheme are prescribed in Statutory Instrument No.7 15 of 2020 - The Prisons (Amendment) Regulations, 2020.

A prisoner shall be paid gratuity at the rate of eight thousand three hundred and eighty-six shillings for the first month worked and thereafter two thousand seven hundred and ninety-five shillings per month worked or a part of it.

Rate of earnings for prisoners in the earning scheme

<i>Skill level</i>	<i>Daily Earnings</i>
Grade A (skilled)	1,398 shillings per day worked
Grade B (semi-skilled)	699 shillings per day worked
Grade C (un-skilled)	280 shillings per day worked

c) Revise its policy on prisoners' earning scheme and ensure that remand prisoners who work on farms are paid.

Prisoners' labour is provided for under section 5(d) and section 57(e) of the Prisons Act 2006. According to the Uganda Prisons Service Standing Orders a prisoner awaiting trial shall be required to perform any work necessary for keeping clean his cell or ward or parts of the prison in which he or she is accommodated.

He or she shall not be required to be employed in the service of industries at the prison, but may be so employed with his own consent; in that event he or she shall be paid at the rate of earning scheme or as determined by the Commissioner General of Prisons from time to time.

d) Introduce and enhance rehabilitation programmes such as functional adult literacy, vocational services and formal education.

Functional Adult Learning (FAL) is mainly a mandate of the Ministry of Gender, Labour and Social Development and respective District Local Governments since its part of community development work. FAL is being implemented in 134 prisons and it is available for all inmates who wish to acquire basic education as a start off to their academic journey. By close of the third quarter of FY 2021/2022, UPS had 3459 FAL learners.

e) Provide protective gear for detainees involved in activities that are detrimental to the health of detainees; Ensure that labour of prisoners on remand is restricted to what is reasonably necessary in the interest

of hygiene or the maintenance of the place where one is detained as provided by Article 25 of the 1995 Constitution.

Prisoners deployed in farms are always provided with protective gear and during the financial year 2021/2022 particularly in seed and cotton production 559 pieces of each of the following were procured and distributed to the farms: agricultural gloves; aprons; gumboots; eye gurgles; agricultural nose masks; hard hats; and overalls.

f) Provide disposal facilities for detainees working on prison farms.

All prison units have disposal facilities for prisoners.

Yours truly,

Smith

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WAC

Bole

~~11/10/20~~

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Regarding human rights issues at Prison Farms, the Committee adopts the recommendations made in the Uganda Human Rights Commission Annual Reports for 2018 to 2021 and further recommends that;

- i. Government should avail sufficient funds to cater for prisoners pay arising from the Earning Scheme under the Uganda Prisons Service,**
- ii. The Auditor General should assess the performance of Uganda Prisons Farms and all other income generating activities under the UPS to determine if the revenue generated from them is sufficient to cover the cost of the earning scheme,**
- iii. The Auditor General arising from the audit in (ii) above should make proposals for increased productivity in the Uganda Prisons Service to stimulate generation of more non-tax revenue.**

[Handwritten signatures and initials follow the recommendations. Notable signatures include:]

- KSAT*
- July*
- AB*
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4.14 MINISTRY OF JUSTICE AND CONSTITUTIONAL AFFAIRS 2018 - 21

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Justice and Constitutional Affairs and the Judiciary need to urgently ensure that prisoners detained under ministerial orders have their cases urgently addressed to avoid long and arbitrary detention which is an infringement on their rights.

The mandate to grant orders in respect of persons to whom a special finding of "not guilty by reason of insanity" under section 48 of the Trial on Indictments Act Cap 23 is no longer with the Minister of Justice and Constitutional Affairs following judicial decisions of the High Court and Constitutional Court that have shifted this responsibility to the Judiciary in line with the Constitutional principle of separation of powers. Ideally, an Executive institution should not be involved in making decisions on matters before Courts of law.

Nonetheless, given the recent enhanced resourcing of the Judiciary, both human and financial, these cases should and will be expeditiously handled. As of 02nd August 2022, there are thirty persons pending and the list is annexed hereto.

Besides determining the cases expeditiously, Government through the Uganda Prisons Service is constructing a specialized detention facility at Butabika hospital where such persons can be detained while under the care of specialized medical care. The development is ongoing.

As part of a long term remedy, there are ongoing efforts by MoJCA to amend the Trial on Indictment Act and other criminal justice procedural laws to conform with the judicial decisions.

The High Court decision referred to above is the decision of Justice Batema N.D.A in the case of Bushoborozi Eric V Uganda HCT-01-CV-MC-0011 of 2015 where he inter alia held that;

- a) Where the trial court makes a special finding that the criminal lunatic is not guilty by reason of being insane, the judge must make special orders as to the discharge or continued incarceration of the prisoner in an appropriate place.

- b) The trial court must order, in line with section 48(4) of the Trial on Indictments Act that the superintendent of the mental hospital, prison or other place detaining the prisoner makes periodic reports to the court which may issue appropriate special orders for the discharge of the criminal lunatic or otherwise deal with him or her.
- c) The Registrar of the Court shall periodically, and in any case not later than three years from the date of the last court order or report from the institution keeping the prisoner, make a production warrant for the prisoner and present the case file before the High Court or any other Court of competent jurisdiction for appropriate special orders.
- d) The Registrar may appoint Counsel on State briefs to assist court in revisiting the cases pending the judge's special orders.

In light of the above decision, the grant of orders in respect of persons to whom a special finding of "not guilty by reason of insanity" currently lies with the Judiciary. This position was reechoed in the case of Centre for Health, Human Rights and Development (CEHURD), and Iga Daniel vs. Attorney General, Constitutional Petition No. 64 of 2011.

Attached is Annex A for list of persons affected by Section 48 of the TIA

The Committee notes that even with the court ruling, no steps have been taken by the concerned Institutions (Ministry of Justice and Constitutional Affairs and the Judiciary) to ensure that the orders made in the ruling are implemented and to further address the issue of the inmates who are currently being detained under the Ministerial Orders.

The Committee recommends that during the next reporting cycle, both the Ministry of Justice and Constitutional Affairs and the Judiciary should present more concrete information on the steps taken to address the matter of the inmates who are currently being over-detained under Ministerial Orders contrary to Article 23 of the Constitution.

Recommendation 2 - Ministry of Justice and Constitutional Affairs and the Office of the Attorney General handle matters proposed for amicable settlement in a timely manner and ensure that victims of human rights violations are compensated expeditiously.

The Ministry of Justice in compliance with Article 126(2)(d) of the Constitution of the Republic of Uganda, has always handled matters proposed for amicable settlement in a timely manner while ensuring that the victims of human rights violation are compensated expeditiously.

There has been a change arising from the decentralisation of payments to ministries, departments and agencies which arose from the Budget Call Circular FY2016/2017 dated 9th September 2015 Ref. BPD 86/107/02 from the Permanent Secretary/Secretary to the Treasury coupled with a Directive from His Excellency the President of the Republic of Uganda in his letter dated 9th November 2016, which emphasized that all obligations that arose in the period in review and onwards are to be settled by the responsible MDAs.

The Committee recommends that in its representation of Government MDAs, the Attorney General's Chambers should prioritise the amicable settlement of cases especially where evidence is available to show that human rights violations occurred.

The Committee further recommends that once the amicable settlements process has been concluded and the parties have agreed on settlement amounts, the process of sanctioning agreed upon settlements by the Attorney General's chambers and by the respective MDAs should be executed within a year to ensure timely access to justice for victims of human rights violations.

Recommendation 3 - Ministry of Justice and Constitutional Affairs should facilitate the expeditious appointment of more members of the Uganda Human Rights Commission to enable the Commission expeditiously dispose of its tribunal backlog.

The Committee was informed that the Uganda Human Rights Commission was fully constituted by the appointing authority in September 2021. However three positions have since fallen vacant since January and Government is in the process of filling them.

The Committee recommends that Government should expeditiously fill the vacancies in the Uganda Human Rights Commission to enhance the performance of the UHRC tribunal.

Recommendation 4 - Ministry of Justice and Constitutional Affairs should streamline the process of decentralization of payment of tribunal awards by MDAs. Ministry of Justice and Constitutional Affairs should act as a focal point to coordinate the process and follow up with the concerned MDAs. To ensure that payments are made to victims of human rights violations.

There has been a change arising from the decentralisation of payments to Ministries, Departments and Agencies (MDAs) which arose from the Budget Call Circular FY2016/2017 dated 9th September 2015 Ref. BPD 86/107/02 from the Permanent Secretary/Secretary to the Treasury coupled with a Directive from His Excellency the President of the Republic of Uganda in his letter dated 9th November, 2016 which emphasised that all obligations that arose in the period in review and onwards are to be settled by the responsible MDAs. It is the responsibility of all MDAs to pay for any compensation that is awarded against the MDA.

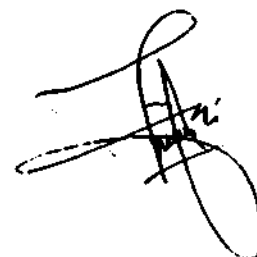
The Ministry of Justice will work closely with the UHRC to integrate awards from the UHRC tribunal into the Human Rights data base that is centrally accessed by all MDAs. The data base is used to track implementation of human rights recommendations, and this same system can also be used to track payment of UHRC awards. The Ministry shall coordinate and lead discussions towards this development.

The compensation of individual victims of the November 2020 riots is ongoing in the Ministry of Justice and Constitutional Affairs. A number of compensation claims have been presented to the Ministry of Justice by families of the victims and the Ministry has embarked on the process of compensation. Some of the families have opted to obtain redress through courts, and as Government, we are looking into these cases with a view of having them appropriately resolved.

The Committee recommends that the Ministry of Justice should be specific about how many claims it is handling arising from the November 2020 riots and how far it has reached in processing payments of

compensation of these claimants. Details should include the names of the claimants and the victims involved in each of the cases. This information will demonstrate the commitment by Government to ensure that families of the victims receive reparations.

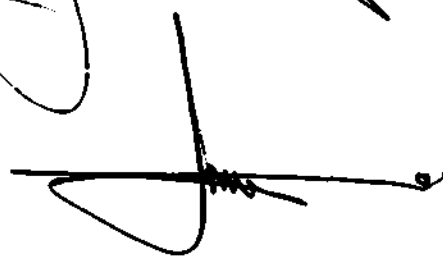

Humberto







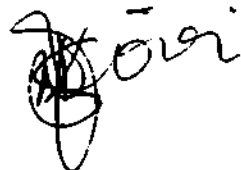






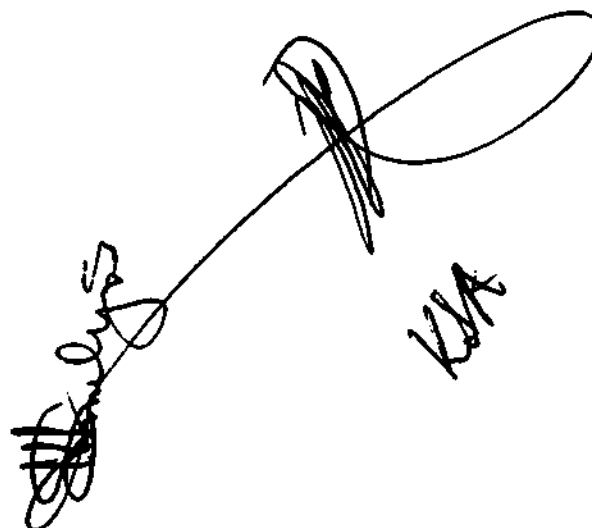






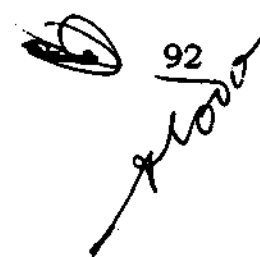






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Recommendation 5 - Uganda Law Reform and Ministry of Justice and Constitutional Affairs should review the Civil Procedure Rules and the Magistrates Court Act to prohibit detention of civil debtors.

The Committee was informed by the Ministry of Justice and Constitutional Affairs that Government was undertaking efforts to minimize or even eliminate the incentive for having provisions in the law that pave way for detention of civil debtors in prisons (max is 6 months).

Government operationalized a registry to serve as a central documentation and record point for documented immovable properties that can be used as collateral security in commercial and financial transactions. The Securities Interest in Immovable Property Office (SIMPO) is now operation under USB and as such borrowers have more options to pledge in accessing credit and having the same realized in case they fail to pay - as opposed to the tradition focus on land and the person. (See: <https://simpo.ursb.go.ug/>)

Ideally, a lender should recover their debt from a regular payment or realization of the collateral security pledged.

We are conscious that detention of civil debtors does not sit well with international human rights treaties we have acceded to (Article 11, UN Convention on Civil and Political Rights).

However, the societal realities dictate otherwise. This is evidenced by the Uganda Law Reform Commission study on detention of civil debtors whose findings are to the effect that detention of civil debtors is a remedy for claimants. Repealing the same from the statute book would have the effect of denying claimants a remedy given that arising out of the fear for detention, debtors put in effort to mobilise and pay off the debts.

It should be noted this is a last resort.

In view of the case backlog in the Judiciary and the over 34,000 prisoners on remand as of June 2022, The Committee recommends that Government should consider the incarceration of civil debtors on a case-by-case basis and imprisonment should always be the last resort.

Recommendation 6 - The Ministries of Foreign Affairs, Gender, Labour and Social Development and Justice and Constitutional Affairs should continue following up on implementation of the Government's voluntary pledges and recommendations accepted from the UPR and treaty bodies to enhance the promotion and protection of human rights in the country.

The Committee was informed by the Ministry of Justice and Constitutional Affairs that Uganda had made both policy and institutional reform voluntary pledges. In regard to policy pledges, Uganda pledged to develop a National Action Plan on Human Rights and undertake annual reviews of the Human Rights Situation in Uganda. Government is in advanced stages of finalizing the National Action Plan on Human Rights (NAP). Further, the annual reviews are undertaken by Uganda Human Rights Commission and the Equal Opportunities Commission which provide annual reports to Parliament.

In regard to the institutional framework, Cabinet under Cabinet Minute NO.137(CT 2011) agreed to constitute a Cabinet Standing Committee on Human Rights, the Inter-ministerial Technical Committee on Human Rights and directed the Attorney General to revive the Human Rights Desk at the Ministry of Justice and Constitutional.

The Inter-ministerial Technical Committee on Human Rights and the Human Rights Desk at the Ministry of Justice and Constitutional were operationalized and are fully functional.

Since 2016, human rights desks and focal point persons of human rights were established in Ministries, departments and agencies and they continue to provide updates on the status of human rights and implementation of various human rights recommendations falling within their mandates.

An online monitoring and progress tracking framework has been developed to ensure effective capture of the relevant information. In addition, the voluntary pledges and recommendations have been integrated in the central online Human Rights Data base that is hosted by the UHRC and linked to all MDAs to ensure regular and instant progress reporting on implementation.

MoJCA and MoFA with support from EU/JAR have strengthened the capacity of the Technical Advisory Inter-Ministerial Committee on Human Rights to ensure regular meetings, focused implementation of human rights obligations across Government, and timely reporting.

The Committee recommends that Government should expedite the process of developing a National Action Plan on Human Rights.

Recommendation 7 - Ministry of Justice and Constitutional Affairs should expeditiously issue Prohibition and Prevention of Torture Regulations to enhance the implementation of the Prohibition and Prevention of Torture Act, 2012.

The Committee was informed by the Ministry of Justice and Constitutional Affairs that the Prevention and Prohibition of Torture Regulations, S I No.53 of 2017 was gazetted on 13th October, 2017 and is in force.

The Committee recommends that Government should facilitate the implementation of the Prevention and Prohibition of Torture Act and Regulations.

Recommendation 8 - Government through the Parliament, Ministry of Justice and Constitutional Affairs and Ministry of Foreign Affairs should ratify the Protocol of the United Nations Convention Against Torture (UNCAT) and adhere to all its provisions as another step towards the stemming of torture in Uganda.

The Committee was informed by the Ministry of Justice and Constitutional Affairs that the 1995 Constitution of Uganda under Article 24 provides that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.

The Government enacted the Prevention and Prohibition of Torture Act, 2012, Act No. 3 of 2012. The Government's priority is to prevent occurrence of any acts of torture through sensitization of the law enforcement agencies and the population on the Prevention and Prohibition of Torture Act, 2012, and ensure its enforcement.

The Optional Protocol requires the establishment of an independent agency called a Sub-Committee on Prevention (Article 2) comprised of 10-25 multi-disciplinary persons from all over the country to visit detention places, and also set-up or designation of a visiting body for prevention of torture (Article 3) (National Preventive Mechanism).

The establishment of an independent agency has financial implications and the Government is currently not in position to establish this agency in view of a decision under Minute 502 (CT 2017) to freeze the establishment of new agencies. Therefore, this recommendation cannot currently be implemented.

Notwithstanding the limitations at hand Government has addressed the import of this Optional Protocol. The UHRC, an independent national human rights institution that enjoys an "A" status accreditation has functional unfettered access to any detention places for purposes of inspections and checking any occurrence of allegations of torture.

Secondly, the Uganda Prisons Service has appointed and designated 355 visiting justices from all regions of the country to undertake external inspection and visits to prison detention facilities to establish the welfare of prisoners. These are published in the gazette, trained and are currently functional in 73 districts spread across the country.

The Committee recommends that Government should facilitate the creation of the Sub-Committee on Prevention, provided for under the optional protocol of the United Nations Convention Against Torture, to be comprised of 10-25 multi-disciplinary persons from all over the country, to visit detention places, and also set-up or designate a visiting body for prevention of torture.

Recommendation 9 - Ministry of Justice and Constitutional Affairs should prioritize the payment of UHRC Tribunal awards to victims of human rights violations as they roll out the implementation of the policy of institutional liability to payment of tribunal awards.

The Ministry of Justice and Constitutional Affairs informed the Committee that it has always prioritized the payments of the UHRC Tribunal awards up to the time of issuance of the Budget Call Circular that decentralised the payments of Court Awards to the institutions where they accrue.

The Committee recommends that whereas payment of court awards and UHRC Tribunal awards was decentralised, the Ministry of Justice and Constitutional Affairs should continue tracking and monitoring the execution of these payments to avoid the scenario under Uganda Prisons Service where a claimant has remained unpaid for over 17 years.

Recommendation 10 - Ministry of Justice and Constitutional Affairs should ensure the implementation of the recommendations made by the Supreme Court in its Ruling of the Presidential Elections.

The Ministry of Justice and Constitutional Affairs informed the Committee that Parliament of Uganda had enacted amendments to electoral laws as the country prepared for the 2021 general elections, which were aimed at the implementation of the recommendations of the Ruling of the Supreme Court.

The Committee recommends that Government should always incorporate decisions of Court in subsequent pieces of legislation to lend the force of law to the work of the Judiciary.

Recommendation 11 - Ministry of Justice and Constitutional Affairs should expeditiously enact the Legal Aid Policy and law to ensure access to justice for all, particularly the indigent.

The Ministry of Justice and Constitutional Affairs briefed the Committee that a multi-pronged approach would be adopted to address and reform various facets of the demand and supply sides of the justice chain, and legal aid is one of them. Government has also commenced addressing the supply side with resourcing the Judiciary and other key players are to follow.

Government recognises the efforts of a private member who sought leave of Parliament in the 11th Parliament to bring a Bill on legal aid to Parliament. However, Government is committed and wishes to dialogue with the Private Member with a view of Government taking up the bill without any further delay. Government through the Ministry of Justice and Constitutional Affairs is committed to taking up this Bill and will present it to Cabinet without delay. Government is conscious that it is imperative that the broader policy framework is developed first, and a coherent legal aid law follows. Government is in advanced stages of developing the legal aid policy.

Pending the adoption of the policy and enactment of a legal aid law, Government commenced piloting a legal aid scheme in 2010 called the Justice Centres Uganda (JCU) (<https://www.justicencentres.go.ug>). The JCU is the Government pilot for the anticipated legal aid body under the Policy if passed.

The JCU serves as a public defender mechanism serving mainly criminal justice needs of indigent persons. It has 13 regional legal aid clinics operation and is supported by Government and Development Partners.

In the FY2020/21, some performance highlights include; the JCU conducted 1,367 legal aid outreaches to 58,440 people, 225 outreaches for women groups (5,075 women), conducted 163 prison outreaches (12,070 prisoners), conducted 371 police outreaches (10,464 suspects), conducted 47 outreaches for PWDs (951 persons), held 58 while you wait awareness sessions (2,862 persons), handled 856 State brief cases, and supported 1,580 prisoners under the Prison Decongestion Programme.

In addition to the JCU, Government has in place the Legal Aid Clinic of LDC, and the also supports the Legal Aid Project of the Uganda Law Society. These are complemented by CSOs.

The Committee recommends that Government should expedite the process of developing the legal aid policy and drafting the Legal Aid Bill.

The Committee further recommends that the Legal Aid Bill should be tabled before Parliament in the next 6 months.

Recommendation 12 - Ministry of Justice and Constitutional Affairs should Fast track the passing of the National Civic Education Policy which would provide a streamlined framework within which civic education is funded and conducted in Uganda.

The Ministry of Justice and Constitutional Affairs informed the Committee that previously, the policy was submitted to Cabinet for consideration. However, it has been deemed necessary to withdraw and expand its focus and purpose in light of the NDP III, whose strategic focus includes 'mobilizing citizens for mindset change, the draft policy is to be reviewed to provide a more holistic outlook. The reviews are to go beyond making provision of education about civic rights and opportunities for enforcement or claiming rights, to broadly visualize efforts of engaging and imparting ideas, values and knowledge to the citizenry with a view having a responsible citizen.

This should be a civic empowerment policy considering multiple spheres of society within which a Ugandan citizen should engage responsibly and

productively, such that collectively as a country, we can drive transformational development.

The Committee recommends that Government should expedite the formulation of the National Civic Education Policy with a more holistic outlook in line with the NDPIII under the strategic focus of 'mobilizing citizens for mindset change'.

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4.15.1 UHRC Recommendations to JLOS Secretariat

Recommendation 1: The JLOS Secretariat should engage with the various justice actors to address the issue of adjournments.

The Committee was informed that this challenge dents the right to fast and fair trial and that Government is addressing this challenge in a phased manner. The issue of adjournments has been partially addressed in several ways including dialogue with the relevant stakeholders, strengthening oversight mechanisms, and development of necessary practice guidelines. In addition, the recent recruitment of several judicial officers including 47 Magistrates and 16 High Court Judges will bolster the human resources necessary for expeditious determination of cases without unjustified adjournments.

While significant support has been provided to the bench (Judiciary), Government is considering the players involved at the bar (Prosecutors, Advocates, and Expert Witnesses) and litigants. Financial and human resource enhancement for the chain-linked justice institutions are being considered.

Government has put in place a self-help mechanism called the Justice Chain Linked Initiative. At the district level, the District Chain Linked Committees (DCCs) and other chain-linked fora, stakeholders involved in case management are engaging in problem solving dialogue to minimize the number of adjournments per case. Local solutions are devised for local challenges to the extent possible. Only complex concerns are escalated to the regional and national level for redress.

Secondly, the Hon. Chief Justice issued practice directives comprised in Legal Notice No. 5 of 2019, entitled the Constitution (Adjournments for Courts of Judicature) (Practice) Directions, 2019 to streamline and minimize adjournments of cases before courts of law and specific exceptional circumstances.

In addition, through the JLOS (now Access to Justice Sub-programme) collaboration, the leadership of the Judiciary developed and agreed on justice standards with other JLOS stakeholders. These standards are extracts from the law and the Bill of Rights and are intended to ensure that courts observe the right to fair trial. For example, the standards provide that:

- a) cases shall be heard on day-to-day basis,

- b) Courts shall ensure that the entire criminal proceedings of a non-capital nature take less than four months,
- c) Courts shall prioritize cases of children,
- d) after committal, a capital case shall take a maximum of 12 months,
- e) the court shall minimize frequent adjournments of the cases,
- f) the court shall ensure that hearing of minor offences commence on the day of plea and police shall summon witnesses promptly.

To effectively entrench these standards, the Judiciary has been supported to develop a Performance Enhancement Tool (PET) which serves to track and assess the performance of Judicial Officers in terms of expedience in case handling, and also the quality of justice delivered.

With the enactment of the Administration of the Judiciary Act, 2020, there is an on-going process of establishing various committees and mechanisms under the Act, for more expeditious administration of justice and supervision. Critical oversight units such as the Inspectorate of Courts are to be decentralized. This follows decentralization efforts of the Judicial Service Commission with a view of enhancing oversight and citizen engagement for people centered and expeditious delivery of justice.

The Committee notes the improvements recorded in the Judiciary and the Office of the Director of Public Prosecutions.

The Committee recommends that Government should extend the same improvements in the Judiciary and the ODPP to the other critical players such as Police and Prisons to strengthen the performance of the entire Justice system.

Recommendation 2: The JLOS Secretariat should spearhead the strengthening and roll out of the self-representation by petty offenders to all prisons.

The Committee was informed that in light of the inadequate legal aid services and pending enactment of legal aid legislation, self-representation by especially petty offenders has been progressively strengthened with support from JLOS, now known as the 'Access to Justice Sub-programme'.

The focus has been placed on training and empowerment of prison inmates to enable self-representation. Key institutions supporting this cause include the

Judicial Service Commission (JSC), Legal Aid Clinic of the Law Development Centre (LAC/LDC), the Justice Centres Uganda (JCU) project of the JLOS, and the Legal Aid Project of the Uganda Law Society (LAP/ULS).

In addition, JLOS is enhancing self-representation empowerment by developing manuals for trainers and un-represented litigants that will be disseminated to all Prison facilities, Police Stations, Courts of Law and the public.

The LAC/LDC is further integrating self-representation coaching in its clinical legal education programmes for Bar Course students and training the LDC teaching staff.

The Committee was informed that the Judiciary is progressively reviewing the rules and procedures that cause delays with a view of enhancing the rollout of faster justice delivery systems that do not involve complicated processes such as mediation and small claims.

Under the small claims procedure, parties self-represent and do not need a lawyer. Currently, the small claims procedure for self-representation in simple civil matters like debts not exceeding UGX10m is being progressively rolled out. So far it is functional in 148 Magistrate Courts, and 332 are pending.

Amidst the COVID-19 disruption, the development and production of online self-representation information products was embraced as an additional resource. For instance, in 2019 the LAP/ULS developed and launched the 'PULIDA WO' mobile phone application to enhance access to both legal services and basic self-help information.

JLOS is also targeting the human rights committees in all the 259 prison units. To achieve national coverage of all the 259 prison units, JLOS is leveraging online legal information products and its chain-linked initiative system that comprises of 127 District Coordination Committees, 20 Regional Coordination Committees, and the various national JLOS committees.

The Committee recommends that Government facilitate the Judicial Service Commission (JSC), Legal Aid Clinic of the Law Development Centre (LAC/LDC), the Justice Centres Uganda (JCU) project of the JLOS, and the Legal Aid Project of the Uganda Law Society (LAP/ULS) to train and empower prison inmates to enable self-representation and reduce case backlog in the Judiciary and congestion in Prisons where over 34,000 inmates, or 49% of the prison population, are on remand.

Recommendation 3: The JLOS should implement the diversion guidelines and strengthen the mechanisms for diversion of children away from the criminal justice system through mediation, arbitration and community service.

The Committee was informed by the Ministry of Justice and Constitutional Affairs that it is Government policy not to primarily institutionalize child justice, and more so when handling of matters involving children in conflict with the law.

The Diversion Guidelines were developed by the Inspector General of Police by powers granted to him under s.89(2) of the Children Act in 2019.

Efforts are underway to ensure more is done in terms of creating awareness to the justice actors (Police Officers, State Attorneys and Judicial Officers). More needs to be done in terms of creating knowledge and awareness of the options to handling children in the justice system without incarcerating them. The objective is not to institutionalize children but facilitate their rehabilitation which facilitates their growth into responsible citizens.

In 2018, average national diversion rate stood at 78.4%, in 2019 the rate was 72.9%, and in 2020 rate slightly reduced to 69.5%. In FY2020/21, the rate regained to 72%.

The JLOS (Access to Justice Sub programme), leveraging the Justice for Children (J4C) programme, registered 3,585 divertible child-related cases in the system between July 2020 and June 2021 out of which 2,587 cases were diverted from the formal judicial proceedings.

A total of 998 cases went through the formal justice system hence a diversion rate of 72%.

The Committee recommends that Government should strengthen mechanisms to create knowledge and awareness, among justice actors, of the options to handling children in the justice system without incarcerating them

4.15.2 UHRC Recommendations for Ministry of Justice and Constitutional Affairs for the Year 2021

Recommendation 1: The Ministry of Justice and Constitutional Affairs should set up a victim's compensation fund to ensure timely payment of compensation awards to victims of human rights violation.

Establishment of a special fund requires the enactment of an Act of parliament pursuant to Article 153(2)(a). Further, establishment of a fund would be contrary to the current decentralization of payments to ministries, departments and agencies. This change arose from the Budget Call Circular FY2016/2017 dated 9th September 2015 Ref. BPD 86/107/02 from the Permanent Secretary/Secretary to the Treasury coupled with a Directive from His Excellency the President of the Republic of Uganda in his letter dated 9th November 2016, which emphasized that all obligations that arose in the period in review and onwards are to be settled by the responsible MDAs.

The Ministry of Finance, Planning and Economic Development under Budget Call Circular (Ref: BPD 86/107/02), 2016 instructed that all obligations on payment of Court awards arising out of actions of MALGs are to be paid against their Medium-Term Expenditure Framework provisions. This means that the payment of awards (including human rights tribunal awards) no longer falls to the Ministry of Justice and Constitutional Affairs, but individual MDAs.

The Committee recommends that whereas payment of court awards and UHRC Tribunal awards was decentralised, the Ministry of Justice and Constitutional Affairs should continue tracking and monitoring the execution of these payments to avoid the scenario under Uganda Prisons Service where a claimant has remained unpaid for over 17 years.

Recommendation 2: The ministry of Justice and Constitutional Affairs should fast track the passing of the National Civic Education Policy providing a streamlined framework within which civic education is conducted in Uganda.

Previously, the policy was submitted to Cabinet for consideration. However, it has been deemed necessary to withdraw and expand its focus and purpose in view of the NDP III, whose strategic focus includes 'mobilizing citizens for mindset change', the draft policy is to be reviewed to provide a more holistic

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outlook. The reviews are to go beyond making provision of education about civic rights and opportunities for enforcement or claiming rights, to broadly visualize efforts of engaging and imparting ideas, values and knowledge to the citizenry with a view having a responsible citizenry. The policy multiple intends to guide the empowerment of different spheres of society within which a Ugandan citizen should engage responsibly and productively, such that collectively as a country, we can drive transformational development.

The Committee recommends that Government should expedite the formulation of the National Civic Education Policy with a more holistic outlook in line with the NDP III under the strategic focus of 'mobilizing citizens for mindset change'.

Recommendation 3: The Governance and security programme secretariat should support the Uganda Police force and the Judiciary in constructing or designating child friendly detention facilities in all police facilities and courts.

At Uganda Police Force the Governance and Security programme has supported the construction of reception centers and juvenile centres to ensure that children are not incarcerated with adults. Plans are under way to ensure that every police station has a separate facility for holding children as they wait to take plea in court, and in regard to the judiciary plans are underway to create child friendly courts.

Uganda Police Force is part of the Governance and Security programme (formerly JLOS) which has over the years has supported the construction of reception centers and juvenile cells at police station to ensure that children are not incarcerated with adults. Efforts continue to ensure that every police station has a separate facility for holding children as they wait to take plea in court. Regarding the Judiciary/Courts plans are underway to create child friendly spaces at the courts where the children can be kept as they wait for their cases to be processed in court. But most courts at present ensure that when children are brought to court, their cases are heard first so that they can be taken back to the remand homes.

The Committee recommends that Government should expedite the creation of child friendly spaces at the courts where the children can be kept as they wait for their cases to be processed in court.

4.15 PARLIAMENTARY COMMISSION (2018 - 2021)

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Parliament should pass the Food and Nutrition Bill 2009 into law.

The Committee was informed by the Parliamentary Commission that the Bill was not yet in Parliament. The Committee was however advised, in performance of its oversight function to recommend that Government should table the Bill within prescribed timelines.

The Committee recommends that Government should table the Food and Nutrition Bill before Parliament within 6 months.

Recommendation 2: Parliament should expeditiously respond and address the concerns raised in the petition made by the Maragoli concerning their citizenship status.

The Parliamentary Commission informed the Committee that the petition raised by the Maragoli was before Parliament. On the 11th November, 2021, Parliament granted leave to Karubanga Jacob Ateenyi (MP) Kibanda South County to introduce a Bill entitled "the Constitution (Amendment) Bill" and subsequently on the 5th July, 2022, the bill was presented to Parliament for First Reading.

The purpose of the Bill is to amend the Third Schedule to the Constitution of the Republic of Uganda in accordance with Articles 259 and 262 of the Constitution to recognize the Bakingwe, Bahaya, Maragoli and Mososhek indigenous communities as indigenous communities in Uganda as at 1st February, 1926; and to refer to the "Chope" indigenous community by its traditional name, "Pa' luo".

However, the House resolved that the first reading of the Bill should await a holistic Constitution Review.

The Attorney General informed Parliament then that constitution of the Constitution Review Commission has commenced and the proposals are awaiting Cabinet discussion and approval.

The Committee was advised to follow up this matter with the Attorney General and the Minister of Justice and Constitutional Affairs.

The Committee recommends that Government should expeditiously constitute a Constitution Review Commission to address gaps in the 1995 Constitution as amended.

Recommendation 3: Parliament should put in place a legal framework for implementing Operation Wealth Creation.

The Parliamentary Commission informed the Committee that Operation Wealth Creation was a Government program with obvious financial implications and therefore requires Government to table this Bill before Parliament. Parliament is barred under Article 93 of the Constitution to proceed on such a bill without Government.

The Committee was advised to recommend to Government to table the Bill within prescribed timelines.

The Committee notes that this recommendation from the Annual Report of the Uganda Human Rights Commission has been overtaken by events following the inception and implementation of the Parish Development Model.

The Committee recommends that Government should always precede its programs with a legal framework for the Parliament to have an input to guide the programs' operations and ensure effective oversight.

Recommendation 4: Parliament should ensure that the Education (Pre-Primary, Primary and Post-Primary) Act, 2008 should be amended to ensure that girls who get pregnant while in school complete their studies.

The Parliamentary Commission informed the Committee that the Ministry of Education and Sports in 2015 developed guidelines for the prevention and management of HIV/AIDS and unintended pregnancy in school settings in Uganda. These guidelines were revised in 2020 to stipulate the measures and steps that should be taken in the school setting to prevent and manage pregnancy and re-entry of child mothers.

There is therefore no need for amendment of the Act.

The Committee recommends that Government should create awareness about the guidelines for the prevention and management of HIV/AIDS and unintended pregnancy in school settings in Uganda developed by the Ministry of Education and Sports in 2005 as revised in 2020.

Recommendation 5: Parliament should ensure that the Land Acquisition Act, 1965 is amended to meet the constitutional requirements for compensation under Article 26 of the Constitution.

The Parliamentary Commission informed the Committee that the implementation of this recommendation had been undertaken by Government in the Constitution (Amendment) Bill, No 13 of 2017.

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However, the Bill was withdrawn by Government for further consultation and has not been re-tabled by Government. We however note that the President, in the State of the Nation Address outlined the legislative agenda of Government which includes the amendment to the Land Acquisition Act, 1965.

The Committee recommends that Government should table the Land Acquisition (Amendment) Bill before Parliament within 6 months.

Recommendation 6: Parliament should make it a mandatory requirement for Ministries, Departments and Agencies appearing before it to report on the progress of implementation of the recommendations of UHRC and international treaty body mechanisms such as the UPR, CESC, CRPD, CEDAW Committee, CCPR, etc

The Parliamentary Commission informed the Committee that Rule 40 of the Rules of Procedure of Parliament mandates the Minister responsible for treaties, protocols or international agreements to lay before Parliament, a treaty, protocol or international agreement entered into by the Government of Uganda, within six months after it has been concluded or signed.

Under sub rule (3) The Minister is further mandated, at least twice a year, report to Parliament on the implementation of any treaty, protocol or international agreement entered into Government

Where an international treaty, protocol or international agreement imposes an obligation on Uganda to submit periodic reports, the Minister responsible for the coordination and implementation of the treaty, protocol or international agreement shall present to Parliament the draft periodic compliance reports prior to them being submitted to the relevant treaty body.

When the House adopts the report of the Committee on Human rights on the Annual Reports of the UHRC, The Minister is mandated under Rule 220, to present to Parliament an action taken report detailing what actions have been taken by relevant Ministry following resolutions or recommendations of Parliament.

The Committee recommends that,

- i. Government should ensure that treaties, protocols and international agreements are laid before Parliament, within six months after they have been concluded or signed,**
- ii. Annual Reports of the Uganda Human Rights Commission should always be Tabled before Parliament in a timely manner,**
- iii. Parliament should always scrutinise, debate and adopt Annual Reports of the Uganda Human Rights Commission within 6 months after they are tabled.**

Recommendation 7: Parliament should expeditiously enact the Witness Protection Bill to, among others, regulate conditions and procedures for providing out-of-court protection and assistance to a witness.

The Parliamentary Commission informed the Committee that the Witness Protection Bill was not yet before Parliament.

The Parliamentary Commission advised the Committee to interact with the Law Reform Commission and Attorney General on the status of this proposed legislation.

The Committee interacted with the Uganda Law Reform Commission and the Minister of Justice and Constitutional Affairs and raised this issue with them.

The Committee recommends that Government should table the Witness Protection Bill before Parliament within 6 months.

Recommendation 8: Parliament should amend the Food and Drugs Act (1959) and the Food and Nutrition bill should be passed into law

The Parliamentary Commission informed the Committee that the Food and Nutrition Bill was not yet before Parliament.

The Parliamentary Commission advised the Committee to interact with the Ministry of Health and the Ministry of Agriculture for an update of the Status of the proposed legislation.

The Committee interacted with both the Ministry of Health and the Ministry of Agriculture on this matter.

The Committee recommends that Government should table the Food and Nutrition Bill before Parliament within 6 months.

Recommendation 9: Government should at all levels adopt the Abuja Declaration of having 15% of the budget on health provision

The Parliamentary Commission informed the Committee that Parliament has over the years under review increased allocations to the Health Sector.

The Parliamentary Commission advised the Committee to interface with the Minister of Finance to explain when Uganda will be able to achieve this threshold given the cash flow challenges and attendant competing priorities of Government.

The Committee interacted with the Minister for Finance, Planning and Economic Development who stressed that the country had resource constraints which made it impossible in the short run to implement this recommendation.

The Committee recommends that Government should make deliberate efforts to increase funding to the health sector to meet the threshold of 15% of the national budget as provided for by the Abuja Declaration.

Recommendation 10: Parliament of Uganda should review the Karamoja Development Agency Act, 1987 through effective participation of the people of Karamoja to ascertain and ensure its relevance to the current needs of the Karimojong people

The Parliamentary Commission informed the Committee that the Karamoja Development Agency is established under Karamoja Development Agency Act to supervise the general transformation of Karamoja region and bring about rapid economic and social development, to ensure that in the process of Karamoja region, the Karimojong people acquire the necessary skills that will enable them to participate in the solution of the socioeconomic problems of the region and to provide sufficient water in the region for the purpose of developing agriculture and animal industry in the region.

There is need for the Committee to interact with the Agency, the Law Reform Commission and the Ministry of Justice on the challenges faced by the Karamoja region and the need for review of the Law.

The Committee recommends that Government through the Ministry of Justice and Constitutional Affairs and the Uganda Law Reform Commission should amend the law enacted in 1987 to address the contemporary issues affecting Karamoja.

Recommendation 11: Parliament and the Ministry of Finance, Planning and Economic Development should:

- i. Invest appropriately and adequately in civic and voter education; and
- ii. Provide adequate and timely funding to the Electoral Commission to enable it prepare for and manage the elections to expectation

The Parliamentary Committee informed the Committee that Article 66 of the Constitution requires Parliament to ensure that adequate resource and facilities are provided to the Electoral Commission to enable it to perform its functions effectively.

In addition, the Constitution directs that the commission is a self-accounting institution which deals directly with the Ministry responsible for finance on matters relating to its finances. More so, the Constitution protects the independence of the Commission by making its administrative expenses to be a direct charge on the consolidated fund.

The effect of the above provisions is that the funds of the Electoral Commission are directly charged on the consolidated fund, meaning that Parliament has a limited role in appropriating the funds.

The Committee recommends that Government should expedite the formulation of the National Civic Education Policy with a more holistic outlook in line with the NDPIII under the strategic focus of 'mobilizing citizens for mindset change'.

Recommendation 12: Parliament should holistically consider fair trial guarantees and freedom from torture, cruel, inhuman and degrading treatment of punishment that underpin Article 22(1) and Article 24 for purposes of amending Article 22(1) of the 1995 Constitution very unclear

Article 22(1) of the Constitution guarantees a person's right to life and 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 and the conviction and sentence have been confirmed by the highest appellate court.

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On the other hand, article 24 of the Constitution requires that no person shall subjected to any form of torture or cruel, inhuman or degrading treatment punishment.

The legality of the death penalty was settled by the Supreme Court in the case Attorney General Vs. Susan Kigula & 417 Others Supreme Court Constitutional Appeal No. 3 of 2006 court, in determining whether the death penalty constitutional or not, observed that- "the inclusion of the death penalty in the Constitution was not accidental or a mere afterthought but deliberate, having been supported by Ugandans was reported by the Constitutional Review Commission, which had traveled the width and breath of Uganda encompassing people's views on various aspects of the Constitution",

Notwithstanding the above, Parliament has of recent passed the following legislation to further guarantee fair trial and freedom from torture, cruel inhuman and degrading treatment; as well as clarifying the imposition of the death penalty;

1. *The Law Revision (Penalties in Criminal Matters) Miscellaneous Amendments Act, 2019* provides as follows-

- (a) Confirms the death penalty in Uganda and makes imposition of the death penalty discretionary.
- (b) Restricted the imposition of the death sentence to exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate.
- (c) Requires that the death penalty to be carried out within 3 years and if not, then the sentence is commuted to imprisonment for life and capped at 50 years:
- (d) Confirmed the Constitutional guarantees that the death penalty cannot be carried out without the sentence being confirmed by the highest court. It also provided a procedure for confirming such order.
- (e) Defined Life Imprisonment and capped the maximum sentence of life at 50 years, save for where court directs otherwise;
- (f) Amended the Trial on Indictments Act to allow mitigation of capital sentences. Section 98 of the Act had barred mitigation of such sentences.

a) *The Human Rights Enforcement Act 2019* provides for; enforcement procedures for human rights.

The Act makes various provisions for enhancing accountability and guaranteeing fair trial. Some of the changes include controlling pre-trial

remand by allowing court to realize a person where court determines that the detention of a person is unreasonable.

All these measures are intended to ensure protection of a person from inhuman degrading treatment.

The Committee recommends that since the legal framework for the protection of persons from cruel and inhuman treatment, Government should prioritise the implementation of the laws in place.

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4.16 MINISTRY OF GENDER, LABOUR AND SOCIAL DEVELOPMENT - 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Ministry of Gender, Labour and Social Development should ensure that the pre-departure orientation and training period for migrant workers is extended from one week to at least three weeks, and the curricula should incorporate training on the rights and responsibilities of migrant workers and the redress mechanisms available both in the destination countries and in Uganda.

The Ministry of Gender, Labour and Social Development informed the Committee that on the basis of training needs assessment conducted in consultation with the International Organisation of Migration, the training period was increased from 7 days to fourteen days in August 2021. Attached as Annex I is a copy of the pre-departure training curriculum and accredited training centres.

The Committee recommends that Government should crack down on illegal exporters of labour who do not go through the Ministry and therefore do not participate in the pre-departure orientation and training.

Recommendation 2: Ministry of Gender, Labour and Social Development should ensure that the district labour officers are adequately facilitated and fully involved in the externalization process by regularly monitoring recruitment agencies in their respective districts as required by law (24th Annual Report, page 46)

The Committee was informed that the Ministry does not have funds to facilitate labour officers to monitor recruitment agencies. However, the Ministry regularly shares information on externalization of labour with them and also with support from International Organization of Migration (IOM) conducts training for Labour Officers on safe, regular and orderly migration.

The Committee recommends that Government should invest some of the resources collected from externalized labour to facilitate Labour Officers to handle issues of illegal exportation of labour.

Recommendation 3: Through the Ministry of Foreign Affairs and Ministry of Gender, Labour and Social Development should provide adequate consular offices and fast track deployment of labour attaches to high destination countries like Bahrain, Qatar, Jordan, Kuwait and Turkey to improve the protection of rights of migrant workers abroad (UHRC 24th Annual Report page 46)

The Committee was informed that the Government is committed to establishment of Consulates or Embassies in Bahrain, Qatar, Oman, Jordan, Kuwait. This has not yet been possible due to the constraints of resources. In September Cabinet approved the deployment of four labour attaches: two to the Kingdom of Saudi Arabia, one to the United Arab Emirates and one to Qatar. Despite several requests to the Ministry of Finance, funds for the deployment of the labour attaches have not been provided.

The Committee recommends that Government should invest some of the resources accrued from labour exports to finance the deployment of labour attaches as approved by Cabinet in September 2021 as follows: two to the Kingdom of Saudi Arabia, one to the United Arab Emirates and one to Qatar in Financial Year 2022/23.

Recommendation 4: The Ugandan Government should fast track the establishment of offices responsible for handling complaints both at Ministry of Gender, Labour and Social Development and in all labour receiving countries (UHRC 24th Annual Report, page 47)

The Committee was informed that the Employment (Recruitment of Uganda Migrant Workers) Regulations, 2021 Statutory Instrument No. 47 of 2021 were issued in August 2021 repealing the old Regulations of 2005. The regulations introduced deterrent sanctions against illegal recruitment.

The Ministry carries out regular and impromptu inspections of labour externalization companies. However, this is hindered by the limited funds allocated to the Ministry. For example, in the 1st Quarter of FY2022/23 the Department of Employment Services has not been allocated any resources except for wage

The Ministry has an External Employment Help Desk (EEHD) at Entebbe International Airport which ensures a 24-hour, 7 days a week presence at the

Airport to control illegal recruitment though verification of clearances presented by external labour companies.

The Committee recommends that Government should take deliberate steps to address the challenge of human rights abuses in the labour receiving countries, especially, Saudi Arabia.

Recommendation 5: The Ministry of Gender, Labour and Social Development should effectively regulate the recruitment agencies to ensure that they comply with all legal requirements on the externalization of labour. This includes playing a more active role in maintaining contact with migrant domestic workers in their countries of destination to understand their work-related problems and challenges better and being able to intervene in risky or abusive situations for migrant workers effectively (UHRC 24th Annual Report, page 47)

The Committee was informed that the Ministry is a member of the anti-human trafficking taskforce chaired by the Ministry of Internal Affairs. The Ministry also works with the Police to combat illegal recruitment activities. However, limited manpower constrains the frequency and effectiveness of field operations against illegal recruitment activities.

The Ministry has made a request to Ministry of Public Service to expand the structure of the Department of Employment Services which oversees activities of recruitment agencies.

Uganda has signed Bilateral Labour Agreements (BLA) with Kingdom of Saudi Arabia, UAE and Jordan. However, the one for Jordan was suspended in 2019 following increased cases of abuse of migrant workers' rights yet Uganda has no Embassy in Jordan. Negotiations are underway to sign BLAs with Turkey, Bahrain, and Kuwait. However, these have been delayed by the limited funds for travel abroad allocated to the Ministry.

The Committee recommends that Government through the Ministry of Public Service should restructure the Ministry of Gender to provide for the recruitment of Labour Officers to address manpower constraints and increase the frequency and effectiveness of field operations against illegal recruitment activities.

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Recommendation 6: The Ministry of Gender, Labour and Social Development should spearhead massive awareness of the existing labour migration laws, policies and regulations to inform aspiring and current migrant workers about safe migration and their rights (UHRC 24th Annual Report, page 47)

The Ministry of Gender, Labour and Social Development informed the Committee that, with support from GIZ, it had carried out awareness creation activities on safe, orderly and regular labour migration in the regions of Acholi, West Nile, Bugisu, Mid-Western, Greater Ankle and Greater Masaka regions. In June 2022, awareness campaigns were carried out in regions of Teso and Kigezi with funding from International Labour Organization. The IOM has also lined up a series of such sensitizations in other parts of the country in this quarter. It is worth noting that the Ministry has not been allocated funds for countrywide sensitizations on safe labour migration despite several requests to Ministry of Finance. The little support comes from Development Partners.

The Committee recommends that Government should take deliberate steps to address the challenge of human rights abuses in the labour receiving countries, especially, Saudi Arabia.

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Recommendation 7: Through the Ministry of Gender, Labour and Social Development and the Ministry of Education and Sports, the Ugandan Government should develop a structured way of skilling Ugandans for the job market overseas (UHRC 24th Annual Report, page 47)

The Ministry of Gender, Labour and Social Development informed the Committee that it was partnering with Nakawa Vocational Training College (NVTC) to skill prospective migrant workers. Steps have been initiated to secure employment abroad for (NVTC) graduates. The focus is on graduates with Certificates in International Non-critical Welding, International Pipe Fitting, International Electrical Installation and International Electrical Maintenance.

The Committee recommends that Government should avail more funding to the Ministry of Gender, Labour and Social Development and the Ministry of Education and Sports to enhance the skills and capacity of Ugandans to compete for international roles.

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Recommendation 8: Ministry of Gender Labour and Social Development in conjunction with the Ministry of Local Government, the Ministry of Gender, Labour and Social Development should review the functionality of probation and social welfare offices with the view of splitting the probation roles from the social welfare functions to be performed by different officers.

The Committee was informed that a Social Welfare Services Framework which provides for the post of Probation Officer and Welfare Officer at District level. At Lower Local Government (Sub-County, Division and Town Council level), the proposed structure has provided for post of Social Welfare Officer to focus on Case Management among other services rendered under Social Protection.

Apparently, the Community Development Officer at LLG level handles Social Protection, Social Mobilisation, Gender Mainstreaming, Participatory Planning, and Coordination of CSOS, Private Sector and Development partners supporting several interventions in the Districts.

The proposed staffing structure has been informed by findings from the MGLSD Issues Paper I (2011), MGLSD Issues Paper I (2018), Ministry Functional Review Report (2018), MGLSD Study on competencies of District Community Development, Probation & Welfare Officers (2022) and 77 Social Service Welfare Officers performance assessment report (2022 by MGLSD& UNICEF in 9 districts of UNICEF Support December 2019-December 2022). These SWOs (all Graduates of Social Work & Social Administration were recruited and awarded a 3-year contract with support from UNICEF in Districts of Kasese, Iganga, Terego, Kaabong/Karenga, Amudat, Kitgum, Tororo/Kamuli and Iganga (July 2022). In these reports, issues of limited capacity, underfunding and too much work load were mentioned and stressed by Probation & Welfare Officer at District level and CDO at Lower Local Government level and other stake holders.

The Ministry has conducted 4 consultative regional meetings in Northern, Eastern, Central and Western Uganda targeting District Community Development Officers, Probation and & Welfare Officers, CDOs, Police, Magistrates, CSOs and partners. The Ministry has already consulted Ministry of Public Service and Ministry of Local Government to harmonise the proposed structure before presentation in an Inter-Ministerial Meeting ahead of

submission MGLSD Senior Management, MGLSD top policy for clearance and thereafter submitted to Cabinet for consideration & approval.

The Committee recommends that due to the special functionality of the probation officers from that of social welfare officers. Both offices need to be created.

Recommendation 9: The Ministry of Gender, Labour and Social Development should ensure that juveniles are separated from adult offenders in detention facilities

The Ministry of Gender, Labour and Social Development informed the Committee that the Ministry works closely with Ministry of Internal Affairs and Ministry of Justice and Constitutional Affairs to ensure no juveniles are remanded in Adult Prisons and Police Cells. The Ministry is represented on the National Community Services Committee chaired by Judge of High Court. It conducts quarterly monitoring and supervision visits to Prisons and Courts where detaining children in adult detentions is discussed and discouraged.

All seven Remand Homes of Fort Portal, Arua, Gulu, Masindi, Mbale, Naguru and Kabale are functional. They receive food and non-food supplies on quarterly basis. Juveniles are presented to court on time the challenge of fuel and aging Vans for resettling children who have completed the court process notwithstanding.

The Committee observed that whereas the juvenile detention facilities were in existence, the welfare of the children in detention was still deplorable.

The Committee recommends that Government should allocate more funds to enhance the welfare of children in juvenile detention facilities across the country.

Recommendation 10: The Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs should work together to crack down on unregistered recruitment agencies that engage in illegal labour externalization to address the issue of human trafficking for labour purposes.

The Ministry informed the committee that it occasionally works with the Police to conduct exercises to crack on illegal recruitment agencies. However, this is limited by lack of manpower and funds in the External Employment Unit of the Ministry.

The Ministry has made a request to Ministry of Public Service to expand the structure of the Department of Employment Services which oversees activities of recruitment agencies.

The Committee recommends that Government should prioritise the issue of stopping illegal externalization of labour which has resulted in the resurgence of reports of slave markets and organ harvesting rackets in Saudi Arabia. The Ministry of Gender, Labour and Social Development should be the lead agency in this effort.

Recommendation 11: Government should popularise the revised guidelines for the prevention and management of teenage pregnancies in schools such that head teachers and teachers know how to handle cases of teenagers who return to school after giving birth.

The Committee was informed that popularisation of the guidelines for the prevention and management of teenage pregnancies in schools including second chance education for child mothers is one of the core interventions under the National Campaign on Ending Defilement, Teenage Pregnancy, Child Marriage and Promoting Positive Parenting. Ministry of Education and Sports (MoES) is leading the MDAs on the popularisation of these guidelines in schools. MoES has provided a detailed response.

With the support of UNICEF and UNFPA, MGLSD, MoES and MoH have developed media messages (radio, TV, social media and Interpersonal), to be used during this campaign.

The Committee commends Ministry of Gender for the various efforts put in place to address the rights of migrant workers but notes that more needs to be done to protect Ugandan migrant workers abroad who continuously face challenges in accessing justice, losing their lives, inhumane treatment and numerous human rights abuses abroad.

4.17 MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT - 2018 - 2020

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Lands, Housing and Urban Development should ensure use of standard maps in addressing land disputes.

The Ministry of Lands, Housing and Urban Development informed the Committee that standard cadastral maps alongside with coordinate data are used for settling disputes. Where disputes involve other MDAs such as Uganda Wildlife Authority (UWA), National Forest Authority (NFA), the maps used are agreed upon with the respective MDAs.

However, land disputes continue to emerge in the country due to political and economic factors.

The Committee recommends that Government should strengthen the capacity of the Ministry of Lands, Housing and Urban Development to deliver on its mandate of resolving land disputes and oversight over physical planning in the country.

Recommendation 2: Facilitate communities to acquire certificates of customary ownership.

The Ministry of Lands, Housing and Urban Development informed the Committee that, with the support from Development Partners, it is strengthening security of Land Tenure by issuing Certificates of Customary Ownership (CCOs) in different parts of the country. The Ministry Tabled before the Committee, a list of Local Governments that are already issuing Certificates of Customary Ownership.

The Committee recommends that Government should develop the capacity of the Ministry of Lands, Housing and Urban Development to issue Certificates of Customary Ownership across the country.

Recommendation 3: Standardize the compensation rates for all land within the same area.

The Committee was informed that Compensation rates are set by District Land Boards (DLBs) and approved by the Chief Government Valuer and based on a standard formula, with reference to comparables within the same area which are based on market research by the Chief Government Valuer's Office using well documented methodology.

The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 4: Ensure that payment of compensation is made prior to the taking away of land

Article 26 (2) of the 1995 Constitution, which provides for prompt, fair and adequate compensation prior to taking land, is always complied with by the Government in relation to acquisition of land for Government Projects.

In addition, Government ensures compliance with IFC Performance Standards in ensuring equitable and fair land acquisition.

The Ministry has also embarked on the process of enacting a new Land Acquisition Law to replace the current outdated Land Acquisition Act. This new law is aimed at streamlining and harmonizing land acquisition processes in the country in line with Article 26 (2).

Furthermore, the Ministry is working on a Land Acquisition, Resettlement and Rehabilitation Policy, which will also address issues of compensation and resettlement of persons affected by large scale land acquisition.

The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 5: Conduct systematic land surveys and titling for customary land.

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The Ministry is using Fit-for-Purpose approaches to demarcate and register customary land in parts of Northern Uganda, Karamoja and Western Uganda, these have resulted into issuance of Certificates of Customary Ownership (CCOs).

CCOs enable customary land owners acquire affordable land registration (only cost Ug.shs.10,000) and security of tenure in respect of their land. CCOs also help retain the customary nature of the land.

The Ministry is advanced stages of integrating CCOs on the Land Information System (LIS) to enhance their relevance and protection. On the other hand, Systematic Land Surveys (known as SLAAC) involve systematic traditional survey methods (UTM surveys) and conversion of customary land into freehold tenure. For this reason, SLAAC cannot be used to survey or register customary land.

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The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 6: Strengthen institutions such as Area Land Committees, the District Land Boards and the Local Council and (LC) Courts mandated to handle land administration.

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District Land Boards and Area Land Committees are strengthened through trainings, sensitization, monitoring and retooling to build their capacities and improve their efficiency. However, due to inadequate resources/funding these land management institutions have not been trained and sensitized regularly. The Ministry requires Ug.shs.4 billion annually to properly train, monitor and sensitize all the DLBS and ALCs in the country.

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(See Annex 2- Summary of DLBs, DLOs and ALCs trained since 2018)

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The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and

Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 7: Expedite and scale up the computerization of land titles.

Land titling/registration in Uganda has been computerized under the Land Information System (LIS). The Ministry through the CEDP-AF project has embarked on enhancing the Land Information System by ensuring digitalization of all land records, complete the operationalization of all the 22 Ministry Zonal Offices (MZO) countrywide, establish a dedicated Call Centre and an online public portal (www.ugnlis.mlhud.go.ug) for online searches.

The MLHUD has also recruited staff for its MZO to fill the human gaps and improve service delivery. Furthermore, the Ministry has integrated the LIS with other agencies such as NIRA, URA, and URSB to ensure efficient land transactions.

The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 8: Mitigate the impact of population increase and migration on land by coming out with systematic plans and action on urbanization.

The Ministry has finalized the preparation of the National Physical Development Plans and has supported Local Governments to prepare several Physical Development Plans at all levels. These plans are meant to facilitate proper land use and land zoning, especially in urban areas.

However, inadequate funding continues to pose a challenge to these efforts.

The Committee recommends that Ministry of Finance, Planning and Economic Development should set aside a budget to address the issue of

low-cost housing for the urban poor and homeless persons in Uganda as well as establishing shelters and food for the homeless. Minority groups that were displaced from their original homes should also be resettled.

Recommendation 9: Establish a Land Fund to enable the poor acquire land.

The Land Fund exists and it is established under section 41 of the Land Act Cap 227 to, among other purposes, address historical land injustices (especially in Bunyoro and Buganda regions). The scope of the Fund was expanded to cover other persons such as those displaced by natural disasters and other deserving citizens. However, the Land Fund is inadequately funded and needs to be capitalized for it to properly perform its intended function.

The Committee recommends that Government should provide adequate funding for the land Fund for it to perform its intended function.

Recommendation 10: Strengthen alternative dispute resolution institutions and mechanisms.

The Ministry has established a Land Disputes and Mediation Unit to facilitate alternative dispute resolution. However, there is inadequate funding for strengthen ADR in most districts to resolve land disputes.

The Committee observes that most disputes on land arise from the issuance of multiple land titles for the same piece of land by unscrupulous individuals in the Ministry of Lands, Housing and Urban Development.

The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 11: Recognize customary land ownership in its own right without requiring registration.

Customary tenure is already recognized under the Article 237 of the 1995 Constitution as one of the four land tenures. Due to the increase in land disputes and land grabbing, it is important to have all customary land registered through issuance of a CCO or conversion to freehold. This is meant to enhance security of tenure for customary owners.

The Committee recommends that Government should increase funding to the Ministry of Lands, Housing and Urban Development to enable it to effectively oversee land matters across the country.

Recommendation 12: Streamline the operations so as to be accountable to the public when handling land matters.

The Ministry of through the Directorate of Housing and Human Settlements carried out housing needs assessment with a view to addressing housing backlog and inadequate housing, with a deficit currently standing at 2.2 Million units for both rural and urban housing sectors.

In case of the urban sector, a program on National Sustainable Slum Upgrading is developed while for the rural sector, a Rural Housing program under a co-operative model is also developed. However, the housing sector is faced with the major challenges of lack of funding for the housing sector coupled with absence of a national institutional system / structure for effective implementation of housing programs.

The Committee recommends that the Auditor General should conduct a forensic audit of the operations of the Ministry of Lands, Housing and Urban Development with specific emphasis on land registration, valuation of land for acquisition for Government projects and compensations for ranches.

Recommendation 13: Enter into collaborative forest management agreements with local communities.

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The Committee was informed that Cabinet had put in place a Sub-committee headed by the Rt. Hon. Prime Minister to address matters of collaborative forest management agreements with local communities. The Ministry awaits the decision of Cabinet.

The Committee recommends that Government should expedite consideration of the modalities to address matters of collaborative forest management agreements with local communities.

Recommendation 14: Monitor the activities of the civil society organizations (CSOs) operating on land matters to ensure that they are impartial when addressing land issues.

The Ministry of Lands, Housing and Urban Development informed the Committee that Cabinet had put in place a Sub-committee headed by the Rt. Hon. Prime Minister to address these matters. The Ministry awaits the decision of Cabinet.

The Committee recommends that Government should expedite consideration of the modalities to monitor the activities of the civil society organizations (CSOs) operating on land matters to ensure that they are impartial when addressing land issues.

Recommendation 15: Ensure that all government institutions have their land surveyed to avoid encroachment by private individuals and companies.

The Ministry has already established a Zonal Office in Moroto district to serve the Karamoja region. In addition, communities in the region have also been mobilized into Communal Land Associations (CLAs), headed by clan heads. The Ministry has registered over 300 CLAs in the Karamoja region to secure communal land and facilitate land registration.

The Committee recommends that Government should expedite consideration of the modalities to monitor the activities of the civil society organizations (CSOs) operating on land matters to ensure that they are impartial when addressing land issues.

4.18 MINISTRY OF WATER AND ENVIRONMENT 2018 -2020

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UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Ministry of Water and Environment should design water harvesting systems for Karamoja so as to facilitate irrigation and/or mitigate the effects of floods

The Ministry had planned the development of the Karamoja Drought Resilience project funded by KfW targeting development and;

1. Construction of Lemsui, Nangoloapolon and Nakonyen dams in Amudat, Kotido and Moroto districts respectively.
2. Construction of Nine (9No.) valley tanks of capacity; 10,000m³ to 20,000m³ around these dams are planned for livestock watering
3. The Ministry has undertaken Feasibility Studies for the development of Lope dam and Irrigation Scheme in Napak district.
4. The Ministry is finalizing the Detailed Designs for Namalu irrigation scheme that comprises a water storage reservoir in Nakapiripirit district. The Ministry has planned construction of the scheme infrastructure with funding from the African Development Bank.
5. The Ministry has undertaken preliminary designs for 14 multipurpose dams in Karamoja for water storage, flood alleviation and supply of water for irrigation systems in the Karamoja Sub region.
6. The Ministry has as well constructed twenty (20 No.) Valley tanks in Karamoja Sub region, ranging from 10,000m³ to 20,000m³ for livestock watering and for supply of water for small irrigation schemes in the area.

The Committee recommends that Government should facilitate the Ministry of Water and Environment to deliver clean and safe water to all Ugandans.

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Recommendation 2: Office of the Prime Minister, Ministry of Energy and Mineral Development, Ministry of Water and Environment and humanitarian partners should provide the refugees with alternative energy options in order to save the environment since they purely depend on wood fuel for cooking.

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The Ministry of Water and Environment, under Investment in Forests and Protected Areas for Climate Smart Development (IFPA-CD) project, funded by GoU & World Bank has planned to improve forest landscape management in refugee-hosting areas by supporting forestry development and sustainable woodland management on both private and customary land.

The project aims at enhancing the resilience of local communities and landscapes to climatic changes and to refuge related environmental impacts. This is will ultimately increase the stock of Biomass for cooking and interventions on efficient use of biomass energy.

The Committee recommends that Government should facilitate the Ministry of Water and Environment to deliver clean and safe water to all Refugees in Uganda.

Recommendation 3: Office of the Prime Minister and Ministry of Water and Environment should ensure that refugee settlements are set up near water sources and work with their humanitarian partners to provide water during dry seasons.

The Ministry of Water and Environment has planned to construct 20 solar powered water supply systems in Refugee Hosting Districts as follows;

- i. Kiryandongp 3 Rural Growth Centres (RGCs), Madi Okollo 1 RGC, Terego 1 RGC, Yumbe 6 RGCs, Moyo 3 RGCs, Adjumani 3 RGCs and Lamwo 3 RGCs.
- ii. Furthermore 2 Large piped water supply systems (Nyagak and Enyau GFSs) are to be constructed to cover sub counties in Madi Okollo, Terego and Yumbe.
- iii. Under funding from GoU/ KfW, the Ministry is constructing water supply systems in Northern Uganda especially in West Nile targeting refugee settlements and also constriction of Adjumani water supply and sanitation system that will serve some refugee centres in Adjumani.

The Committee commends the Ministry of Water and Environment for its work in refugee settlements and recommends that Government should prioritise water sources when setting up refugee settlements.

4.19 MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES 2018 - 2020

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The ministry of Agriculture, Animal Industry and Fisheries should develop a harmonized policy on agricultural extension services.

The Ministry in collaboration with stakeholders developed a National Agriculture Extension Services Policy to harmonize and implement agricultural extension services to farmers, farmers' groups, and other actors in agriculture value chains throughout the country; The policy and its corresponding implementation Plan was approved by Cabinet in 2017, but still lacks the extension legislation to enforce some components and activities of the policy.

The Committee recommends that Government should prioritise the implementation of the National Agriculture Extension Services policy to harmonize and implement agricultural extension services to farmers, farmers' groups, and other actors in agriculture value chains throughout the country.

Recommendation 2: The Ministry of Agriculture should provide adequate facilitation to agricultural extension workers.

Under facilitation remains the greatest hindrance to the agricultural extension service work. Limited transport facilities and unavailability of the necessary equipment continues to disable extension workers from effectively executing their work. The District Extension Workers Grant has since 2014 gradually reduced from Ushs. 39.6 billion to Ushs. 36.2 billion the current financial year 2022/23, curtailing the performance of extension workers.

The Committee recommends that Government should avail facilitation for agricultural extension workers to enable them effectively deliver on their mandate.

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Recommendation 3: The OPM together with the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF) should construct national food reservoirs.

Storage capacity licensed to operate as public Warehouses in Uganda is only 0.8% of the total agricultural production. In line the Government initiative to reduce post-harvest losses and improve the quality of grain produced in Uganda, MAAIF and the Ministry of Trade Industry and Cooperatives (MTIC) have refurbished and standardized under the Warehouse Receipt System (WRS) eight (8) Warehouses in Jinja, Kapchorwa, Soroti, Gulu, Masindi, Kasese, and Mbarara.

The National Agricultural Advisory Services (NAADS) under the Ministry of Agriculture Animal Industry and Fisheries (MAAIF) in collaboration with the World Food Programme (WFP) and the private sector have continued to jointly address identified gaps in food storage capacity, post-harvest losses eradication, value addition and collective marketing systems, besides improving access to agro-inputs across the Country. The Ministry in collaboration with the private sector are in the process of developing a Joint Venture to establish regional food banks across the Country.

The Committee recommends that Government should invest in more standardized storage under the Warehouse Receipt System (WRS). This is in addition to the eight (8) Warehouses in Jinja, Kapchorwa, Soroti, Gulu, Masindi, Kasese, and Mbarara

Recommendation 4: MAAIF should undertake to provide subsistence farmers with good-quality seeds, fertilizers and pesticides at a subsidy.

The Committee was informed that the proliferation of poor quality and counterfeit inputs has led to unrealized expectations of productivity increases and minimal investment returns; disincentivizing farmers from adopting improved production practices; To address this vice, MAAIF has continued to work with the district local governments to conduct anti-counterfeit campaigns to educate farmers on the implications in the use of counterfeit agro-inputs, how to identify them, and to demand enforcement from local and national authorities' practices; Under the Agriculture Cluster Development Project, the Ministry has continued to implement -Agriculture where an electronic mechanism of agro-input delivery (e-Voucher system) is used to facilitate direct

interaction between the farmer and the agro-input dealers and hence reducing the cost of transaction and ensuring the farmer receives quality inputs in time and at subsidized prices;

The Ministry has also supported the introduction of e-verification (locally known as KAKASA) - a digital IT solution, which involves tagging or labelling of an agro-input with a unique identifying code that is difficult to replicate. At the point of sale in an agro-dealer shop, consumers can verify that the seed or plant protection product they are purchasing is a genuine product;

The regulatory framework in Uganda is also weak and non-responsive to the demands of the market, facilitating the proliferation of counterfeit agro-dealers. MAAIF in collaboration with the Uganda Registration Services Bureau (URSB), the Uganda Revenue Authority (URA), and the Ministry of Local Government (MoLG) has continued to organize mobile compliance clinics to decentralize company registration (URSB) and tax registration services (URA); simplify and decentralize agro-dealer training, inspection, and registration; as well as train local authorities on how to formulate anti-counterfeit ordinances and to provide legal assistance and follow up.

The Committee recommends that Government should strengthen regulatory and oversight framework in the area of agro-supplies to deter the proliferation of counterfeit agro-dealers.

Recommendation 5: MAAIF should undertake to introduce village agriculture volunteers like the case is with the village health teams (VHTs) under the Health Ministry.

MAAIF has developed and adopted the Village Agent Model: as a holistic approach to agricultural development in Uganda instead of the village agriculture volunteers.

The Village Agent Model works through a network of "village agents" who are private individuals trained to: organize farmers in producer groups; provide extension services (e.g. on good agronomic practices, post-harvest practices for quality assurance, and financial literacy); link farmer groups to banks to ease access to loans; promote labour-saving technologies; support farmers to buy authentic inputs for production and value addition (e.g. tractors, maize processing machinery); as well as link farmers to local traders and exporters;

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To-date over 8,000 Village Agents have been identified and trained but inadequate funding for the extension function has crippled the replication of the model to other parts of the Country;

The Committee recommends that Government should avail funds for the Ministry of Agriculture to mobilise village agents to act as extension workers at the village level.

Recommendation 6: MAAIF should enforce agricultural zoning and undertake to sensitize farmers on which crops should be grown in a particular area.

The Ministry of Agriculture Animal Industry and Fisheries has reviewed and updated the Agriculture Zoning Strategy of 2004.

The revised Agriculture Zoning Strategy, 2020 aims to:

- a) Identify zones with a comparative advantage to produce agricultural enterprises, for which Uganda has competitive advantages;
- b) Promote and support zonal production and processing of selected enterprises among all stakeholders including both public and private sector;
- c) Provide baseline market and financial information for investment in agricultural commodities, in order to promote and support profitable production and processing of agricultural commodities;

The National Research Organization is finalizing the study to map out agricultural commodities suitable for particular ecological zones: Dissemination of the strategy is being conducted alongside the sensitization of the farmers on the crops to be grown in particular areas.

The Committee recommends that Government should implement the revised Agriculture Zoning Strategy, 2020

Recommendation 7: MAAIF should enforce the sugar policy

The National Sugar Policy, 2010 identifies the salient relationships and linkages between the key stakeholders in the sugar sub sector, as well as provide a framework to guide specific policy actions/interventions;

The policy developed by the Ministry of Trade Industry and Cooperatives does not however recognize the roles and responsibilities to be played by other MDAs including MAAIF and key stakeholders and as such has to be revised.

The Committee recommends that Government should;

- i. **revise the sugar policy to take into account the roles of all stakeholders including the Ministry of Agriculture, Animal Industry and Fisheries,**
- ii. **implement the revised sugar policy within 6 months.**

Recommendation 8: The Ministry of Agriculture, Animal Industry and Fisheries and the Ministry of Local Government should carryout proper needs assessment and enterprise selection before inputs are supplied.

The Committee was informed that the Ministry of Agriculture, Animal Industry and Fisheries in collaboration with the National Advisory Services and the Ministry of Local Government usually conduct proper needs assessment and enterprise selection before inputs are supplied except for a few selected commodities.

The Committee recommends that Government should carry out due diligence for all enterprises that receive government inputs.

Recommendation 9: The Ministry of Agriculture, Animal Industry and Fisheries should recruit more extension workers/staff to monitor the Programme.

The establishment for extension workers/staff in Local Governments is 9,228 but the staff in post are less than 4,000; For the last Five (5) Years, the Ministry of Agriculture, Animal Industry and Fisheries has consecutively budgeted to recruit two thousand extension workers/staff but the Ministry of Finance, Planning and Economic Development has not been able to provide the financial resources:

The Committee recommends that Government should avail more funds for agriculture extension workers to reach all parts of the country.

Recommendation 10: The Ministry of Agriculture, Animal Industries and fisheries, in conjunction with the Uganda National Bureau of standards should ensure that all seed companies are certified and proper mechanisms for follow up with beneficiaries after the seeds have been delivered to verify the inputs are in place.

Government of Uganda approved seed regulations in January 2017 which allows accreditation of private service providers to offer seed certification services. Accordingly, MAAIF has certified and licensed private entities including Chemiphar, a testing lab; UGOCERT, a certification entity; Heartland Global, an agribusiness advisory firm; and other leading local seed companies to carry out quality assurance of seed and other planting materials;

The Ministry in collaboration with the leading seed companies has developed the voluntary AgVerify quality scheme. This private sector led quality mark complements the blue NSCS certification tag to provide an assurance of the high-quality seed standards in the Country;

The Committee recommends that Government should carry out due diligence for all enterprises that receive government inputs.

Recommendation 11: The Ministry of Agriculture, Animal Industry and Fisheries should recruit more technical personnel with competence carryout extension work.

The Ministry of Finance Planning and Economic Development has not provided the requisite financial resources to facilitate this activity

The Committee recommends that Government should recruit agriculture extension workers to mobilise the people for food security initiatives.

Recommendation 12: The Ministry of Agriculture, Animal Industry and Fisheries should review the progress of the Operation Wealth Creation

The committee was informed that the Impact Assessment of NAADS/OWC activities from FY 2014/15 when NAADS was reformed from the provision of advisory services to distribution of agricultural inputs to FY2020/21;

The field work has been finalized and the consultants have submitted a draft evaluation report to the Ministry for further scrutiny and inputs;

The Committee recommends that Government should table the NAADS evaluation report before Parliament in 3 months.

Recommendation 13: Ministry of Health and the Ministry of Agriculture, Animal Industry and Fisheries should engage in public sensitization and mobilization on the importance of food security and the dangers of growing illicit drug crops/plants

MAAIF (leading) in collaboration with key stakeholders notably FAO, WFP, OPM, MoH continues to undertake foods security surveillance to determine most vulnerable groups and guide follow up interventions to reduce food insecurity; Every end of season and start of the next one, the Hon. Minister of agriculture conducts a media briefing to sensitize and mobilize the public on issues of post-harvest handling, food safety, food security safety nets and provides guidance on production for the next season;

MAAIF is currently leading the implementation of the Uganda Multi-Sectoral Food Security and Nutrition Project (in its 7th year of implementation) whose key objective is to improve production and consumption of nutrition dense crops in most vulnerable 20 districts. Awareness and sensitization campaigns through multimedia are undertaken in all the 20 districts. The project works with 1500 UPE school as key pathway to mobilize the surrounding communities and the pupils are nurtured as potential critical mass of future change agents for the Country;

MAAIF has developed a number of extension materials to guide community mobilization and sensitization for household food security and nutrition including;

- a) Food and Nutrition Handbook for Extension Officers
- b) Guidelines for Nutrition Sensitive Enterprise Mixes
- c) Training Manual for Extension Officers on Nutrition Sensitive Agriculture
- d) Postharvest Handling I.E.C. Materials
- e) Aflatoxin Management Handbook for Extension Officers
- f) Aflatoxin Management I.E.C. materials
- g) Home Economics Handbook for Extension Officers;

The Ministry of Gender, Labour and Social Development (MGLSD) also plays a major role in the mobilization of communities on matters of food security. The Ministry (MGLSD) has developed a food security mobilization guide for this purpose; The dangers of illicit drugs are handled by the Ministry of Health (MOH).

The Committee recommends that Government should recruit agriculture extension workers to mobilise the people for food security initiatives and to advise against the dangers of growing illicit drug crops/plants.

The Committee further recommends that provision of good quality seeds as well as irrigation schemes should be extended to people in famine-stricken areas in the country.



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4.20 MINISTRY OF INTERNAL AFFAIRS

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Internal Affairs and the National Bureau for NGOs (NGO Bureau) should review the laws concerning the registration of non-governmental organizations and ensure that they are conducive and facilitative of the work of human rights defenders

The NGO Bureau informed the Committee that the process of reviewing the National NGO Policy 2010, and the NGO Act, 2016 was ongoing and the Minister of Internal Affairs had already constituted a technical committee spear headed by the NGO Bureau comprising of a number of MDAs to offer support towards the process. These include: Attorney General's Chambers; Ministry of Finance, Planning and Economic Development; Ministry of Foreign Affairs; First Parliamentary Council; Uganda Law Reform Commission; Financial Intelligence Authority and Internal Security Organisations.

The existing legal regime as demonstrated above provides an enabling environment for the organizations sectors as stipulated under sector 4 (e) of the NGO Act, 2016 and this is in relation to all organizations by protecting their work and activities to all their operations within the country.

It was the NGO Bureau's further submission that the laws are being reviewed and shall not discriminate against any organization on the basis of gender, race, color, tribe, language, religion or conviction, opinion, ethnic origin, economic position or disability. The law shall apply to all organizations equally without any exemption.

The Committee recommends that Government should facilitate the technical committee spear headed by the NGO Bureau comprising of a number of MDAs to offer support towards the process of reviewing the National NGO Policy 2010, and the NGO Act, 2016.

Recommendation 2: Ministry of Internal Affairs and Ministry of Gender, Labour and Social Development should ensure that juveniles are separated from adult offenders in all detention facilities and that children who are incarcerated with their imprisoned mothers are catered for

Separation of Juveniles from Adult Offenders

- a) Section 58 (7) of the Prisons Act prohibits Uganda Prisons Service (UPS) from admitting juvenile offenders into a prison designated for adult prisoners.
- b) All officers in charge of prisons closely monitor individually or through welfare and reception officers, persons to be admitted into custody so as to identify those who might be children.
- c) Should an officer in charge have reason to believe that a person committed to prison by court is under the age of eighteen years, the Officer in Charge is required to have the person examined by the Medical Officer to ascertain his or her true age. If found to be under eighteen years of age, the officer in charge immediately isolates the child from adult prisoners as he or she arranges for the offender to be brought before court.
- d) The table below shows the movement of juveniles since last year (2021) to date.

Welfare of babies incarcerated with their imprisoned mothers

- a) Section 59 (2) of the Prisons Act states that "subject to such conditions as may be prescribed, a female prisoner may be admitted into prison custody with her infant."
- b) Section 59 (4) of the Prisons Act requires the State to supply the said infants with clothing and other necessities of life until the infant attains an age of 18 months in which case the Officer in Charge shall on being satisfied that there is a relative or friend of the infant able and willing to support it, cause the infant to be handed over to the relative;
- c) Section 59 (5) of the Prisons Act provides that where there is no relative or friend referred to in subsection (4) who is able and willing to support the infant, the Commissioner General may, subject to the relevant laws, entrust the care of the infant to the welfare or Probation Authority as the Commissioner General may approve for that purpose;
- d) Currently, the UPS is looking after 260 babies staying with their mothers in prisons:

- i. The Service provides for feeding and hygiene of children staying with their mothers in prison.
- ii. Shs.60m is provided to cater for the welfare (other than feeding and hygiene) of children staying with their mothers in Prison.
- iii. Established heifer projects (lactating animals) in 17 female prisons with 55 heads of cattle to provide mothers and their children with nutrition supplementation. These include Luzira, Kigo, Nakasongola, Masaka, Jinja, Gulu, Kitgum, Oyam, Soroti, Mbale, Arua, Mbarara, Bushenyi, Ndorwa, Lira, Masaka Sazza, and Masindi prisons.
- iv. The service established and is supporting 4 day care centers in Luzira, Mbarara, Arua & Gulu female prisons.

The Committee recommends that Government should avail more funds to make the abovementioned welfare initiatives available for all babies incarcerated with their mothers in female prisons across the country.

Recommendation 3: Ministry of Internal Affairs should invest in the use of forensic investigations; equip and train Uganda Police Force in the use modern investigative mechanisms including setting up a specialized unit to investigate the crime of torture.

Directorate of Government Analytical Laboratories (DGAL): the Committee was informed that DGAL uses forensic science to generate forensic evidence that is offered to courts of law. To obtain this forensic evidence, DGAL uses modern equipment, though the reagents and other consumables the budgets are not enough. Another challenge is the sourcing the equipment service engineers from abroad has been a nightmare especially during the Covid 19 lockdown. Inadequate staff to deploy in the regional forensic laboratory is still a challenge.

In addition, the Uganda Police Force has embraced the use of modern investigative mechanisms and ultimately built capacity of the supporting Directorates that include Forensics, ICT and CID

Forensics Directorate

The Directorate of Forensic Services (DFS) under the Uganda Police Force is tasked with the application of scientific techniques in the prevention, investigation, and detection of crime to support administration of justice.

specific goal is to offer timely scientific truth and excellence for safer Communities in Uganda.

The Directorate contributes to policing and exists to:

- a) Provide scientific evidence to link suspects to a specific criminal act,
- b) Identify offenders and criminals using fingerprints and photographs,
- c) Keep a comprehensive and detailed record of criminals,
- d) Examine questioned documents Such as land titles, legal tender, last wills and testimonies,
- e) Analyze electronic tools and equipment used in the commission of cyber-crimes,
- f) Analyze and provide evidence in cases involving guns and explosives to combat gun crime and terrorist activities,
- g) Identify disaster victims using DNA and other scientific techniques in situations of disasters,
- h) Analyze and provide evidence in cases involving drugs of abuse, food safety and suspected poisoning, and
- i) Provide an avenue for research in the new emerging crime trends for effective and efficient scientific investigations.

The above forensics services are coordinated through seven Departments namely:

- a) Administration and Training
- b) Ballistics and Tool marks
- c) Criminal Identification
- d) Chemical, Biological, Radiological, Nuclear & explosives analysis
- e) Quality Assurance and Research
- f) Questioned Documents
- g) Cyber Crime

7. Despite the COVID-19 pandemic, several activities were undertaken by the Directorate in key performance areas for the period January to December 2021 that included:

- a) Delivery of faster and more responsive forensic services,
- b) Enhancement of Forensic services to support investigations and policing operations,
- c) Developing forensic expertise mainstreaming equality and wellbeing,
- d) Developing developed as well as maintaining quality standards across multifaceted forensic expertise, and
- e) Planning and establishing an Ultra-modern forensic laboratory.

- f) The highlight of the period under review was the commissioning of the much- anticipated DNA equipment on 28 January 2021.

Under Mobility, a batch of 55 Motorcycles were procured under JLOS and have since been distributed to our Scene of Crimes Officers (SOCOs) in the field. An additional 3 vans were procured by UN Women and are due for handover to the Inspector General of Police. An additional 217 motorcycles are required to cover the entire country. Fuel allocations for field SOCOs are a going concern to enhance service delivery.

On Training, JLOS supported the training of 03 questioned document examiners, and they have since returned from the UK and India after having successfully completed Master's Degree in Forensic Science and Post Graduate Diploma in Questioned Document respectively. Another set of 4 Cyber forensic experts returned from India having concluded Master of Science in Cyber related studies.

Regarding equipment, The Government of Uganda provided funds for acquisition of advanced chemical analysis equipment (DBS-LCMSMS, GCMS and HPTLC) as well as additional 'gun fingerprinting' equipment and data storage capacity.

ICT Directorate

The core function of the directorate is to provide network infrastructure to various units including the National Data Center that is a repository of UPE data bases. i.e.

- a) The Human Resource Management system (HRMS)
- b) Crime registration Management System (CRMS)
- c) Interpol Certificate of Good Conduct
- d) Traffic Information Management System
- e) Other web services e.g. Emails and CCTV

The network has been extended up to the border points to cover cross border crime under Interpol.

In the domain of CRMS, it supports in crime investigation and detection. It has been very instrument in providing evidence for both high profile and regular cases. There are a lot of success stories in tracking and recovery of stolen motor vehicles and vehicles involved in crime.

The system has also been key in remotely supervising officers on duty thus fostering customer care and curbing corruption allegations among Others. However, notwithstanding the above achievements, the directorate still a lot of challenges in maintaining of the CCTV infrastructure because of inadequate budget, uncoordinated projects like road constructions, installation of pipes by NWSC etc.

CID

This is the lead agency in investigations. It has a host of specialized departments under it that are mandated to handle specific cases. These include the following among others;

- a) Homicide
- b) Economic crimes
- c) Narcotics
- d) SGBV
- e) Land etc.

The recommendation to introduce a department in charge of torture cases is a welcome idea and shall be considered by management. CID has invested a lot in improved capacity building in terms of equipment and human resource development.

The Committee recommends that Government should invest more resources in forensic investigations under the Ministry of Internal Affairs, DGAL and Police to support the expeditious disposal of cases in courts.

Recommendation 5: Ministry of Internal Affairs and Ministry of Gender, Labour and Social Development should ensure that juveniles are separated from adult offenders in all detention facilities and that children who are incarcerated with their imprisoned mothers are catered for

All police owned structures have provision for Juvenile detention facilities. However, the challenge is with privately owned rented premises. The institution considers detention of juveniles as a last resort in the interest of justice and safety. We implore the Ministry of Gender to make remand homes available and make them as accessible as possible.

The Committee recommends that Government should take deliberate steps to make the justice system more accommodating of juveniles by funding the Ministry of Gender to make remand homes available and as accessible as possible.



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Recommendation 6: Ministry of Internal Affairs and the Directorate of Citizenship and Immigration control should verify the issue of the migration of the Maragoli

Historical Origins

While the origins of the Maragoli are not documented in detail, the Maragoli are said to have migrated from present day Saudi Arabia to Egypt and via Southern Sudan across the border into the West Nile and Bunyoro sub-regions in the 18th century. A second group is believed to have arrived in Uganda around the 1900's during the construction of the Uganda Railway. Later in the 1950's more Maragoli migrated to Uganda, on invitation of the King of Bunyoro, settling the community on the land they occupy today in western Uganda.

Maragoli were resettled onto the land they now occupy by the Bunyoro Kingdom which controlled this part of Uganda. They have maintained various cultural practices such as their burial rites to date and still speak their own language, although they are also fluent in Runyoro, the language commonly used in the area where they reside.

Background

The current difficulties of the Maragoli community began in 2015 when the government introduced a mass national registration of Ugandan citizens and issued each person a national identification card under a newly constituted National Identification and Registration Authority (NIRA). It is at this point that the Maragoli for the first time were put at risk of statelessness due to the withholding of their identity cards.

Most Maragoli during the registration exercise were advised to register as Banyoro, the dominant ethnic group in the area, to avoid any potential difficulties around the fact that their ethnic group was missing in the national schedule of the 1995 Constitution and the 2005 amendment that recognized 65 tribes in Uganda, all members of which are entitled to Ugandan nationality.

Many did so but others refused, not wanting to be overshadowed by the Banyoro and seeking their own identity as an ethnic group with an established history in the area.

Those who registered for national identity cards as belonging to other groups like Banyoro and Alur, at the advice of the district authorities, expected to be

issued with their cards like other Ugandan citizens. Their cards were, in fact, produced and were released to the District at the Office of the NITO (National Information and Technology Officer). All those who went to collect their identity cards were able to collect them - with the exception of those believed to belong to the Maragoli community despite registering as other groups, whose cards were instead withheld. Other Maragoli who registered also as Banyoro of other groups outside Kiryandongo district received their cards.

Presidential Directive, 2017

Maragoli leaders took a number of steps to try to solve the problem with the NIRA, but to date their difficulties remain ongoing and the majority of cards have not been issued. They have petitioned the Speaker of Parliament, the President, the Attorney General and the Ministry of Internal Affairs, but all in vain. While these efforts did result in a letter from the Ministry of Internal Affairs in which the Minister instructed the NIRA to urgently issue identity cards to Maragoli, respecting advice from the Attorney General, pending a constitutional amendment for their inclusion in the national schedule as a recognized Ugandan community.

However, this seems to have been ignored or disputed at the local level as the cards have yet to be issued. The President directed the Ministry of Justice and Constitutional Affairs in July 2017 to include the Maragoli in the constitutional amendment. Both directives are pending the legal process.

Issue of lack of National I.D's

As a result of their lacking identity cards, Maragoli experience discrimination in many areas such as access to health services, especially when referred to hospitals, as proof of identity is routinely demanded before treatment. Indeed, almost every aspect of service provision for Ugandan citizens is dependent on the possession of valid identification: for example, employment at the district level, opening of bank accounts, loans, government income programmes such as Youth Livelihood Funds and women's funds. This was not the case before the rollout of national identity registration requirements and the resulting questions as to their status and nationality. This can leave individuals at risk of being denied a range of rights, regardless of their previous position. For instance, one Maragoli community member belonging to a school management committee was not allowed to be a signatory to the school bank account because he could not provide an identity card: he told MRG that he was thus denied a leadership position.

Recently, the country also embarked on the registration of under-16-year-olds through the NRA, who will also be provided with children's identity cards. However, the children of Maragoli whose cards are withheld have also been discriminated against. One of the requirements to register children was to produce the identity cards of their parents for their own registration and since they could not, they too were not registered.

Naturalisation

NIRA officials have advised Maragoli people to secure citizenship through naturalization. The community however has declined this option for several reasons:

- a) It would represent an admission that they are foreigners, which they contest, having been born in Uganda with generations of ancestors predating the country's independence.
- b) Furthermore, naturalization does not offer the guarantee of permanent citizenship since it can be revoked by an Act of parliament.
- c) They see the refusal to issue identity cards as part and parcel of a package of rising discrimination against them and consider that naturalization would further entrench their secondary status in the country.

Way Forward

- a) An important avenue for resolving the community's predicament is the tribunal case opened by Uganda's Equal Opportunity Commission (EOC). Maragoli lodged a complaint with the Equal Opportunity Commission Tribunal and the ruling, though recognizing their plight, directed the Maragoli community to naturalize while they wait to be included in the national Schedule when the Constitution is amended. This position has been a concern for Maragoli who consider it to unfairly indicate that they are not Ugandans. They claim that naturalization does not grant them the same rights as citizens by birth.
- b) A rapid assessment may be taken to establish the exact details about the Maragoli NIRA issues. This could also assist in establishing a clearer picture of why the NIRA withheld the identity cards and the reasons they continue to do so, despite letters from the various ministries and offices.
- c) Strategic meetings between the Maragoli leadership with relevant government offices may be organized to promote dialogue. Meetings could

be held seeking to clarify and progress the issue targeting points of influence: NIRA, Attorney General, Internal Affairs, Constitutional Ministry, Parliamentary Legal Committee and others.

- d) In November 2018, the government named 14 members of the Constitutional Review Commission, which will once in place debate about the inclusion of the Maragoli. This matter will be resolved in this forum and once they are recommended as one of the indigenous communities in the Third Schedule to the Constitution, the matter will be put to rest as they will be recognized as citizens by birth which cannot be revoked.

The Committee recommends that Government should expeditiously constitute a Constitution Review Commission to address gaps in the 1995 Constitution as amended.

Recommendation 7: The Ministry of Internal Affairs should consider local integration and grant citizenship to the refugees that have stayed in Uganda for over 30 years.

The Ministry of Internal Affairs informed the Committee that local integration and grant citizenship to the refugees that have stayed in Uganda for over 30 years Refugee status is/should be temporary to the extent that the conditions in the country of origin remain untenable for return of the refugee. Once the situation is conducive, refugees should return to their countries of origin or relocate to 3rd countries. Integration on account of time spent in Uganda is inadvisable. It has implications on social services, on resources and on the cost burden to sustain these people. Uganda should be conserved primarily for Ugandans. Naturalization of other non-citizens cannot/shouldn't be blanket. It should be exceptionally justifiable circumstances on case-by-case basis.

The Committee recommends that Government should continue considering applications for citizenship on a case-by-case basis as opposed to a blanket offer to a certain category of refugees.

Recommendation 8: The Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs should work together to crack down on unregistered recruitment agencies that engage in illegal

labour externalization to address the issue of human trafficking for labour purposes.

The Ministry of Gender, Labour and Social Development and the Ministry of Internal Affairs should work together to crack down on unregistered recruitment agencies that engage in illegal labor externalization to address the issue of human trafficking for labour purposes.

The labour recruitment agencies and exportation agencies are under direct supervision and regulations by the Ministry of Gender, Labour and Social Development.

However, once the illegal companies and activities are brought to our attention or discovered by our intelligence teams they can be dealt with in accordance with the law by the police. Indeed, the Ministry of Internal Affairs, has to collaborate with other stakeholders to address the issue of Human Trafficking.

The Ministry has the coordination office Trafficking in Persons in Uganda is handled under a multi-agency coordinated system involving several stakeholder Ministries, Departments and Agencies (MDAs); whose traditional mandates and functions relate to the key aspects of countering the crime.

Police is the lead agency in countering the crime in collaboration with other stakeholders, while the Coordination Office for Prevention of Trafficking in Persons at the Ministry of Internal Affairs Headquarters is responsible for coordination, monitoring and overseeing implementation of the various counter Human Trafficking measures in the country.

Countering the crime of trafficking in persons should be carried out under four strategic areas of Prevention of the crime, Prosecution of offenders, Protection of victim and partnership amongst stakeholders.

The Committee recommends that Government should invest some of the resources collected from externalized labour to facilitate Labour Officers to handle issues of illegal exportation of labour

4.21 MINISTRY OF FINANCE, PLANNING AND ECONOMIC DEVELOPMENT 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Finance, Planning and Economic Development should increase funding towards Agriculture.

Funding for agriculture sector increased from 1.053.553bn in Ushs FY 2019/20 to Ushs. 1,449.811bn in FY 2022/23. However, it is worth noting that interventions towards agriculture cut across various programmes and institutions including: Ministry of Water and Environment; Ministry of Trade, Industry and Cooperatives; Micro Finance Support Centre; Ministry of Local Government; among others, which all collectively contribute to agriculture through their respective programmes and interventions.

The Committee recommends that Government should increase funding to the Ministry of Agriculture, Animal Industry and Fisheries to empower it to perform oversight over all programs and interventions in the sector.

Recommendation 2: The Ministry of Finance, Planning and Economic Development and the Ministry of Agriculture, Animal Industry and Fisheries should establish a National Agricultural Bank.

The draft Agriculture Policy recognizes the need to promote agriculture finance, however the policy has advised on the need for a feasibility study to inform the establishment of an Agriculture Bank as an enabler and also to establish the causes of the collapse of the Cooperative Bank in Uganda.

In the meantime, efforts are being made by Government to reduce the gap on access to Agriculture Finance through existing institutions like Post Bank, Pride Micro Finance, Micro Finance Support Centre and the Agriculture Credit Facility.

The Committee recommends that Government should, in the short term, continue availing agriculture financing through Post Bank Pride Micro Finance, Micro Finance Support Centre and the Agriculture Credit Facility. In the medium term, Government should study the possibility of merging these entities into a National Agricultural Bank.

Recommendation 3: Ministry of Finance, Planning and Economic Development should review the liberalization policy to allow for stabilization of farm produce prices.

Under the Parish Development Model, Government is promoting the value chain approach to add value to the products, increase shelf life and improve quality and standards so as to address the fluctuating produce prices. Under the Model, market access is emphasized as well as putting in place the supporting infrastructure such as storage and warehousing facilities.

The Committee recommends that Government should take deliberate steps to monitor the performance of the Parish Development Model over the next year. With effective oversight, the PDM may achieve the impact that has previously eluded other wealth creation projects.

Recommendation 4: The Ministry of Finance, Planning and Economic Development should consider increasing the budgetary allocations to the Health Ministry to cater for palliative care services.

The increasing demand for palliative care services, as a result of the emerging disease burden due to the non-communicable diseases is noted. This will be prioritized by the MoH as additional resources become available and as the pressure on the fiscal space caused by COVID- 19 reduces.

The Committee recommends that Government should prioritise the enactment of the National Universal Health Insurance Scheme to provide for the collection of premiums from all Ugandan adults, that do not fall in the indigent category, in order to address funding shortages in the health sector.

Recommendation 5: The Ministry of Finance, Planning and economic development should increase the budgetary allocations of Lotteries and Gaming Regulatory Board so as to effectively perform its regulatory functions.

The budget for Lotteries and Gaming Regulatory Board has risen over the years from Shs3.67bn in FY2017/18 to Shs.8bn in FY2022/23.

The Committee recommends that Government should increase funding to the National Lotteries and Gaming Regulatory Board to stimulate non-tax revenue growth.

Recommendation 6: Ministry of Finance Planning and Economic Development should avail funds to UHRC to acquire additional civic education vans for UHRC to enhance its impact.

In FY2020/21. The Vote's budget was enhanced by Ushs.1bn for purchase of transport Equipment. The Uganda Human Rights Commission budget has over the last 3 financial years increased from Ushs.18.106bn to Ushs.20.897bn.

The Committee recommends that Government funds 100% of the budget of the Uganda Human Rights Commission.

The Committee further recommends that Government should clear the Democratic Governance Facility to resume operations and provide critical funding to the Commission.

Recommendation 7: The Ministry of Finance, Planning and Economic Development should provide adequate financing to the Education sector and the ministry of Education and Sports to effectively monitor the safety of children in schools.

MoFPED provides Ushs. 10.29bn to MoES and Local Governments every FY for inspection and monitoring including the safety of children in schools

The Committee recommends that Government should increase funding to the Education Sector to address the safety of children in schools.

Recommendation 8: Ministry of Finance, Planning and Economic Development should make deliberate efforts to improve on the Medium-Term Expenditure Framework to address the recurring underfunding of the Commission and enable the Commission to:

- a) Pay a competitive wage to staff to address the challenge of high staff turnover.
- b) Stop depending on donors for funding of core activities.

c) Implement the approved structure that was approved by the ministry of Public Service in June 2016.

The Uganda Human Rights Commission budget has over the last 3 financial years increased from Ushs.18.106bn to Ushs.20.897bn.

The Committee recommends that Government funds 100% of the budget of the Uganda Human Rights Commission.

The Committee further recommends that Government should clear the Democratic Governance Facility to resume operations and provide critical funding to the Commission.

Recommendation 9: The Ministry of Finance, Planning and Economic Development should increase funding to ministries, departments and agencies (MDAs) responsible for state reporting.

The Government has since FY 2020/21 increased funding to Criminal Justice institutions. This has been mainly through salary enhancement, provision of transport equipment, additional recruitment of Judicial Officers and Prosecutors, automation of and Court Process using ICT and construction of new Courts and Justice Centres.

Specifically, Government has made a significant investment in information management systems to ensure efficiency in management of cases and tracking of Prisoners. In addition, there is funding for use of scientific evidence in investigations to prevent use of torture in extracting evidence e.g DNA labs.

The Committee recommends that Government should prioritise funding to the Ministry of Gender, Labour and Social Development and other MDAs responsible for state reporting.

Recommendation 10: The Ministry of Finance, Planning and Economic Development and the Ministry of Gender, Labour and Social Development, increase funding for Uganda Women Entrepreneurship Program, Youth Livelihood Program and other livelihood programs.

The budget for the two Wealth Funds was merged with the Parish Development Model programme which has been rolled out across the Country.

The Committee recommends that Government should take deliberate steps to monitor the performance of the Parish Development Model over the next year. With effective oversight, the PDM may achieve the impact that has previously eluded other wealth creation projects.

Recommendation 11: The Ministry of Finance, Planning and Economic Development should revise tax regimes on building materials by reducing levies on essential building materials to ensure affordability by all categories of households as well as the regular supply at all time.

The Ministry of Finance has noted this recommendation for consideration during the Budget preparation for FY 2023/24. A comprehensive study will be undertaken on the impact of this recommendation on revenue and other aspects of the economy.

The Committee recommends that Government should study the possibility of stimulating the housing sector by subsidizing construction materials.

Recommendation 12: The Ministry of Finance should prioritize and adequately allocate financial resources toward the implementation of the National Housing Policy of 2016, including funds to upgrade the state of housing in the informal settlements/slums.

Government is cognizant of the dire housing situation especially in the urban areas. As a result, the total budget allocation to the housing sub-programme increased from Ushs 1.6bn in FY 2019/20 to Ushs 31.6bn in FY 2021/22 of which Ushs 30.0bn was for capitalization of the National Housing and Construction Company Ltd. In addition, Government has undertaken the following interventions to provide a conducive environment for housing development:

- i. Increased financing towards land administration, urban planning, and physical planning from Ushs 167bn in FY 2020/21 to Ushs 179bn in FY 2021/22.

- ii. Capitalization of NHCC Ltd to provide affordable housing including slum upgrading. A total of Ushs 30.0bn was allocated in FY 2021/22.
- iii. Strengthening land administration through decentralization of land titling and registration at Ministerial Zonal Offices to support other programmes including housing development.
- iv. Development and dissemination of free housing prototype plans.
- v. Dissemination of the National Housing Policy.
- vi. Institutional Housing development focusing on health, education, army and Uganda Police Force.

The Committee recommends that Government should allocate resources for the implementation of the National Housing Policy of 2016.

Recommendation 13: The Government should, through Ministry of Finance, Planning and Economic Development, further regulate the interest rates of the credit institutions to accommodate the poor

Government has introduced number of programmes that extend favorable credit to the Micro, Small and Medium Enterprise (MSMEs). These include Emyooga, Agricultural Credit Facility and the Small Business Recovery Fund. Under the Parish Development Model (PDM), Government, effective FY 2022/23 will provide Shs 1.059 Trillion annually to be accessed by the 39% of the people currently in the subsistence economy.

The Committee recommends that Government should make deliberate efforts to ensure that the poor have access to affordable credit.

Recommendation 14: The Ministry of Finance, Planning and Economic Development should ensure that adequate financial resources are allocated to the district disaster management committee so as to enable it effectively prepare and response to future disasters

District disaster management committees are constituted under the chairmanship of the CAO and are financed under unconditional Grants to Districts. Additional resources will be allocated as the economy improves.

The Committee recommends that Government should ensure that adequate financial resources are allocated to the district disaster management committee

Recommendation 15: The Ministry of Finance, Planning and Economic Development should amend the Public Finance Management Act, 2015 to give UHRC powers to issue certificates of human compliance upon review of MDA budget to ensure that they address the human rights-based approach to development.

The Ministry of Finance, in the Budget Call Circular provides guidelines to MDAs regarding prioritizing funding to the crosscutting issues including Gender, HIV, and Environment. The Ministry will work with UHRC to generate and share those guidelines during the Budget process for FY 2023/24 onwards.

The Committee recommends that Government should amend the Public Finance Management Act, 2015 to give UHRC powers to issue certificates of human compliance upon review of MDA's proposed budgets.

Recommendation 16: As recommended in the previous reports, Government should, through Ministry of Finance, Planning and Economic Development, increase funding for civic education in Uganda.

Civic education will be considered when the funding situation improves.

The Committee recommends that the Uganda Human Rights Commission should be supported to conduct massive civic education and sensitisation across the country to lay a foundation for a culture of respect for human rights and create awareness of rights and obligations.

Recommendation 17: Ministry of Finance, Planning and Economic Development should specifically consider making adequate budgetary provision for capital expenditure to construct UHRC head office and regional offices and procure transport equipment over the medium term.

The Uganda Human Rights Commission budget has over the last 3 financial years increased Ushs.18.106bn to from Ushs.20.897bn. The enhancement was to cater for filling of the staffing gaps and purchase of transport equipment, as well as enhancing operational capacity.

The issue of salary enhancement shall be handled after rationalization of Government.

The Committee recommends that Government should support the UHRC to construct its own headquarters since it already owns prime land in the Capital City.

Recommendation 18: Ministry of Finance, Planning and Economic Development should increase funding to Uganda Human Rights Commission

The UHRC was allocated Ushs.1bn in FY2021/22 specifically for transport equipment.

The UHRC Head Quarters are part of the JLOS House project, which shall be completed within the next 2 years. As part of the access to Justice strategic plan, the fully- fledged UHRC regional Offices shall be accommodated in the regional Justice Centres

The Committee noted that this position is disputed as the Commission is not aware that it is supposed to be housed under the JLOS House Project.

The Committee recommends that Government should harmonise its position on accommodation for the Uganda Human Rights Commission.

Recommendation 19: Ministry of Finance Planning and Economic Planning should provide funds to Ministry of Health to create a trauma treatment and rehabilitation programme to provide support to torture victims and their affected family members.

China- Uganda Friendship Hospital is the designated trauma and Orthopaedic Centre in Uganda. It is a fully fledged vote and funds have been provided progressively towards the new mandate.

The Committee recommends that Government should support the African Centre for the Rehabilitation of Torture Victims (ACTV) to handle cases of torture victims who may not be comfortable receiving medical attention from a Government facility like the China-Uganda Friendship Hospital.

Recommendation 20: Ministry of Finance, Planning and Economic Development should increase the budgetary allocation to the health sector in line with the target of 15% of the national budget provided for in the Abuja Declaration in order to improve on access to essential health goods and services.

Government appreciates the need to improve health service delivery through increasing access to the essential services. The funding for health service delivery is currently through multiple sources and this requires mapping of the interventions in order to identify the critical gaps to be addressed as a matter of priority.

The Committee recommends that Government should progressively increase funding to the health sector until the 15% threshold is attained in conformity with the Abuja declaration.

Recommendation 21: Ministry of Finance, Planning and Economic Development, Ministry of Public Service and the Ministry of Health should increase the financial, human and capital or infrastructural investments in maternal and reproductive priority interventions to meet the SDG and HSDP targets

Funding for maternal and reproductive health has been increased progressively in terms of infrastructure financing, enhanced budget for health commodities and recruitment of appropriate personnel.

The Committee recommends that Government should progressively increase funding to the health sector until the 15% threshold is attained in conformity with the Abuja declaration.

Recommendation 22: Ministry of Finance Planning and Economic Development should ensure that there is commensurate funding provided to the Ministry of Health for recurrent costs for utilities and/or maintenance arising from health infrastructural developments and equipment for health facilities at all levels.

Funds for operational costs and equipment for newly built or upgraded facilities are provided upon completion of facilities.

The Committee recommends that Government should progressively increase funding to the health sector until the 15% threshold is attained in conformity with the Abuja declaration.

Recommendation 23: Ministry of Finance Planning and Economic Development should allocate more funding to Ministry of Health to address the challenge of shortage of essential drugs, supplies and commodities for Maternal and Reproductive Health.

The budget for the essential categories of medicines has been enhanced over the years to address the issue of stock outs.

The Committee recommends that Government should progressively increase funding to the health sector until the 15% threshold is attained in conformity with the Abuja declaration.

Recommendation 24: Parliament and the Ministry of Finance, Planning and Economic Development should:

- a) Invest appropriately and adequately in civic and voter education; and
- b) Provide adequate and timely funding to the Electoral Commission to enable it prepare for and manage the elections to expectation

Funding for Civic Education has previously been provided through the partnership with the NGO sector. UGX.678Bn was provided between 2018 and 2020 in line with the roadmap for conducting General Elections.

The Committee recommends that the Uganda Human Rights Commission should be supported to conduct massive civic education and sensitisation across the country to lay a foundation for a culture of

respect for human rights and create awareness of rights and obligations.

Recommendation 25: Ministry of Finance, Planning and Economic Development should provide adequate funding to the Ministry of Gender Labor and Social Development to effectively implement its mandate of community mobilization, education and sensitization in order to empower community members to respect rights and fulfill their duties and obligations

Community mobilization is a decentralized function undertaken by Local Governments with policy and technical guidance by the MGLSD.

The Committee recommends that Government should provide adequate funding to the Ministry of Gender Labour and Social Development to effectively implement its mandate of community mobilization, education and sensitization

Recommendation 26: Ministry of Finance Planning and Economic Development should increase funding to the UPS, Uganda Police Force, the Uganda Peoples' Defense Forces and the Ministry of Gender Labor and Social Development to ensure that the rights of inmates and staff are respected

The Government has increased funding for rights of inmates and staff as follows: Uganda Police: Since FY2018/19, the allocation for human rights and legal services has been 6.172Bn for promoting observance of human rights in Policing services and legal advice in Police administration. Separation of inmates 95% of the districts. 50% have access to clean water and sanitation, Human Rights Desks and Departments in Police. Decent Accommodation is progressively at 30% entitled Officers.

Uganda Prisons: The allocation for human rights and welfare services has increased from Shs. 99.71Bn in FY 2018/19 to Shs 121.1692Bn in FY 2022/23 for feeding of Prisoners, shelter, medical care, clothing and utilities. Elimination of the Bucket system, carrying capacity in Prisons improved from 14,000 to 28,000, as new Prisons of Kitulya and Mbarara were constructed.

The Committee recommends that Government should commit a sum of Shs. 500 billion over the next 5 years to eradicate the bucket system in all detention facilities in the country, in a phased manner.

Recommendation 27: Government of Uganda through the Ministry of Finance, Planning and Economic Development should fund UHRC 100% in accordance with the requirements of the UN Paris Principles

The Uganda Human Rights Commission budget has progressively increased for the last 3 financial years from Ushs.18.106bn to Ushs.20.897bn. Adequate funding shall be considered as resources permit.

The Committee recommends that Government funds 100% of the budget of the Uganda Human Rights Commission.

The Committee further recommends that Government should clear the Democratic Governance Facility to resume operations and provide critical funding to the Commission.

Recommendation 28: Ministry of Finance Planning and Economic Development should fund the approved staff structure of 469 employees.

The Vote was allocated additional Wage Budget of Ushs.1bn in FY2021/22 to fill gaps in the staff structure.

The Committee recommends that Government funds 100% of the budget of the Uganda Human Rights Commission.

The Committee further recommends that Government should clear the Democratic Governance Facility to resume operations and provide critical funding to the Commission.

4.21.1 Responses to UHRC Annual Report for 2021

Recommendation 1: The Ministry of Finance, Planning and Economic Development should increase funding to the Ministry of Gender, Labour and Social Development and other MDAs responsible for state reporting to enable them have adequate financial and human resources to conduct consultations and data collection needed for timely reporting.

Additional funds have over years been provided to these institutions to handle staffing gaps, transport equipment and other supporting areas.

The Committee recommends that Government should prioritise funding to the Ministry of Gender, Labour and Social Development and other MDAs responsible for state reporting.

Recommendation 2: Through the Ministry of Finance, Planning and Economic Development, the Ugandan Government should provide budgetary support at the community level to enhance the ability of communities to detect and report cases of COVID-19.

In FY 2021/22, Shs 52.5 billion was provided to Local Governments for Covid-19 related activities such as public awareness and for the operations of the district task force activities.

The Committee recommends that Government should facilitate Local Governments in FY2022/23 to address residual effects of COVID-19 in the communities.

Recommendation 3: Given the high cost of water transport, the Ministry of Finance Planning and Economic Development should consider preferential funding modalities for institutions like the police and health services that operate in the islands to facilitate them to perform optimally.

Government through Uganda Police Force has opened up Marine detaches on all water bodies in Uganda. To that end, Shs. 11.989Bn was provided in the budget for FY 2022/23 for maritime sensitization, search, rescue and salvage emergency operations and community policing.

The Committee recommends that Government should avail more funding for marine detaches on all water bodies in the country.

Recommendation 4: The Ministry of Finance Planning and Economic Development should make deliberate efforts to increase funding in the energy sector to boost activities directed toward expanding the grid line.

In a bid to expand the distribution network and last mile connections under the Electricity Connections Policy (ECP), Government is finalizing the borrowing of USD 608 million for the Electricity Access Scale-Up Project (EASP). The Project will increase access to energy for households, commercial enterprises, industrial parks, public institutions and refugee hosting communities in the country. This is in addition to other ongoing Transmission Line Projects.

The Committee recommends that Government should expedite the processing of the loan of USD 608 million for the Electricity Access Scale-Up Project (EASP).

Recommendation 5: The Ministry of Finance, Planning and Economic Development should allocate more financial resources to boost human resource strength within juvenile justice institutions in Uganda.

No funds were allocated due to resource constraints.

The Committee recommends that Government should prioritise funding for to boost human resource strength within juvenile justice institutions in Uganda.

Recommendation 6: Through the Ministry of Finance, Planning and Economic Development, the Ugandan Government should adequately fund UHRC's civic education interventions to ensure the sustainability of civic education programmes.

The Uganda Human Rights Commission budget has over the last 3 financial years increased from Ushs.18.106bn to Ushs.20.897bn.

The Committee recommends that the Uganda Human Rights Commission should be supported to conduct massive civic education and sensitisation across the country to lay a foundation for a culture of respect for human rights and create awareness of rights and obligations.

Recommendation 7: The Ministry of Finance Planning and Economic Development should increase financial support to the Ministry of Gender, Labour and Social Development and other relevant agencies to complete the dissemination of the National Action Plan on Business and Human Rights.

The budget for FY 2022/23 was repurposed to address the highest priorities of Government amidst the resource constraints.

The Committee recommends that Government should prioritise funding for the dissemination of the National Action Plan on Business and Human Rights.

Recommendation 8: Increase funding to the Uganda Prisons Service and the Uganda Police Force to enable them build better structures to have facilities suitable for human habitation and stop overcrowding

In the budget for FY 2022/23, Shs.1.769Bn and Shs.26.212Bn was allocated to Uganda Prisons Service and Uganda Police Force respectively for construction of staff housing units and accommodation blocks.

The Committee recommends that Government should invest Shs. 500 billion over the next 5 years in Prisons infrastructural development in a phased manner.

Recommendation 9: Increase funding to the Uganda Human Rights Commission to enable the Commission effectively execute its constitutional mandate

The Uganda Human Rights Commission budget has over the last 3 financial years increased from Ushs.18.106bn to Ushs.20.897bn.

However, the Committee was informed by the Commission that for the financial year 2022/2023, its budget was cut from 20.8980 billion to 19.672 billion (a budget cut of shs. 1.225 billion). This budget cut has affected the effective operations of the Commission.

The Committee further recommends that Government should clear the Democratic Governance Facility to resume operations and provide critical funding to the Commission.

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4.22 UGANDA POLICE FORCE 2018 - 2021

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1. Uganda Police Force (UPF) should prioritize the welfare of police officers and training of officers in specialized and scientific criminal investigations.

This is an area where the institution is taking keen interest. Several interventions are being undertaken with support from government and other partners like JLOS. Regarding training, there has been a deliberate program to train officers in investigations, 300 officers were passed out at Kabalye Police Training School in July 2018 having completed a CID induction course. A batch of 250 officers also trained in fraud investigation at PTS Kabalye. Also 20 police officers are currently undergoing expert training in fields of questioned documents, toxicology and cybercrime and another batch of 30 police officers has since undergone training for a diploma in human rights at various LDC Centers.

Efforts are also underway to conclude cooperation with the Korean Government to facilitate the establishment of a CID training school in Uganda.

There is further an arrangement towards formalizing a partnership with Mbarara University of Science and Technology geared towards training of police officers.

JLOS has also been instrumental in ensuring that Human Rights desks are established in various Police regions with basic requisite tools of work. We believe that with these initiatives among others in place, investigations will be highly enhanced hence facilitating the right to a fair hearing.

Welfare remains a major challenge to the Force in areas such as accommodation, healthcare, family income, and education for the children.

Police is currently able to house only 20% (9,409) of the 39,422 entitled staff (PPC-IPs) leaving a gap of over 30,013.

Notwithstanding the above, the force continues to undertake a number of in-house projects using the limited capital development fund to help alleviate the problem of accommodation, with support from JLOS, development Partners

most of the stations upcountry have new structures, and specifically at Naguru, there is construction of 1020 apartments to host entitled staff.

As a lasting solution to the accommodation problem, the UPF has embarked on addressing the acute shortage of accommodation for both housing and office by utilizing the commercial potential of its vast land in Kampala Metropolitan Area. The land will be exchanged with private developers on a lease basis to avail the much-required resources for the construction. A cabinet memo is being prepared to this effect.

While we appreciate the salary increment for the lower cadres, scientists, and legal officers, we request for a general review of the entire police welfare budget so that we are able to implement the Force welfare policy considering that the current salary regime remains low in view of the cost of living.

Other interventions that are being implemented include;

- (a) Exodus Sacco to promote a culture of savings and provide soft loans to members to improve family income.
- (b) Provision of Health Services to support primary health care of police officers and their families especially in the barracks.
- (c) Expansion of duty-free shops services to all regions to support home ownership to police officers.
- (d) Garment Factory to provide uniforms and parts in order to save on the costs of importation and standardize quality
- (e) Continuous engagement of relevant ministries to enhance staff salaries

However, we still implore government and other well-wishers to support the institution to mitigate the challenges that we still face.

The Committee recommends that Government should audit the performance of the exodus SACCO to ascertain its contribution to the welfare of the Police Force.

Recommendation 2. The UPF should desist from parading suspects before the media.

This is an issue which we have considered as an institution. Deliberate efforts have been put in place through the rectification campaign, weekly barazas and

through sensitization in workshop for unit commanders and personnel urging them to desist from parading suspects before the media and whoever does it has been warned of the consequences. This has indeed been adhered to as can be manifested by the reduction of such scenes in the media.

A circular was issued to all units to this effect some time in 2017 directing all commanders to stop the habit of parading suspects before the media. A copy of the same was shared with UHRC in letter written to the chairman. This practice has since stopped.

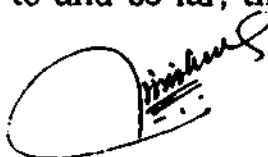
The Committee recommends that Government should desist from parading suspects before the media since they are innocent until proven guilty.



Recommendation 3. UPF should increase security presence and foot patrols in the villages and highly populated places.

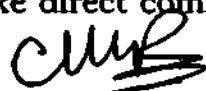
This call is being adhered to and so far, the following mechanisms have been re-established and revived

a) *The 999 system.*



The system has been re-constituted to provide a robust 999 Patrol System together with the Call Centre System which will be integrated into the CCTV project.

The call centre system will be decentralized up to the police station level where members of the public in a particular locality can make direct communication without going through the headquarters.

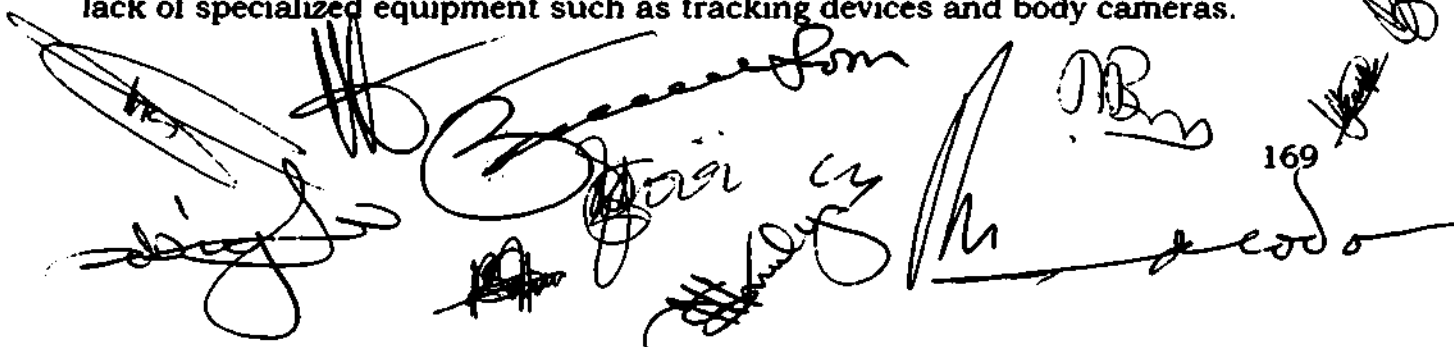


The call centres shall be linked with standby/alert teams, foot and motorized (M/Vs and M/cycles) patrol teams, LDUs, Look-out teams, through radio communication,

b) *The Flying Squad Unit*



The unit has been restructured and staffed with professional personnel and it is now linked to the 999 system. However, there is still a major challenge of lack of specialized equipment such as tracking devices and body cameras.



c) The Local Council chairpersons

The revival of the local council system at village levels is now in place and plays a great role in checking insecurity at the lowest levels as they constitute the first point of call.

d) Fire arm marking/identification

- i. The exercise of making/identifying fire arms started on 18th September 2018. It will cover all firearms in government (UPF, UPDF, UPS &UWA), Private Security Organizations and licensed firearm holders.
- ii. A central databank is being created to make it easy for investigators to identify the type of firearm used and trace its origin when crimes involving guns are committed

e) Installation of CCTV cameras

The project implementation commenced on 16th June 2018 and will cover the whole Country but in a phased approach.

Phase I:

This covered the Kampala Metropolitan Policing Area (Kampala, Wakiso and Mukono) and we are currently at 98% coverage.

Monitoring Centres

Construction of the National Command Centre at Naguru was concluded and is now fully operational. We also have a fully-fledged monitoring center at Nateete Police Station, the network is linked to 18 Divisional and 83 District station monitoring centres.

Phase II

Phase II commenced in November 2019, targeting selected 27 municipal headquarters around the country and the target was to have the phase concluded in June 2021. However, the outbreak of covid 19 pandemic slowed down the process and at the moment its at 95% coverage.

f) Recruitment of LDUs

The exercise commenced on 25 Sep 2018 in all the divisions of Kampala and in Trading Centers along Highways and major highways and routes in Wakiso and Mukono districts. The UPDF was the lead Agency.

However, in spite of the above efforts and measures, the force staffing stands at 60% and this leaves a big vacuum of 40%.

g) Foot patrols

Foot patrols have since been enhanced at the subcounty level following the creation of subcounty development model.

The Committee commends the Police for the work done and recommends that Government should increase funding to the Police to address operational and mobility challenges in the Force.



Recommendation 4. UPF should adequately facilitate its officers with the required tools and equipment to effectively perform their duties.

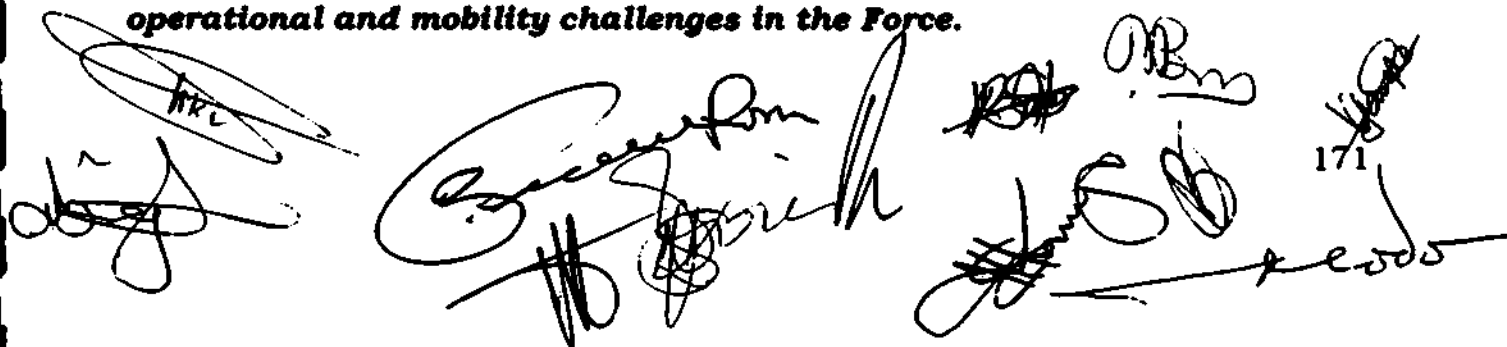
The institution has made big strides in equipping its officers with the required tools and equipment for the general infrastructure to support operations by providing the following;

- a) uniform and uniform parts
- b) Feeding in operational areas
- c) Buttons & handcuffs
- d) canine services
- e) fuel for RPCs, DPCs and other administrators
- f) motor vehicles and motor cycles for transport for quick response
- g) training of detectives to improve investigations
- h) Increased coverage of fire and rescue services in most major towns across the country.



Despite the above efforts, the UPF still has a big challenge of maintenance and running costs for the equipment and assets in place.

The Committee commends the Police for the work done and recommends that Government should increase funding to the Police to address operational and mobility challenges in the Force.



Recommendation 5. The CID should investigate and conclude all pending high-profile cases.

S/n	Victim	Status
1	ASP Kirumira Muhammad and Resty Mbabazi Alias Nalinya	Bulenga CRB 127/2018 stayed until next session
2	Hon. Abiriga Ibrahim and PTE. Kongo Saidi	Kawempe CRB 599/2018. No suspects prosecuted.
3	Joan Namazi Kagezi	Kiwatule CRB. 026/2015. No suspects prosecuted
4	AIGP A.F Kaweesi	Kira rd CRB 222/2017. committed to High Court pending trial.
5	Maj. Mohammed Kiggundu & SGT Mukasa Steven	Old Kila CRB. 1116/2016. Committed to high court. Disclosure pending trial
6	Susan Magara	Old Kila CRB 141/2018, Committed to high court pending trial
7	Murder of 23 Women in Nansana Municipality and Katabi Town Council	Committed to High court pending trial
8	Sheikh Abubakar Muhammad Kiwewa	Investigations on going with one suspect remanded to prison
9	Sheikhs Ibrahim Kirya and Mustafa Bahiga	Court of Appeal quashed the sentence and set the suspects free.
10	Murder of Sheikhs Mudungu Yunusu, Abdul Ssentugga, Ductoor Muwaya from Busoga	Committed to High Court for trial
11	Death of Foreign Nationals Mr Terasvouri Thomas (Finish) Mr Sebastiano Axel (Swedish)	CPS Kila, CRB 218/2018, 8 suspects on defence at High court Kampala.

The Committee referred all the unresolved high-profile cases to the Office of the DPP for further investigation. The Committee gave the ODPP six months to investigate and prosecute the cases before reporting back to Parliament.

Recommendation 6. UPF should adopt modern technology like CCTV cameras and modern forensic investigations technology to curb and prevent crime.

The CCTV project has been embarked on as discussed in 2.1(e) above.

The forensic laboratory is so far equipped with;

- a) Integrated Ballistic Identification System (IBIS) which is fully installed and operational.
- b) Forensic video graph equipment/Digital Video Recorder examiner (AMPED) at the cyber unit,
- c) Criminal Automated Identification System
- d) DNA analysis
- e) Bone

The center has also procured 55% of the required soko kits for the whole country.

All the above equipment is being rolled out in the different regions of the country in a phased manner.

The Committee recommends that Government should;

- i. encourage all persons to install cameras in their homes and businesses,
- ii. subsidize the cost of cameras for every tax-paying land lord.

Recommendation 7. UPF should strengthen and adequately facilitate the Police Standards Unit

- a) Police has established regional PSU centers with support of JLOS. The structure has been streamlined and more personnel deployed.
- b) Measures are underway to streamline the structure of the unit
- c) UPF appreciates the challenges faced by the unit and management is taking initiatives to improve its capacity and efficiency.

The Committee recommends that Government should do more to facilitate the Police Standards Unit to deliver on its mandate.

Recommendation 8. CID should undertake evidence-based investigations as opposed to mass arrests

This has been adhered to and all units have been informed to undertake evidence-based investigations.

However, it should be appreciated, that in practice not all arrests must be made after investigations are complete. Circumstances at times warrant immediate arrest of the suspect.

The Committee recommends that Government should invest in technology as a tool for more effective investigations.

Recommendation 9. UPF should release its current and previous Annual Crime Reports.

The annual crime reports were released and availed to the public.

The Committee recommends that Government should always release crime reports in a timely manner.

Recommendation 10. UPF should undertake refresher courses especially for investigators.

This has been adhered to and 300 officers were passed out in July 2018 at Kabalye PTS after having undergone a scenes of crime training. Followed by another batch of 250 CID for training in fraud case management. Also 140 scenes of crime officers and 299 Crime Intelligence officers undergone specialized training. In the last 3 years more than 5,000 officers have undergone refresher courses.

The Committee recommends that Government should invest in continuous capacity building for all Police Officers.

Recommendation 11. Undertake security deployments that optimize human resource optimization.

The UPF has taken deliberate steps to ensure that officers are deployed according to their qualifications and abilities.

The Committee recommends that Government should deploy technology, such as cameras, to augment efforts by Police Officers in the field.

Recommendation 12. Make physical regular inspection and audit of firearms in all security agencies

- a) The inspectorate department conducts regular inspections
- b) The Directors and Heads of Department, make impromptu inspections
- c) Gun labeling exercise is ongoing
- d) There is an ongoing audit on all firearms

The Committee recommends that Government should table its findings from the audit of all firearms before Parliament within 3 months.

Recommendation 13. Uganda Police should not take sides while handling land matters.

The enforcement of evictions is carried out by court bailiffs. Police plays an oversight role of ensuring that the exercise is peaceful. However, before any eviction is carried out, the UPF, through the Land Protection Unit has to satisfy itself about the authenticity of a particular court order.

Issues of criminal trespass are handled according to the law and disputing parties are usually encouraged to seek civil remedies where criminal elements are lacking.

The Chief Justice has issued guidelines on how to handle land matters especially evictions.

On evictions, the current practice is that the District Security Committee must be involved to ensure that the process is peaceful.

The Committee recommends that Government should facilitate the Land Protection Unit to effectively deliver on its mandate.

Recommendation 14. Uganda Police force should expeditiously investigate cases of attacks on media by security agencies and have suspects prosecuted in courts of law.

This has been done. In the unfortunate incident where UPDF officers beat up journalists at the UN Humana rights office, they were consequently court martialed and an apology issued by the CDF.

The police has always taken action against perpetrators like in the case of the for DPC Old Kampala, ASP Mwesigwa who was criminally charged and subsequently dismissed from he force.

The Committee recommends that Government should provide always security to journalists covering potentially riotous demonstrations.

Recommendation 15. The Government should open up more police posts in the refugee settlements and deploy more police officers in these settlements.

UPF has police posts in all refugee settlements but there is still a big challenge of manpower. Heavy reliance is still on the regional Police commanders to do the overall territorial policing in the respective areas.

The Committee recommends that Government should recruit more Police Officers to meet the security needs of the population and update Parliament on the status every 6 months.

Recommendation 16. The Uganda Police Force should speed up and conclude all investigations concerning violations against human rights defenders, and bring the perpetrators to justice.

UPF as a matter of policy and by virtue of its mandate as provided for under Article 212 of the constitution investigates and prosecutes criminal matters reported by any person in Uganda regardless of their beliefs, political party, work etc. we implore any HRD whose case may not have been handled up to its logical conclusion to bring it to the attention of the concerned.

The Committee recommends that Government should prosecute all cases of human rights violations.

Recommendation 17. While UPF and other security agencies have worked hard to ensure that the people and their properties are safe, police should deploy more forces at national borders to ensure that armed groups do not cross into Uganda to disturb border communities.

This has been done in partnership with other sister agencies and the situation is under control.

The Committee recommends that Government should deploy Police Officers together with sister security agencies to secure all borders of the country..

Recommendation 18. The Uganda Police Force and UPDF should desist from the use of live bullets and other dangerous weapons on unarmed demonstrators and non-violent suspects.

This has been adhered to. In 2021 following the directive of H.E the President, UPF developed SOPs on the use of force and firearms and accordingly distributed a copy of the same to each officer for guidance during operations.

UPF also developed and launched the Human rights policy in 2019 which contains aspects on how officers should conduct themselves during operations. The process of dissemination this policy is ongoing.

The Committee recommends that Government should facilitate the implementation of the Uganda Police Force Human rights policy launched in 2019.

Recommendation 19. Security agencies should respect the freedom of expression and media freedoms and allow journalists to perform their legitimate role without undue interference.

This is well noted and officers have been sensitized by the office of CPC and Directorate of Human Rights and Legal Services. Journalists perform their duties without undue interference.

The Committee recommends that Government should provide security for journalists covering potentially riotous demonstrations.

Recommendation 20. Uganda Police Force should adequately facilitate all its stations and posts with the necessary stationery, equipment and transportation to enable officers do their policing work well.

This is always done subject to the budgetary allocations.

The Committee recommends that Government should increase funding to the Police for it to facilitate officers in all stations and posts across the country.

Recommendation 21. Uganda Prisons Service and Uganda Police Force should be provided with adequate funds to enable them build better structures so as to have facilities suitable for human habitation and stop overcrowding.

There is currently a process of developing an accommodation master plan which will ultimately take into consideration priority accommodation needs and lobby for the necessary funding. This funding is still awaited.

The Committee recommends that Government should earmark Shs. 500 billion over the next 5 years to implement the Prisons infrastructure improvement plan.

Recommendation 22. Officers involved in unprofessional conducts should be made accountable for their actions.

This is being done through the professional Standards unit in partnership with the department of Human Resource Management. For example, in 2021 226 officers were investigated, charged, tried and sentenced to various sentences in

our disciplinary courts including dismissal. Another 254, their cases are still on going.

Between 2019 and 2021, PSU registered and investigated 540 cases.

The Committee recommends that Government should implement the recommendation of the Uganda Human Rights Commission.

Recommendation 23. Officers should be adequately facilitated with the required tools and equipment to effectively investigate cases.

This is being done on a continuous basis procurement of equipment and through refresher courses.

The Committee recommends that Government should avail funding to facilitate the deployment of technology in investigations.

Recommendation 24. Uganda Police Force, Uganda Peoples' Defense Forces, Uganda Prisons Service, Directorate of Public Prosecutions and the Judiciary should prioritize on the implementation of the Prohibition and Prevention of Torture Act, 2012.

This is being done. Several trainings internally and with various partners like UHRC, HRCU, HURINET have been done. Presently over 20,000 officers have been trained.

The Committee recommends that Government should implement the Prohibition and Prevention of Torture Act, 2012 to the letter.

Recommendation 25. State and private security agencies and the Directorate of Public Prosecutions should ensure that errant officers that perpetrate torture are prosecuted under the Prohibition and Prevention of Torture Act 2012 in addition to facing internal disciplinary action.

This is being done, case in point are the 6 police officers who were accused of torture in Elegu during the lock down were charged for torture and are currently undergoing court process.

The Committee recommends that Government should always prosecute all perpetrators of torture in accordance with the Prohibition and Prevention of Torture Act, 2012

Recommendation 26. Law enforcement agencies particularly Uganda Police Force, Uganda Peoples' Defense Forces should carry out their duties in strict conformity with Articles 20(2), 24, 44(a) and 221 of the Constitution of Uganda and other regional and international human rights standards signed and ratified by Uganda.

Noted and sensitization is done through routine training

The Committee recommends that Government should ensure that security agencies do not break the law in the course of executing their duties.

Recommendation 27. Uganda Police Force, Uganda Peoples' Defence Forces, Uganda Prisons Service, Directorate of Public Prosecutions and the Judiciary should sensitize their personnel on the implementation of the Robben Island Guidelines and the Luanda Guidelines on conditions of arrest, police custody and pre-trial detention.

This is being done in the routine trainings.

The Committee recommends that Government should sensitize their personnel on the implementation of the Robben Island Guidelines and the Luanda Guidelines on conditions of arrest, police custody and pre-trial detention as part of efforts to strengthen the whole justice system from the Police, the ODPP, the Judiciary and the Prisons Service to make adherence to human rights principles possible.

Recommendation 28. Uganda Police Force should review crime reporting so as to ensure that cases of early child marriages are disaggregated and not lost within those of defilement.

This will be done in the next reports.

The Committee recommends that Government should always publish the crime reports in a timely manner and that the issue of early child marriages should be highlighted.

Recommendation 29. Uganda Police Force and Directorate of Public Prosecutions should make sure that the perpetrators/abettors of early and forced marriages are prosecuted.

This is being done.

The Committee noted the response from the Uganda Police Force and recommends that more should be done to make the work of the Police in this area more visible.

Recommendation 30. Ministry of Health and the Uganda Police Force should popularize and sensitize law enforcement and customs officers, judicial officers, public prosecutors and the public on the new National Drug and Psychotropic Substances Control Act, 2016 particularly its implementation and criminal sanctions.

To be fast tracked with Ministry of Health

The Committee recommends that Ministry of Health and the Police should lead the implementation of the National Drug and Psychotropic Substances Control Act, 2016.

Recommendation 33. Uganda Police Force should respect human rights at all times when policing elections, for instance employing crowd control methods that take into account the respect for human rights. Errant officers who violate human rights should be held to account and be punished in order to fight impunity.

Police officers are given regular briefs on how to conduct themselves in election periods. Cases in point where errant officers were punished are Arua by-elections in 2018 where five officers were charged for violations against the

supporters of Kassiano Wadri. Also, in the 18th /19th November 2020 riots, 2 LDUs were arrested and court martialled for shooting at crowds in Wandegeya.

The Committee recommends that Government should build the capacity of the police in the area of human rights.

Recommendation 34. Uganda Police Force should adhere to the law and equip its officers with the necessary facilities to enable them efficiently perform their duties and fulfill the constitutional obligation to bring suspects to court within 48 hours.

There is continuous training on this matter, particularly on the Human Rights Enforcement Act and consequences of breach. Sometimes however there are resource constraints on implementation of the 48 hours rule from both within Police and other stakeholders. Like far distant courts, transport, limited number of state attorneys and judicial officials.

The Committee recommends that Government should strengthen the whole justice system from the Police, the ODPP, the Judiciary and the Prisons Service to make adherence to human rights principles possible.

Recommendation 35. Uganda Police Force should invest in training and re-training of law enforcement agents to equip them with modern investigation skills; in particular, the Uganda Police Force should acquire modern investigation techniques and equipment to avoid the use of torture in obtaining information.

This is ongoing. Currently the installation of CCTV, procurement of DNA technology and equipment of the forensic directorate has gone a long way in solving cases professionally. For instance, the suspects in the attempted assassination of General Katumba Wamala were arrested using our CCTV technology.

The Committee recommends that Government should continuously build the capacity of all Police Officers through trainings and refresher courses. Technology training is also essential in modern policing.

4.23 MINISTRY OF EDUCATION AND SPORTS

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Education and Sports should popularise the revised guidelines for the prevention and management of teenage pregnancies in schools such that head teachers and teachers know how to handle cases of teenagers who return to school after giving birth.

The Ministry of Education and Sports informed the Committee that it developed Guidelines for the Prevention of HIV and Teenage Pregnancy in school settings in Uganda in 2015. The Ministry then undertook an exercise to review these guidelines in 2018 and incorporate guidance on management of re-entry of child mothers. The review took a very participatory process that involved key stakeholders at school level, district level, religious institutions, Parliament, Development Partners and National level stakeholders. The guidelines were finalized in 2020 and launched in 2021.

The Ministry of Education and Sports had identified a need to provide a second chance for enrollment especially for child mothers thus the need to roll out the guidelines for Prevention and Management of teenage pregnancy in our schools.

The guidelines stipulate the measures and steps that should be taken in the school setting to prevent and manage pregnancy and for re-entry of child mothers. Below is the progress made on the roll out of the guidelines;

- a) The Minister of Education and Sports has championed the roll out of the guidelines and has held several meetings with Education development partners, school and church leaders to support the implementation of the guidelines.
- b) Peer to peer messages have been developed to create awareness of different stakeholders especially the learners and youth in and out of school on prevention, management of teenage pregnancies and reentry of child mothers into school. These messages have so far been disseminated in the 8 districts of Karamoja. They will also be shared through different platforms such as community dialogues, local radios, home to home visits, out of school community clubs, churches, village meetings, school clubs, assemblies and PTA/SMC meetings and IC materials such as posters, flyers, and campaign booklets among others.

- c) The Ministry has made deliberate efforts to disseminate the guidelines to different stakeholders including but not limited to in house officials at the Ministry of Education
- d) and Sports, Local Government technical teams, Education Development Partners, Civil Society Organisations, schools and communities. A cascade model is used from the resources trained in each district.
- e) Meetings have been held with the inter sectoral committee-Task force team and the multi sectoral committee to support roll out of the national campaign on ending teenage pregnancy and promoting parenting.
- f) The Ministry has embarked on dialogu ing with community members on issues of Parenting, child safety and security and re-entry of child mothers into school.
- g) Development of key messages targeting the various stakeholders concerning Sexual Reproductive Health and Rights (SRHR), prevention, management and re-entry of child mothers back to schools. The messages have been disseminated with schools widely.
- h) Finalized abridged versions of the RTRR which support reporting and referral. The abridged version, have been translated into 5 local languages and disseminated to stakeholders.
- i) The Ministry of Education and Sports has engaged the young mothers and their parents/guardian in the districts of Kasanda, Mayuge, Mukono, Mubende, Namutumba, Amudat, Tororo, Kasese, Amuria, Butaleja, Katakwi,
- j) Bududa, Iganga and Namayingo to discuss support to the child mothers as well as the babies. The focus is on ensuring child mothers have a safe return to School.
- k) The Ministry has strengthened the capacity of stakeholders on MHM in the districts of Kasanda, Mayuge, Mukono, Mubende, Namutumba, Amudat, Tororo, Kasese, Amuria, Butaleja, Katakwi, and Bududa.
- l) This intervention directly contributes to prevention of teenage pregnancy in school settings.
- m) Disseminated the guidelines to key stakeholders in the refugee districts Adjumani, Yumbe, Kikuube, Lamwo, Kyegegwa, Isingiro districts to care givers, senior women and male teachers, head teachers and district technical teams (see attached annex 1)

The Committee recommends that Government should create awareness about the guidelines for the prevention and management of HIV/AIDS and unintended pregnancy in school settings in Uganda developed by the Ministry of Education and Sports in 2005 as revised in 2020.

Recommendation 2: Through the Ministry of Gender, Labour and Social Development and the Ministry of Education and Sports, the Ugandan Government should develop a structured way of skilling Ugandans for the job market overseas.

The Ministry of Education and Sports informed the Committee that in 2012, the Government of Uganda through the Ministry of Education and Sports launched the process of reforming TVET in the Country. The Government initiated this through the launch of the Skilling Uganda Strategy and plan and the development and approval of the TVET Policy in 2019.

Based on the TVET Policy and the killing Uganda Strategy, new approaches to Technical, Vocational Education and Training (TVET) have been adopted. These new approaches take cognizance of the need for Ugandans to be trained to international Standards.

To prepare Ugandans for both the local and overseas labour market, the TVET offerings are being reoriented;

- i. The process starts with the Labour Market assessments in the various sectors;
- ii. The Labour Market Assessment will identify the relevant Occupations in the sectors;
- iii. Occupation Standards are then Developed for the Occupations identified. The Occupation Standards are benchmarked against the international Standards of such occupations. This means, any Uganda trained for such an Occupation, should be able to work anywhere in the World.
- iv. Based on the Occupation Standards, training Curricula are developed. To date under the USDP and ARSDP, the Ministry has developed a total of 34 internationally recognized, Occupational Standards and Competence-Based-Training Curricula for training for Oil and Gas, Agriculture, Manufacturing, and general construction and Road Construction Sectors.
- v. Infrastructures is provided and benchmarked against international standards. To date, under the USDP and ARSDP, the Ministry has constructed over 50 state of the art training facilities (Workshops, classroom and laboratories).
- vi. Assorted state of the art heavy, medium and lightweight equipment have been supplied to 18 institutions under USDP and ARSDP. These are equipment that were identified and recommended for supply by internationally recognized training institutions. These included, IFP

training of France, Coventry University - UK, Northern Alberta Institute of Technology Canada, Dalhousie University - Canada and Sferre/AFPA of France.

- vii. Training institutions are being accredited by international accreditation bodies such as City and Guilds (for training in construction related trades); Offshore Petroleum Industry Training Organization (OPITO) and Engineering Construction Industry Training Board (ECITB).
- viii. Assessment systems are also being reoriented to international standards, so that the certifications are widely recognized. This therefore, means Ugandans holding such Certificates will be eligible to work overseas as well.
- ix. Instructors are being trained to skill Ugandans to international standards. To date, a total of 116 instructors are earmarked under USDP and ARSDP for intensive training from offshore out of which 36 instructors have completed training and have embarked on training of Ugandans.

In addition to this; Cabinet under Minute No. 358 (CT 2018) approved the Uganda National Apprenticeship Framework and directed the Ministry of Gender Labour and Social Development to urgently design and implement it.

Ministry of Education and Sports in the framework is responsible for:

- i. Accrediting training institutions to offer off-the- job training;
- ii. Quality assurance of the off-the-job training delivered by training organizations;
- iii. Developing new or improving the existing Assessment and Training Packages and resource materials to be used in both on-and-off-the-job training;
- iv. Assessing and certifying apprentices;
- v. Developing regulations and guidelines about the implementation of the UVQF;
- vi. Awarding qualifications;
- vii. Verifying training; and
- viii. Participating in joint inspections of the apprentice in the workplace during the life of the apprenticeship.

The Directorate of industrial Training has developed several Assessment and Training Packages to guide the training delivery and assessment & certification including the Assessment and Training Package for Domestic Help Level I and II which is used to guide the people going to work abroad.

The Committee recommends that Government should avail more funding to the Ministry of Gender, Labour and Social Development and the Ministry of Education and Sports to enhance the skills and capacity of Ugandans to compete for both local and international roles.

Recommendation 3: The Ministry of Education and Sports should set up more government-aided boarding school facilities in parishes with no schools to enable easy access to education.

The Ministry of Education and Sports informed the Committee that it is true that Government still has Parishes and Sub-counties without Primary and Secondary Schools. A mapping exercise which was conducted in 2015 revealed that we have 12,512 Parishes of which 10,595 are served by a Government Primary School.

This means that 1,325 Parishes currently do not have a Public Primary School. It is estimated that Ushs.1.054bn is required to construct and operationalize each Primary School which translates into a funding need of Ushs.1.304Trillion.

The Ministry believes that the goal of bridging the above gap can be attained faster if grant aiding is adopted instead. By grant aiding/ coding, Government only provides Wage and capitation grants (non-Wage) to take over either a community owned/ NGO owned or faith based founded school. It is important to note that there is no compensation involved. In addition, the land on which the schools is located should have no encumbrances. Another important thing to note is these schools must have a reasonable infrastructure.

The Ministry estimates that each school needs Ushs.127,035,276 to grant aid one and the Ministry has received requests for 605 schools which jointly require Ushs.76.86bn. This is a cheaper alternative and would improve access to learning faster.

For FY 2022/23, the Ministry was allocated Ushs.4,579,999,997 and plans are underway to identify, verify, approve and submit the beneficiary schools to the Ministry of Public Service for coding.

On Secondary Schools coverage, Government is consolidating efforts to establish public secondary schools through the Uganda Intergovernmental Fiscal Transfers (UGIFT) and Uganda Secondary Education Expansion Project

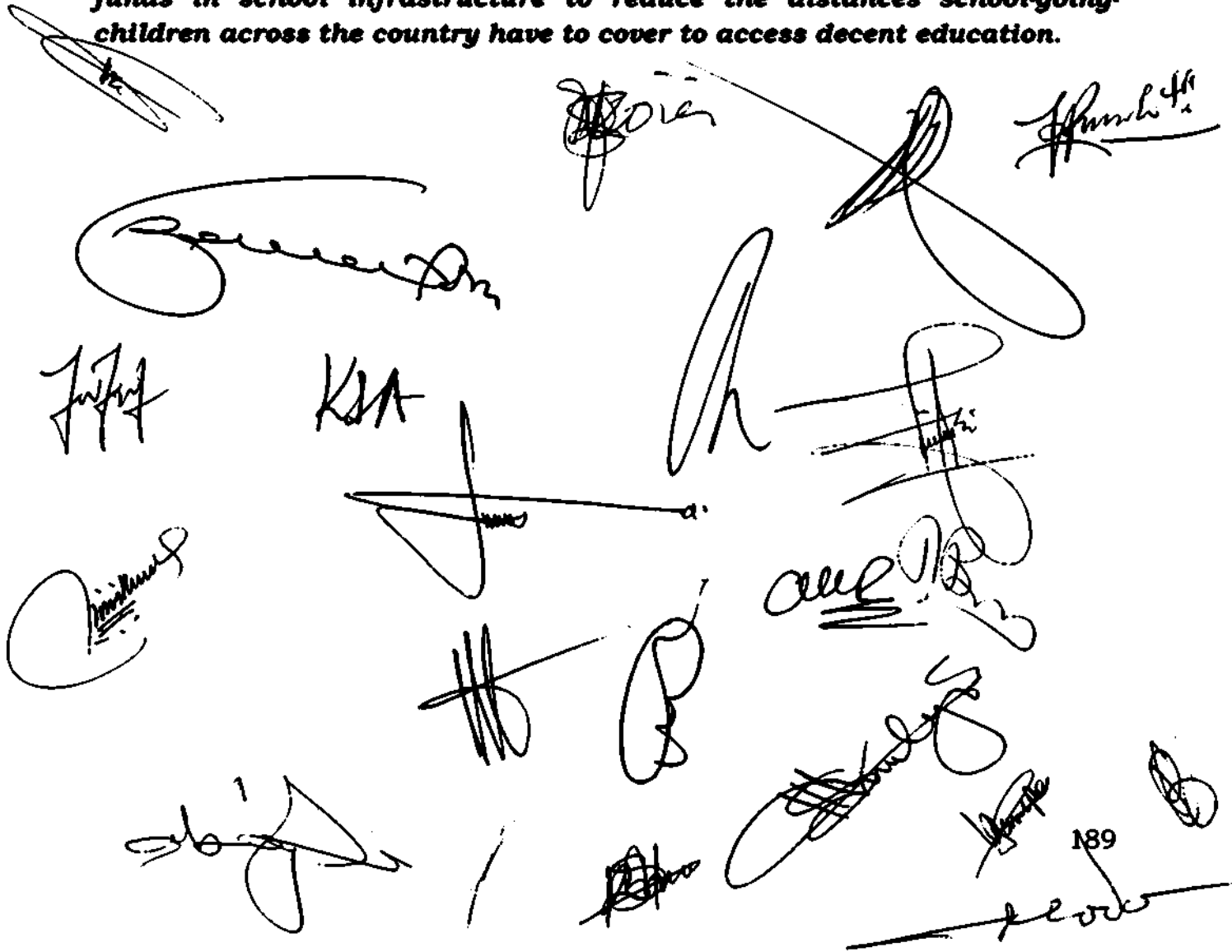
(USEEP). At least 375 additional schools are expected to be completed by 2025, bringing down the unserved sub-counties to an estimated 460.

The Ministry has 133 sub-counties with requests for grant aiding and each school is estimated at Ushs.323,957,148 to recruit 31 staff per school, then a total of ushs.43.08bn. The UGIFT program will target 259 sub-counties over three phases while the USEEP Project will target sub-counties in 96 districts with low enrollment rates, high unsatisfied demand for lower secondary education, and no public secondary school across the country.

Through this Project, Government will construct 116 new lower secondary schools across the country will take place and expansion of 61 existing schools in the RHAs. In total, over 70,300 new spaces will be established.

Out of 116 schools, approximately 32 new schools will be located in refugee and hosting communities and 84 will be in non-refugee hosting districts.

The Committee recommends that Government should continue investing funds in school infrastructure to reduce the distances school-going-children across the country have to cover to access decent education.



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4.24 MINISTRY OF PUBLIC SERVICE

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: Ministry of Public Service and the Ministry of Health should revise and improve the salary scale and structure for health professional's especially critical staff that offer maternal and reproductive health services especially in the hard-to-reach areas as a way of attracting and retaining health professionals.

The committee was informed that the structures of Ministry of Health and all Regional Referral Hospitals (RRH) were being reviewed to take care of the emerging trends in the health sector.

Salaries of health professionals will be increased as per the Collective Bargaining Agreement to ensure health workers are attracted, motivated, retained and offer better health care services.

Additional funds have also been provided to LGs for recruitment of additional critical Health Workers

The Committee recommends that Government should continuously allocate resources to the health sector to achieve the 15% threshold set by the Abuja declaration.

In addition, the Ministry of Public Service should advocate for the implementation of the national health insurance scheme to provide health insurance for the multitudes of civil servants who are not covered by any health insurance provider.

Recommendation 2: Ministry of Finance, Planning and Economic Development, Ministry of Public Service and the Ministry of Health should increase the financial, human and capital or infrastructural investments in maternal and reproductive priority interventions to meet the SDG and HSDP targets

The Committee was informed that there has been some money provided for the recruitment of Health Workers in FY 2022/23 to fill some vacant positions in health facilities across the country.

The Committee recommends that Government should continue upgrading Health Centres across the country as well as recruiting staff through the Health Service Commission to fill the vacancies to address maternal and reproductive health priorities.

Recommendation 3: The Ministries of Health and Public Service should address the plight of staff who are non-medical workers by enhancing their salaries

The Committee was informed that the enhancement of salaries of non-medical workers operating within the health sector has been planned for execution in the medium term.

The Committee recommends that Government should set up a salary review commission to harmonise salaries across the Public Service to cater for these disparities.

Recommendation 4: The Ministry of Public Service should, in addition to other qualifications look for and recruit people with integrity in public service and ensure strict enforcement of the code of ethics for public officials.

In the interview assessment tool for all positions of either entry or promotional levels, there is a question that assesses this.

The performance appraisal tools assess this factor as well.

The vetting reports for positions of Heads of Departments, Board Chairperson and members of Governing Bodies assess integrity amongst other factors.

The Committee recommends that Government should expedite its plans to automate the recruitment process to fight corruption at the point of recruitment into the Public Service at the Central and Local Government levels.

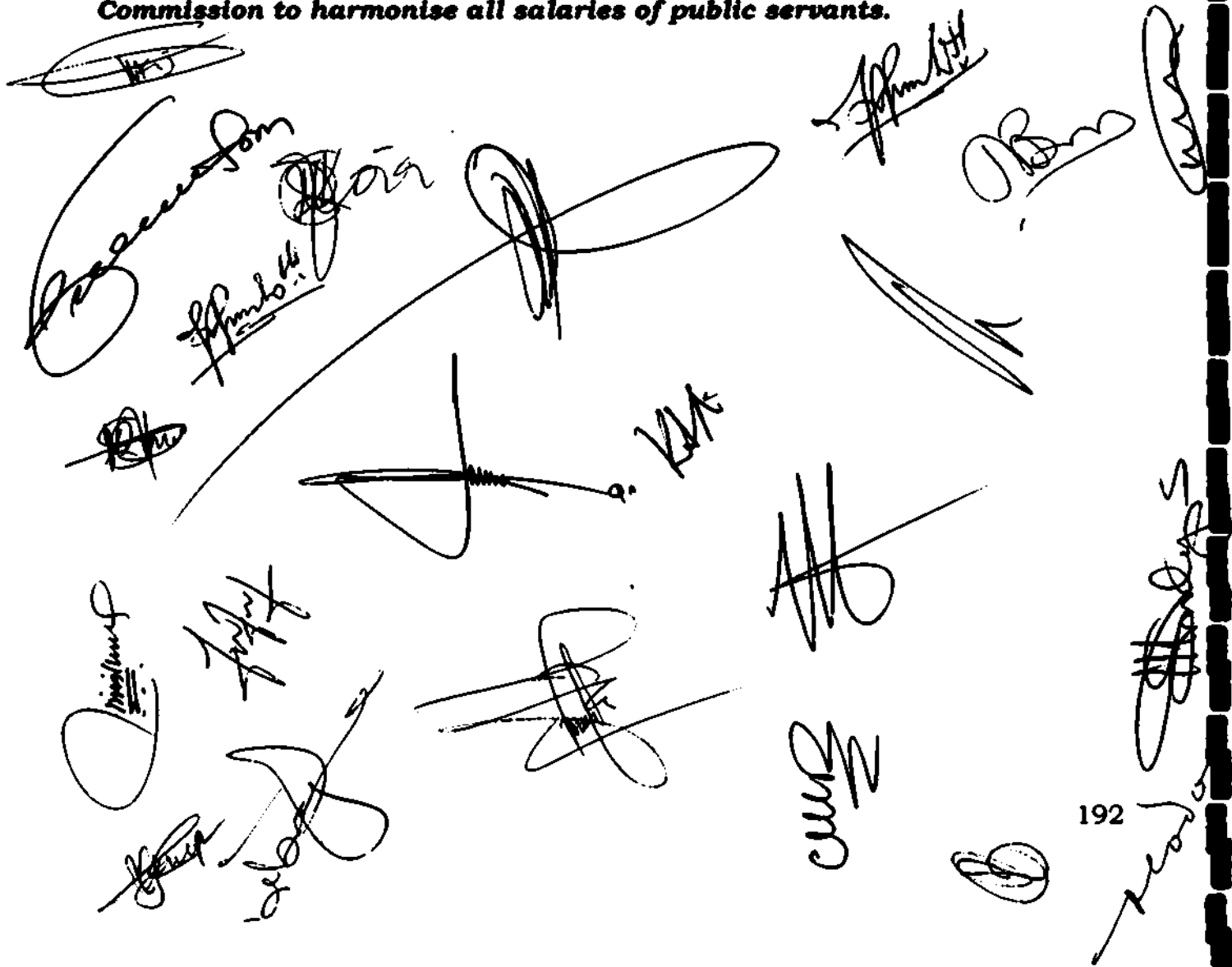
Recommendation 5: Ministry of Public Service should scale up the staffing capacity of the Judiciary and the Directorate of Public prosecutions to enable them expedite resolutions of defilement cases.

The Ministry has provided technical support of the structures of both the Judiciary and DPP.

Additional wage had been provided for recruitment of staff under the DPP, however, DPP made a request to H.E. the President to utilize the wage for salary enhancement which has been authorized by H.E. the President. The salary of DPP effective July 2022 has been enhanced as requested.

The Committee recommends that the Government should strengthen the Access to Justice Sub-programme to ensure that the Judiciary, ODPP, Police and Prisons have enhanced capacity to deliver timely justice.

Lastly, the Committee recommends that the Ministry of Public Service should address UHRC's continuous recommendation on its need for more human resources as well as the establishment of a Salary Review Commission to harmonise all salaries of public servants.



4.25 UGANDA LOTTERIES AND GAMING REGULATORY BOARD

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1. The National Lotteries and Gaming Regulatory Board should open regional branches The Lotteries and Gaming Regulatory Board should open regional branches and widely disseminate the Lotteries and Gaming Act to the masses.

The Committee was informed that the National Lotteries and Gaming Regulatory Board disseminated over 500 hard copies of the Lotteries and Gaming Act, 2016 and Regulations during sensitization programs country wide in FY 2018/19.

The Act and Regulations were disseminated to District Police Commandants, Resident District Commissioners, Town Clerks, Gaming Operators, Chief Administrative Officers as well members of the public.

Electronic copies of the Act and subsequent amendment (2018) and Regulations thereunder have been published on the NLGRB website: <http://lerb.go.ug/> and this has increased accessibility of the law to the public.

The Committee was further informed that the National Lotteries and Gaming Regulatory Board had not been able to open regional offices due to limited financial resources but plans to do so as soon as funds are available. The NIGRB strategic plan 2020/21- 2024/25 provides for infrastructure development which among others includes setting up regional offices.

In its presentation to the Committee, the Uganda Lotteries and Gaming Regulations Board indicated the following funding gaps:

- i. Opening and Operationalising Regional Offices - Shs. 240m
- ii. Setting up a Call centre - Shs. 170m

The Committee recommends that the National Lotteries and Gaming Regulatory Board should be funded to the tune of Shs. 410,000,000 to set up a call centre and open regional offices so as to increase the non-tax revenue generated.

The Committee recommends that the Gaming Regulations Board takes more concrete steps to stem the access to gaming premises by school going children.

4.26 MINISTRY OF WORKS AND TRANSPORT

UHRC Recommendations, responses, and, Committee recommendations

Recommendation 1: The Ministry of Works and Transport should procure speedboats for islanders for public use in cases of emergencies, including for expectant mothers.

The Ministry of Works and Transport informed the Committee that a number of speedboats had been procured to serve as ambulances on Lake Victoria during the COVID-19 Pandemic.

The Committee recommends that Government should deploy the recently procured speed boats for medical emergencies.

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5.0 CONCLUSION

Rt. Hon. Speaker,

The Committee wishes to thank all the Ministries, Departments and Agencies that appeared before it to present their submissions and memoranda on the 21st, 22nd, 23rd and 24th Annual Reports of the Uganda Human Rights Commission for the years 2018 to 2021.








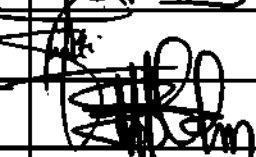


I wish to thank the Members of the Committee for their commitment to the work of the Committee during the inquiry.












Rt. Hon. Speaker and Hon. Members,

I beg to report.

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SIGNATURES OF APPROVAL FOR THE REPORT OF THE COMMITTEE ON HUMAN RIGHTS ON THE 21ST, 22ND, 23RD AND 24TH ANNUAL REPORTS OF THE UGANDA HUMAN RIGHTS COMMISSION FOR THE YEARS 2018 TO 2021

	NAME	CONSTITUTENCY	PARTY	SIGNATURE
1.	Hon. Fox Odol Oywelowo C/P	West Budama North East	NRM	
2.	Hon. Mbabazi Janepher Kyomuhendo D/CP	DWR Kagadi	NRM	
3.	Hon. Obigah Rose	DWR Terego	NRM	
4.	Hon. Muwuma Milton	Kigulu South County	NRM	
5.	Hon. Kirabo Agnes	Youth Central	NRM	
6.	Hon. Ochai Maximus	West Budama County	NRM	
7.	Hon. Opolot Simon Peter	Kanyum County	NRM	
8.	Hon. Tumwine Anne Mary	DWR Ntoroko	NRM	
9.	Hon. Tayebwa Herbert Musasizi	Kashongi County	NRM	
10.	Hon. Igeme Nathan Nabeta	Jinja South Division East	NRM	
11.	Hon. Kasolo Robert	Iki Iki County	NRM	
12.	Hon. Kitembo Basemera Noeline	DWR Kibaale	NRM	
13.	Hon. Mugabe Donozio Kahonda	Ruhinda South County	NRM	
14.	Hon. Mugole Stephen Mauku David	Kabweri County	NRM	
15.	Hon. Asiimwe Musiime Molly	Rwampara County	NRM	
16.	Hon. Baba James Boliba	Koboko County	NRM	
17.	Hon. Musinguzi Yona	Ntungamo Municipality	NRM	
18.	Hon. Werikhe Peter Christopher	Bubulo West County	NRM	
19.	Hon. Asaba Paul	Kyaka North	NRM	
20.	Hon. Niyonsaba Alex	Bufumbira South	NRM	
21.	Hon. Ninkusiima John Paul	Ibanda South	NRM	

22.	Hon. Kitanywa Sowed	Busongora County North	NRM	
23.	Hon. Baatom Ben Koryang	Dodonth West County	NRM	
24.	Hon. Rwaburindore Tarsis	Ibanda Municipality	NRM	
25.	Hon. Busingye Peninah	Older Persons Central	NRM	
26.	Hon. Walyomu Muwanika Moses	Kagoma	INDEP.	
27.	Hon. Wamala Nambozo Florence	DWR Sironko	INDEP.	
28.	Hon. Koluo Joseph Andrew	Toroma County	INDEP.	
29.	Hon. Obong Vincent Shedrick	Lira West Division	INDEP.	
30.	Hon. Kabasharira Naome	Rushenyi County	INDEP.	
31.	Hon. Kayanga Baroda	Kamuli Municipality	INDEP.	
32.	Hon. Mwijukye Francis	Buhweju County	FDC	
33.	Hon. Okot Moses	Kioga County	FDC	
34.	Hon. Ekudo Tom Julius	Gweri County	FDC	
35.	Hon. Odur Jonathan	Erute South	UPC	
36.	Hon. Okello Geofrey Charles	Nwoya East	DP	
37.	Hon. Nabukeera Hanifa	Mukono District	NUP	
38.	Hon. Zaake Francis	Mityana Municipality	NUP	
39.	Hon. Ssegirinya Muhamad	Kawempe North	NUP	
40.	Hon. Nabagabe Flavia	Kassanda District	NUP	
41.	Hon. Mayanja Allan	Nakaseke Central	NUP	
42.	Hon. Bainababo Charity (Brig. Gen.)	UPDF		