Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**202**
Land:	Uganda
Kilde:	United Nations
Titel:	General Assembly. Human Rights Council. Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1.
Udgivet:	22. juli 2011
Optaget på baggrundsmaterialet:	24. januar 2012

United Nations A/HRC/WG.6/12/UGA/3

General Assembly

Distr.: General
22 July 2011

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twelfth session
Geneva, 3–14 October 2011

Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Uganda*

The present report is a summary of 27 stakeholders' submissions[1] to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. Joint Submission 3 (JS3) and Human Rights Watch (HRW) recommended that Uganda ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.[2]

2. Joint Submission 8 (JS8), Uganda Human Rights Commission (UHRC) and HRW recommended ratification of the Optional Protocol to the Convention against Torture.[3]

3. Joint Submission 6 (JS6) called for urgent ratification of the ILO Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries.[4] Similar recommendations were made by JS8,[5] Joint Submission 9 (JS9),[6] and International Human Rights Clinic (IHRC).[7]

B. Constitutional and legislative framework

4. UHRC stated that there was no comprehensive and coordinated process and framework for domestication, implementation and fulfilment of international, regional and national human rights obligations and the timely implementation of the recommendations.[8]

5. ARTICLE 19 (Article 19) stated that freedom of expression was unjustly restricted by provisions in the Ugandan Penal Code and the Press and Journalist Act 1995.[9] Also, the Draft Public Order Management Bill 2009 posed a serious challenge to freedom of expression.[10] JS3 made similar observations.[11]

6. Article 19 observed that the freedom of press was infringed by the Suppression of Terrorism Act 2002, and the Regulation of Interception of Communications Act 2010 lacked adequate safeguards to ensure respect for human rights.[12] The Electronic Media Act 1996 provided the Broadcasting Council with excessively broad powers and disregarded due process.[13] JS4 stated that the Press and Journalists Amendment Bill 2010 sought to effect overzealous control on media outlets.[14]

7. Article 19 was concerned that the Access to Information Act 2005 has not been made operational[15] and recommended Uganda take immediate action to fully implement it.[16]

8. Joint Submission 7 (JS7) stated that much remained to be done to implement gender equality in the legal framework.[17] It recommended the expeditious enactment of the Marriage and Divorce Bill, the Sexual Offences Bill and the HIV/AIDS Prevention and Control Bill.[18]

9. ICTJ stated that the Agreement on Accountability and Reconciliation (AAR) required Uganda to amend the Amnesty Act in order to bring it in conformity with the principles set out in the AAR.[19]

C. Institutional and human rights infrastructure

10. UHRC stated that there was a need to strengthen the various human rights protection mechanisms including courts and civil society.[20]

D. Policy measures

11. ICTJ stated that Uganda did not have a national policy on reparations. It noted that victims were increasingly demanding compensation for harm suffered,[21] and recommended the development of such a policy.[22]

12. Institute for Human Rights and Business (IHRB) recommended the development of a national strategy on corporate social responsibility and a human rights policy framework which would clearly set out the expectations with regard to the implementation of the United Nations endorsed Protect, Respect and Remedy framework for Business and Human Rights.[23]

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

13. JS8 stated that since the ratification of ICESCR on 21 January 1987, Uganda has not submitted a report to the Committee on Economic, Social and Social Rights.[24]

2. Cooperation with special procedures

14. JS9 recommended that Uganda extend an open invitation to United Nations special procedures.[25]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

15. JS10 stated that women bore the burden of gender inequality in society in form of access to services and means to production and participation. Women were deprived of access to, ownership and use of land, and left without the means to create stable and sustainable livelihoods.[26]

16. Joint Submission 11 (JS11) stated that the discrimination of women on the basis of their HIV status would be exacerbated by the HIV and AIDS Prevention and Control Bill 2010 (HIV Bill). The HIV Bill criminalized HIV/AIDS transmission, provided for "(r)outine HIV testing" for victims of sexual offences, pregnant women, and partners of pregnant women without informed consent and subjected those "convicted of an offence involving prostitution" were "to HIV testing for purposes of criminal proceedings and investigations."[27]

17. JS11 stated that harmful traditional practices discriminated against women persist, and that polygamy was legal.[28]

18. Joint Submission 5 (JS5) stated that persons with disabilities continued to be marginalized in mainstream development and that their rights to access equitable and quality education, health, public infrastructure, information and other community services were not adequately addressed.[29]

19. UCRNN stated that there was discrimination against some children, such as those with disabilities, those affected by or infected with HIV/AIDS, those from minority groups such as the Batwa, as well as Albino children.[30] It recommended that Uganda adopt

measures to prevent and prohibit all forms of discrimination against all children; and institute special measures for children with Albinism.[31]

20. JS7 noted that, with the exception of the Constitution, the subordinate laws that regulate the distribution, management, and ownership of property during marriage, upon divorce, and death of a spouse were discriminatory to women. In cases where the relevant statutory laws were protective of women's rights to property, their implementation was hindered by customary law practices, socialization, and the generally weak economic capacity of many women in the country.[32]

21. JS8 stated that the current legal framework reinforced the social stigma against lesbian, gay, bisexual and transgender individuals and exposed them to the risk of deprivation of liberty, life, right to privacy, physical integrity and health.[33]

2. Right to life, liberty and security of the person

22. FI stated that although the Constitution recognized the right to life, the death penalty was allowed for a wide array of crimes.[34] FI and JS8 recommended the abolition of the death penalty.[35]

23. JS3 reported that the major violations of the right to life constituted extra-judicial killings by members of the security forces and killings of suspected criminals through 'mob-justice'.[36] There was resurgence in the incidents of mob killings because perpetrators of 'mob justice' were rarely identified and prosecuted.[37] JS3 further stated that there was excessive use of force by the security forces and its agents in situations of public order and that this demonstrated the lack of respect for the right to life.[38]

24. JS10 stated that the "security operatives"[39] created during the Lord Resistance Army (LRA) insurgency, have not been demobilized or absorbed into the security system. Many of these operatives continued to impersonate employees of high offices and arrested, tortured, and detained civilians.[40]

25. JS10 indicated that in Acholi sub-region, the police still regularly used torture as a method of interrogation, which was sanctioned by the senior command in the police force in the sub-region.[41] JS3 stated that torture by the security agencies continued unabated.[42] It recommended (a) the passing into law of the Prevention and Prohibition of Torture Bill 2009;[43] and (b) investigation of allegations of torture and inhumane treatment.[44] JS10 recommended the establishment of a fund to compensate victims of torture.[45]

26. Global Initiative to End All Corporal Punishment of Children (GIECPC) stated that corporal punishment was lawful in the home.[46] There was no explicit provision in the law prohibiting corporal punishment in schools;[47] and in alternative care settings.[48] UCRNN expressed concern that corporal punishment was rampant in schools and homes.[49]

27. JS7 stated that the protection of women and girls from discriminatory attitudes and practices such as female genital mutilation (FGM) and other forms of abuse, including rape, acts of betrothal and forced marriages was hampered by cultural and traditional practices.[50] JS11 stated that although FGM was banned, there was a lack of sensitization and awareness-raising to support the implementation of the ban in regions where girls were at the greatest risk of community coercion and pressure to undergo FGM.[51]

28. JS11 stated that gender-based violence, particularly sexual violence against women and girls, was serious and pervasive in Uganda.[52] HRW stated that there were inadequate legal and other measures in place to address this matter.[53] It recommended that Uganda prevent, investigate, and prosecute sexual and gender-based violence.[54]

29. Joint Submission 8 (JS8) stated that human rights defenders continued to be targeted for harassment, threats, unjustified criminal charges and violence.[55] CIVICUS stated that

members of the security forces were often complicit in the abuse and intimidation of human rights defenders working for the rights of LGBT individuals.[56] Article 19 expressed concern with regard to the violence against journalists, media workers and human rights defenders and the trend of impunity for the perpetrators.[57] Human Rights Network for Journalists- Uganda (HRNJ-Uganda) stated that many journalists were murdered, subjected to arbitrary arrests and torture, as well as intimidation and harassment by the authorities.[58]

30. JS8 stated that arbitrary arrests and unlawful detentions continued unabated. There were illegal detention centers such as "safe houses" and there were numerous paramilitary groups carrying out civilian policing.[59]

31. FI noted that the penitentiary system was plagued by the poor treatment of detainees, overcrowding, inadequate feeding, poor medical care and sanitary conditions, forced labour, and inadequate rehabilitation programmes.[60] FI stated that there were allegations of torture in rural prisons.[61] FI urged Uganda to (a) address the overcrowding in prisons; (b) ensure that prison budgets were adequate to improve supply of medical drugs, adequate feeding and clothing;[62] and (c) continue the campaign against torture and ill-treatment of prisoners.[63]

32. JS5 stated that the special nature and needs of the detained persons with disabilities must be recognised. These persons experience unequal access to prison facilities and, in some cases, discrimination.[64]

33. NCRNN indicated that cases of child abuse, commercial sexual exploitation and trafficking were still rampant. The police had limited capacity to conduct investigations and gather evidence in these cases.[65]

34. UCRNN expressed concern about the increased use of under-aged children in employment and the economic exploitation of children through street vending and begging.[66] FI urged the Government of Uganda to identify the current extent of child labour and its main causes and to implement a programme focused on prevention, as well as the rehabilitation of victims.[67]

3. Administration of justice, including impunity, and the rule of law

35. JS3 stated that the independence of the judiciary was undermined by (a) the failure by the Government of Uganda to honour court decisions; (b) events such as those of "November 2005 and March 2007 when the High Court was besieged by the military and PRA suspects";[68] and (c) the introduction of the Public Order Management Bill 2009 which inter alia sought to reintroduce the provisions of the Police Act, Cap 303 which were nullified by the Constitutional Court.[69]

36. JS3 indicated that the local council courts, which have been mandated to settle civil disputes, were often the only courts available to villagers. Decisions made by these courts were appealable to the magistrate's court, but more often than not, there are no records of the proceedings, and also some parties were not aware of their right of appeal.[70]

37. JS10 stated that the legal regime provided for the dual operation of both the traditional and state systems in administration of justice with both systems.[71] The existence of parallel justice systems for land disputes has led to "forum shopping," where more powerful parties can employ the overlap between informal and formal systems to their own benefit, picking and choosing which system to use in order to obtain their desired outcome.[72]

38. HRW stated that the military court system, which routinely prosecuted civilians for gun crimes, failed to uphold international standards of fair trial and due process.[73] In relation to the civilian criminal justice system, HRW stated that there were a large number of suspects held in pre-trial detention, detainees waited for their trials for years, and lack of

legal representation.[74] JS3 and JS8 stated that an inadequate system of judicial administration and a lack of resources denied suspects a fair and speedy trial.[75]

39. UCRNN stated that there was slow progress in establishing a functioning system for protection of child victims of violence and abuse and juvenile justice.[76]

40. HRW stated the Rapid Response Unit detained people without charge and extracted confessions through by torture.[77]

41. RLP stated that Uganda's history was marred by violent conflicts.[78] A comprehensive transitional justice process was essential to address this legacy of violence and to pave the road towards national reconciliation and sustainable peace.[79]

42. ICTJ stated that under the AAR, Uganda agreed to promote reconciliation, truth-telling, and truth-seeking mechanisms,[80] and in this regard recommended the establishment of a truth commission.[81]

43. International centre for Transitional Justice (ITCJ) observed that the creation of the War Crimes Division of the High Court of Uganda will raise a number of complex issues of substantive law and procedure in light of the prosecution of international crimes.[82] ITCJ stated that victim participation was currently limited to court attendance and testimony. Further, Uganda did not have any witness protection legislation nor any procedures for witness protection.[83]

44. JS7 stated that the breakdown of justice in conflict affected areas, juvenile justice constraints and the slow pace of the justice systems in terms of investigation and court proceedings has promoted a culture of impunity for crimes committed against women. Also, personnel lacked the required skills, knowledge and competences to address the unique violations that women face.[84]

45. JS7 indicated that many women, unable to access the formal justice system, approach the informal system of clan leaders, religious leaders, or local council officials in the village to resolve their issues. However, these systems have entrenched gender discrimination, resulting in women facing further injustice.[85]

46. JS5 reported that, although the Evidence Act recognized the rights of persons with communication disabilities to be competent witnesses, sign language interpreters were not provided during court hearings and during interrogation by the police.[86]

4. Right to privacy

47. Joint Submission 1 (JS1) stated that retention of laws and the proposed enactment of new laws that further criminalize sexual relationships between same-sex consenting adults have a devastating impact on them.[87]

48. Participatory Action for Rural Development Initiative (PARDI) stated that the "Anti-Homosexuality Bill", if enacted, would broaden the criminalization of homosexuality.[88] HRW stated homophobic rhetoric by officials of the Government of Uganda has increased since the Anti-Homosexuality Bill was introduced. HRW and JS8 recommended the rejection of this Bill.[89]

5. Freedom of expression, association and peaceful assembly and right to participate in public and political life

49. Joint Submission 4 (JS4) stated that even though the Access to Information Act 2005 guaranteed the right to information held by state bodies, there was an inherent lack of commitment in ensuring this right.[90] Also, the categories of information to which an officer may not grant access were numerous and in many cases ambiguous.[91]

50. JS3 stated that free access to information and the media was hindered by legislation, such as the Penal Code Act, which still criminalized materials alleged to be seditious, sectarian and defamatory, and the Anti-Terrorism Act 2002, which prohibits "promoting" terrorism but did not expressly define those acts which constituted the promotion of terrorism.[92]

51. JS4 stated that in 2008 the Media Offences Department within the police force was established to undertake daily monitoring of the media.[93] This has led to a significant increase in the number of journalists criminally charged.[94]

52. JS8 stated that in 2009, there was arbitrary closure of media houses considered to be anti-government and the Resident District Commissioners in many parts of the country forced media houses not to host opposition leaders.[95] HRW added that Uganda deployed a range of tactics to stifle critical reporting, from occasional physical violence to threats, intimidation, bureaucratic interference, and criminal charges.[96]

53. CIVICUS observed that the required registration process for NGOs reflected a deep distrust of the activities of NGOs, discounted their vital role in socio-political development,[97] and obstructed, rather than enabled the freedom of association.[98] It noted that the required seven days written notice to contact people in rural areas constituted excessive supervision of NGOs and impeded their day-to-day project work.[99] It also hindered their independence and autonomy.[100]

54. CIVICUS stated that the 13 member National NGO Board only envisages three members from the public, with the remaining members from the various government ministries and Security Organisations.[101] It stated that civil society must have adequate representation and voice on any regulatory body mandated to oversee its functioning.[102]

55. JS8 stated that Uganda has continually "blocked" political parties from assembling and demonstrating.[103] HRW stated that the freedom of assembly was threatened by the use of unnecessary lethal force by security forces.[104] It also stated that the Government-proposed bill on Public Order Management could further imperil the right of freedom of assembly.[105]

56. UHRC stated that some people, such as prisoners, were still not able to vote. Also, in the recent elections there were incidences which included violence, and voter disenfranchisement.[106]

57. While persons with disabilities have a right to participate in civil and political life on an equal basis with any other person,[107] JS5 stated that the Electoral Commission did not have Braille ballot papers for the visually impaired,[108] and persons with mental and intellectual disabilities were not allowed to vote.[109]

58. JS7 stated that the constitutional presence of affirmative action in relation to women's political participation and decision-making has not effectively transformed the political and public structures.[110] JS7 recommended (a) measures to ensure that the rights of women to participate in political and public life and sustained policies aimed at promoting their full and equal participation, and (b) expanded quotas and reservations for women in all institutions of decentralized governance and the establishment of an Equal Opportunities Commission.[111]

59. IHRC indicated that the indigenous peoples were politically powerless. None held elected seats in central government, thus removing them from the decision-making process.[112]

6. Right to work and to just and favourable conditions of work

60. UHRC stated that enjoyment of just and favourable working conditions remained a challenge. Also, disparities existed in remuneration for equal work due to discrimination on the basis of sex and race.[113]

61. JS8 stated that the minimum wage, which was set in 1984 at approximately US $ 3, has never been revised.[114] It recommended a review of the minimum wage policy to meet current economic needs.[115]

62. JS8 noted that the draft policy to address unemployment has not been passed, leaving Uganda without a comprehensive employment policy.[116]

63. IHRB stated that although the Constitution and the Trade Unions Act granted workers the right to form and join trade unions, this right was "not respected by employers in practice".[117]

7. Right to social security and to an adequate standard of living

64. JS10 stated that in northern Uganda inadequate housing, lack of accessible clean and safe drinking water, insufficient livelihood support and conflicts over resources especially land threatened the achievement of lasting peace.[118] It identified dispute over land as a major problem and stated that well-functioning dispute resolution mechanisms were absent, as both the local council courts and traditional systems did not always function effectively.[119]

65. Joint Submission 2 (JS2) stated that although Uganda recognised that the majority of older people were living in abject poverty and required pension or social assistance, there was no universal non-contributory pension.[120]

66. UHRC was concerned that there were still incidents of extreme hunger and food shortages in parts of Uganda.[121]

67. IHRC stated that access to safe water and sufficient food were urgent concerns affecting the health of all indigenous peoples.[122] It recommended prioritization of the provision of safe water for the indigenous communities, and an incorporation of their needs in water sector planning.[123]

68. JS9 stated that underdevelopment and hunger in Karamoja was perpetuated by the fact that it remained the poorest and most marginalized part of the country, caught up in the cycle of natural disasters, conflict and limited investment.[124] JS9 recommended prioritization of the food security programs and resources for Karamoja.[125]

69. UHRC was concerned that there was no adequate law on the right to health.[126] UCRNN noted the decrease in budget allocated for the health sector for the financial year 2010/2011.[127] JS8 and World Vision (WV) recommended an increase in the national budget allocation for the health sector to 15 percent.[128]

70. FI stated that Uganda was far from meeting the Millennium Development Goals with regard to maternal mortality.[129] JS7 stated that access to health services for women and expectant mothers was limited.[130] Joint Submission 12 (JS12) indicated maternal and child health services received the least funding within the health sector.[131]

71. UCRNN expressed concern at the high infant and under five mortality rates, high maternal mortality, low immunization uptake and rampant stunting and wasting due to malnutrition.[132] JS11 stated that sexual and reproductive health information and services for adolescents remain drastically inadequate in Uganda. This contributed to Uganda's pregnancy rate, which is amongst the highest in the world.[133] JS11 added that unsafe abortion was one of the most easily preventable causes of maternal death and disability.

Unsafe abortion also causes grave morbidities, and women may experience long-term harm such as uterine perforation, chronic pelvic pain, or infertility.[134]

72. FI indicated that universal access to reproductive health was also far from being realised in Uganda.[135] It urged Uganda to allocate adequate funding to different areas of health care and to provide health units, especially those in the remote areas with skilled and trained personnel, to adopt a National Safe Motherhood Plan to promote birth preparedness and to reduce maternal and child mortality, and to introduce sexual reproductive health education in schools.[136]

73. UCRNN recommended (a) an increase in the supply of drugs to all health centers and a review of the drug distribution and management system; (b) mandatory provision of neo natal and post natal services to all expectant mothers at all health facilities; (c) revisiting the current budget to ensure the allocation of adequate resources for the management of communicable diseases.[137]

74. JS5 stated that parents and guardians of children with disabilities had limited knowledge and skills in taking care of these children.[138] It recommended funding for home-based care to enable these parents and guardians to acquire the necessary skills.[139]

75. UCRNN stated that there was lack of equipment to test children below 18 months of age for HIV/AIDS, and also a lack of health personnel to handle psycho-social needs of children with HIV/AIDS.[140] FI stated that despite government programmes on access to antiretroviral treatment for mother and child, 130,000 new infections occurred in the country in 2010.[141]

76. IHRC stated that indigenous groups that held land under customary tenure did not have documentation in relation to ownership. Section 4(1) of the Land Act of 1998 established a mechanism to acquire a certificate of customary ownership but this provision has not been implemented. Also, it did not include groups that were already evicted.[142]

77. JS12 stated that Uganda's failure to adequately compensate the 2,000 people evicted from their land which was then "leased […] to Kaweri Coffee Plantation Ltd", was in breach of Uganda's obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR).[143] In 2002, legal proceedings were instituted and the case has since remained pending before the Nakawa High Court (Kampala).[144] JS12 stated that by depriving these people of their property, the Government of Uganda was also in violation of the Constitution.[145]

8. Right to education

78. UHRC noted that the quality of primary and secondary education was inadequate. Also, the funding availed was insufficient to meet the material and professional conditions of staff and to provide for specialised trained staff to address the special needs of students.[146]

79. UCRNN expressed concern about (a) the high drop-out rates of pupils from schools, (b) the low transition rate of pupils from primary school to secondary school, (c) the insufficient number of trained teachers and, (d) the deteriorating quality of education. Also, challenges remained with the free education policy because of hidden costs, such as cost of uniforms and school meals.[147]

80. JS5 stated that there were persons with hearing impairment who lacked the knowledge of sign language but that there were no clear Government measures in place to address this issue.[148] In this regard, JS5 recommended a comprehensive sign-language training programme.[149]

81. JS5 stated that while Uganda promoted inclusive education, there were no special needs teachers and limited teaching aids which made it difficult for children with disabilities to get quality education.[150] Also, the curriculum did not take into account children with disabilities.[151]

82. JS7 stated that while the universal primary education has narrowed the gender enrollment gap, dropout rates for girls were significantly higher than those of boys.[152] Also, the proportion of girls in higher school grades remained low.[153]

83. IHRC stated that there was only one secondary school per sub-county in rural areas and that teachers and students walked great distances to reach school.[154]

84. IPAAC stated that access to education for the Karamajong people was extremely limited. Lack of education and illiteracy undermined the Karamojong's ability to take control of their own development and future.[155] JS9 stated that the alternative education system for Karamoja, with an adapted curriculum to meet the specific needs of Karamojong, cannot cater for the mobility rate of the pastoralists in terms of time and distance. However, there was no attempt by the Government of Uganda to review the system to meet the contextual education needs of the pastoralists.[156]

9. Minorities and indigenous peoples

85. UHRC noted that the right to culture of minority groups was faced with threats of extinction of their language and dispossession of land and that they faced challenges of equal participation in decision making processes, access to education, health and water facilities.[157]

86. JS6 indicated that ethnic minorities experienced multiple forms of discrimination, as a result of (a) a lack of a legal framework to promote their rights; (b) a lack of political will; (c) a failure by Uganda to design empowerment programmes for ethnic minorities; and (d) a failure by Uganda to investigate and prosecute those who allegedly violated the rights of ethnic minorities.[158]

87. JS8 stated that the Benet, Batwa, Basongora, Bakonjo and Karimojong have been evicted from their traditional lands to give way to national parks and have been denied access to their ancestral and cultural sites situated in these parks.[159] International Human Rights Clinic (IHRC) observed that indigenous groups have been forcibly evicted from their traditional lands and deprived of their traditional means of subsistence without participation in the decision process, adequate compensation or resettlement assistance.[160]

88. IHRC stated that the Government of Uganda had not complied with the court order by the High Court in "*Uganda Land Alliance v. Uganda Wildlife Authority and the Attorney General"* which (a) recognized the right of a large Benet community to return to their traditional lands and remained there undisturbed, and (b) directed the Government of Uganda to return their lands and award compensation.[161]

89. JS9 stated that in Karamoja land belonging to pastoralists was being declared public land and that this affected the survival of the herds on which they depend. This was done with total disregard of the traditional rights of the pastoralists to ownership and use of natural resources.[162]

90. JS9 further noted that the pastoralists' cultural identity was deliberately being destroyed by the Government. Karamojong pastoralists wearing the traditional dress called "Suka" were arrested; and traditional institutions have been destroyed and there was no respect for the pastoralist traditional administrative structures.[163]

10. Migrants, refugees and asylum-seekers

91. Refugee Law Project (RLP) stated that (a) the determination of refugee status was very slow;[164] (b) the full appeals process for rejected asylum seekers was not in place;[165] (c) while refugees who settle in rural areas receive government assistance, "urban self-settled refugees" receive no such assistance.[166]

92. RLP stated that the Refugee Act 2006 was yet to be fully operationalized. In 2010, the Regulations to the Act were adopted but were yet to be tested.[167]

93. HRW stated that following the announcement by the Government in May 2010 that it would invoke the 1951 Refugee Convention's "cessation clause" in relation to refugees from a neighbouring country, on 14 and 15 July 2010 the police rounded up more than 1,700 persons, including recognized refugees in the Nakivale and Kyaka refugee camps, and forcibly returned them at gunpoint to the said neighbouring country. It stated that as of 31 December 2010, about 15 000 refugees and asylum seekers were at risk of forced return to this neighbouring country.[168]

11. Internally displaced persons

94. RLP stated that addressing the aftermath of the internal displacement caused by decades of war remained a significant challenge. The majority of rural internally displaced persons from Acholi, Lango and Teso sub-regions have returned to their places of origin. However, many returnees faced difficulties in accessing, owning and using land. Furthermore, displaced persons from places like Bududa that have been ravaged by land-slides continued to be relocated to other parts of the country the like newly created Kiryandongo district.[169]

95. UCRNN stated that Uganda's plans and programmes to mitigate the impact of the conflict and facilitate recovery and development were lacking in their focus on the war-affected children in the region. The return-home-campaign targeting all those living in IDP camps was also lacking in child-centred logistical and infrastructural facilitation for returning children.[170]

96. RLP stated that gaps exited in the Peace, Recovery and Development Plan especially with regard to livelihood, conflict-sensitivity, and gender-awareness, and certain vulnerable groups which included former child soldiers, former unaccompanied minors, child-headed families, single-mother headed families and unaccompanied elders who have no surviving relatives, have largely remained out of public conversations and considerations.[171] Also, urban internally displaced persons who sought refuge in urban areas such as the Kampala slums, continued to lack recognition by the Government of Uganda.[172]

97. JS2 stated that the situation of older displaced people, particularly women, in northern Uganda, has not been adequately addressed.[173] It stated that older people cited lack of shelter and concern over their physical capacity as the main reasons for not returning to their villages of origin.[174]

12. Human rights and counter-terrorism

98. HRW stated that treason and terrorism suspects were subjected to serious human rights abuses by the Joint Anti-Terrorism Task Force.[175]

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

99. UCRNN stated that the implementation of comments and observations made by the United Nations Committee on the Rights of the Child and the African Committee on the Rights of the Child by the Government of Uganda was "weak". It recommended the development of a deliberate strategy for dissemination of the concluding observations; the strengthening of inter-ministerial coordination; and ownership across all line ministries.[176]

100. JS6 called for necessary steps to be taken to implement the Concluding Observations of the African Commission on Human and Peoples' Rights on Uganda report.[177]

101. JS7 recommended that the Government of Uganda fully implement the Maputo Protocol on the Rights of Women in Africa and also implement all the recommendations made by the CEDAW in October 2010.[178]

V. Capacity-building and technical assistance

N/A

Notes

[1] The stakeholders listed below have contributed information to this report; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council. Two asterisks denote a national human rights institution with "A" status)

Civil society

JS1	SIPD-UGANDA, Uganda; TITS-UGANDA, Uganda; KULHAS-UGANDA, Uganda; Frank and Candy, Uganda; Queer Youth Uganda, Uganda; Icebreakers Uganda, Uganda; Sexual Minorities, Uganda; Spectrum Uganda Mission, Uganda; Freedom and Roam Uganda, Uganda.
JS2	Uganda Reach the Aged Association , Uganda; HelpAge International, London, UK*; and Reach One Touch One Ministries, Colorado Springs, USA.
PARDI	Participatory Action for Rural Development, Kampala, Uganda.
Article 19	ARTICLE 19, London, UK*.
IHRB	Institute for Human Rights and Business, London, UK.
JS3	African Centre for Treatment and Rehabilitation of Torture Victims, Kampala, Uganda; Kumi Human Rights Initiative, Uganda; Human Rights Centre Uganda, Uganda; Peace and Security Institute of Africa, Kampala, Uganda; Foundations for Human Rights Initiative, Uganda; Uganda Media Development Foundation, Uganda; Life Concern – Zombo, Uganda.
JS4	Article 19, London, UK*; Coalition for Freedom of Information, Uganda.
JS5	National Union of Disabled Persons of Uganda, Kampala, Uganda; Action on Disability and Development, Uganda; Blind but Able, Uganda; Community-Based Rehabilitation Alliance, Uganda; Epilepsy Support Association Uganda, Uganda; Iganga Development Women's Association, Uganda; Katelemwa Cheshire Home, Uganda; Katutandike Uganda, Uganda; Mental Health Uganda, Uganda; National Association

	of the Deaf Blind in Uganda, Uganda; National Union of Women with Disabilities of Uganda, Uganda; Sense International, Uganda; Sign Health Uganda, Uganda; Spinal Cord Injuries Association, Uganda; The Able Disabled Association, Uganda; Uganda Albino Association, Uganda; Uganda Federation for the Hard of Hearing, Uganda; Uganda Foundation for the Blind, Uganda; Uganda National Action on Physical Disability, Uganda; Uganda National Association of the Blind, Uganda; Uganda National Association of the Deaf, Uganda; Uganda Parents Association of Children with Learning Difficulties, Uganda; Uganda Society for Disabled Children, Uganda; United Deaf Young Women's Group, Uganda; Wakiso District Union of PWDs, Uganda; Youth with Disabilities Development Forum, Uganda.
HRW	Human Rights Watch, New York, USA.
IHRC	International Human Rights Clinic, College of Law, University of Oklahoma, USA.
GIECPI	Global Initiative to End All Corporal Punishment of Children, London, UK.
UCRNN	Uganda Child Rights NGO Network, Uganda.
JS6	Minority Rights Group International, Kampala, Uganda; Jamiya Ya Kupatanisha, Uganda; Center for Conflict Resolution, Uganda; African International Christian Ministry, Uganda; Kasese District Development Network, Uganda; National Foundation for Democracy in Uganda, Uganda; Mbarara Development Agency, Uganda; Iteso Cultural Union, Karamoja Agro-Pastoralist Development Programme, Uganda; Masindi Pastoralist Group, Uganda; Katakwi Urafiki Foundation, Uganda.
JS7	Women's Rights Cluster in Uganda comprising of: Bahai Faith, Hope after Rape, Uganda Women's Network, Action for Development, Uganda Association of Women Lawyers, Uganda Media Women's Association, and the Centre for Domestic Violence Prevention, Isis Women's International Cross Cultural Exchange, National Association of Women's Organizations in Uganda, Disabled Women's Network and Resources Organization in Uganda, East African Sub-regional Support Initiative for Advancement of Women.
ICTJ	International Centre for Transitional Justice, New York, USA.
JS8	Human Rights Network-Uganda, Uganda; Development Foundation for Rural Areas, Uganda; Education Access Africa, Uganda; Gideon Foundation against Child Sacrifice, Uganda; Good Hope Foundation for Rural Development, Uganda; Human Rights and Development Concern, Uganda; Human Rights Awareness and Promotion Forum, Uganda; Human Rights Concern, Uganda; Rule of Law Association, Uganda; Uganda Coalition on the International Criminal Court, Uganda.
JS9	Caritas Moroto, Uganda; Matheniko Development Organization Uganda; Caritas Kotido, Uganda; Karamoja Agro-Pastoral Development Programme Uganda; VSF Belgium, Uganda; Arid Lands, Uganda; Teso Diocesan Development Organization Uganda; Kotido Traders Association, Uganda.
JS10	Human Rights Focus, Uganda; African Centre for Treatment of Torture Victims, Uganda; Norwegian Refugee Council-Information Counselling and Legal Assistance Program, Uganda; Acholi Religious Leaders Peace Initiative, Uganda; Danish Refugee Council, Uganda; Gulu Disabled

	Persons Union, Uganda; Gulu Deaf Association, Uganda: Refugee Law Project, Uganda; Human Rights Focus, Uganda.
JS11	Centre for Reproductive Rights, Uganda; The Uganda Association of Women Lawyers, Uganda.
JS12	Food First Information & Action Network (FIAN) International, Heidelberg, Germany; FIAN Germany, Koin, Germany; Wake Up and Fight for your Rights Madudu Group, Uganda.
FI	Franciscan International, Geneva, Switzerland*.
CIVICUS	CIVICUS World Alliance for Citizen Participation, Johannesburg, South Africa*.
IPAAC	Indigenous Peoples of Africa Co-ordinating Committee, Uganda.
HRNJ-Uganda	Human Rights Network for Journalists-Uganda, Uganda.
RLP	Refugee Law Project, Uganda.
WV	World Vision, Uganda.

National human rights institution

UHRC	Uganda Human Rights Commission, Kampala, Uganda**.

[2] JS3, para. 7; HRW, p. 5.
[3] JS8, p. 5, para. 13; HRW, p. 5; UHRC, para. 3.9.
[4] JS6, p. 2, para. 9.
[5] *See* JS8, para. 32.
[6] *See* JS9, para. 6.
[7] *See* IHRC, p. 5.
[8] UHRC, para. 3.1; UHRC made a recommendation (para. 3.1).
[9] Article 19, para. 3; Article 19 made a recommendation (para. 12).
[10] *Ibid*; *See also* JS4, para. 17, HRNJ-Uganda, para. 12.
[11] JS3, para. 19; JS3 made a recommendation (para.25).
[12] Article 19, para. 3.
[13] *Ibid*; Article 19 made a recommendation (para. 12); *See also* JS4, p. 5, para. 14, HRNJ-Uganda, p. 3, para. 10.
[14] JS4, p. 5, para. 16.
[15] Article 19, paras. 2 and 11.
[16] Article 19, para. 12.
[17] JS7, para. 7.
[18] *Ibid*.
[19] ICTJ, para. 14.
[20] UHRC, para. 3.1.
[21] ICTJ, para. 16.
[22] ICTJ, para. 19.
[23] IHRB, p. 5.
[24] JS8, para. 5.
[25] JS9, p. 3, para. 6.
[26] JS10, para. 32; JS10 made recommendations (para. 32).
[27] JS11, p. 3.
[28] JS11, p. 5.
[29] JS5, paras. 7 and 15.
[30] UCRNN, p. 2, para. 3.1.
[31] *Ibid*.
[32] JS7, para. 15; JS7 made a recommendation (para. 19).
[33] JS8, paras. 27–30; JS8 made recommendations (para. 30).
[34] FI, p. 2, para. 3; *See also* JS 8, para. 11.
[35] FI, p. 3, para. 7; *See also* JS8, para. 11.
[36] JS3, para. 3.
[37] JS3, para. 4.
[38] JS3, para. 5; JS3 made recommendations (para. 7). *See also* JS8, para. 11.
[39] Operatives used by the police and the army in Northern Uganda: Private individuals some armed with

guns, clubs and authorized to operate in the capacity of the Uganda Police Force and the Joint Command Centre of the UPDF respectively (*See* JS10, fn. 1).

[40] JS10, para. 2; JS10 made recommendations (para. 2).
[41] JS10, para. 3.
[42] JS3, para. 11.
[43] HRW, JS8 and JS10 made a similar recommendation (*See* HRW, p. 5; JS8, para. 13; and JS10, para. 3).
[44] JS3, paras. 11 and 13.
[45] JS10, para. 3.
[46] GIECPC, para. 1.1.
[47] GEICPC, para. 1.2.
[48] GIECPC, para. 1.5.
[49] UCRNN, para. 3.2.5.
[50] JS7, para. 23; *See also* JS8, paras. 25–26.
[51] JS11, p. 5.
[52] JS11, p. 4.
[53] HRW, p. 5.
[54] *Ibid*.
[55] JS8, paras. 2 and 20.
[56] CIVICUS, para. 3. 2. 2.
[57] Article 19, para. 6; Article 19 and JS8 made recommendations (*See* Article 19, para. 12; and JS8, para. 20).
[58] HRNJ-Uganda, p. 1.
[59] JS8, p. 4, para. 12; JS8 made a recommendation (para. 12).
[60] FI, p. 2, para. 4.
[61] FI, para. 5.
[62] FI, para. 10.
[63] FI, para. 8; HRW made a recommendation (p. 5).
[64] JS5, para. 19; JS5 made recommendations (para. 20).
[65] NCRNN, para. 3.2.1.
[66] UCRNN, para. 3.4.
[67] FI, paras. 12–13.
[68] JS3, para. 14, fn. 20.
[69] JS3, para. 15. JS3 referred to the case of *Muwanga Kivumbi v. The Attorney General of Uganda*; *See also* HRNJ-Uganda, para. 12.
[70] JS3, para. 17.
[71] JS10, para. 10.
[72] JS10, para. 16.
[73] HRW, p. 3; HRW made a recommendation (p.5); *See also* JS10, para. 6.
[74] *Ibid*. HRW made a recommendation (p. 5).
[75] JS3, para. 14; JS8, para. 14; *See also* JS10, para. 82.
[76] UCRNN, para. 3.2.7; *See also* JS10, para. 33.
[77] HRW, p. 2; HRW made a recommendation (p. 5).
[78] RLP, para. 5.1.
[79] RLP, para. 5.4.
[80] ICTJ, para. 8.
[81] ICTJ, para. 19.
[82] ITCJ, para. 9.
[83] ITCJ, para. 12; *See also* JS10, para. 31.
[84] JS7, para. 26.
[85] JS7, para. 27.
[86] JS5, para. 17.
[87] JS1, para. 2.7.
[88] PARDI, p. 2; *See also* CIVICUS, paras. 3.1.1, 3.1.2 and JS1, para. 3.5.
[89] HRW, p. 5; JS8, para. 30.
[90] JS4, para. 3.

[91] JS4, para. 7.
[92] JS3, para. 22.
[93] JS4, para. 21.
[94] JS4, para. 22; *See also* HRNJ-Uganda, paras. 3–5.
[95] JS8, para. 18.
[96] HRW, p. 4.
[97] CIVICUS, para. 212.
[98] CIVICUS, para. 222.
[99] CIVICUS, para. 2.3.3.
[100] CIVICUS, para. 2.3.4.
[101] CIVICUS, para. 2.4.2.
[102] CIVICUS, para. 2.4.1.
[103] JS8, para. 15.
[104] HRW, p. 2.
[105] HRW, p. 3; *See also* UHRC, para. 3.9.
[106] UHRC, para. 3.8; UHRC made a recommendation (para. 3.8).
[107] JS5, para. 21.
[108] JS5, para. 22.
[109] JS5, para. 23.
[110] JS7, para. 32.
[111] JS7, para. 35.
[112] IHRC, p. 5; IHRC made a recommendation (p. 5).
[113] UHRC, para. 3.6; UHRC made a recommendation (para. 3.6).
[114] JS8, para. 8.
[115] JS8, para. 9.
[116] JS8, para. 9.
[117] IHRB, p. 2.
[118] JS10, para. 7.
[119] JS10, paras. 7–8.
[120] JS2, para. 14.
[121] UHRC, para. 3.5; UHRC made a recommendation (para. 3.5).
[122] IHRC, p. 3.
[123] IHRC, p. 3.
[124] JS 9, para. 17.
[125] JS9, para. 22.
[126] UHRC, para. 3.4; UHRC made a recommendation (para. 3.4).
[127] UCRNN, para. 3.2.
[128] JS 8, para. 7; WV, p. 4.
[129] FI, para. 14.
[130] JS7, para. 39; JS7 made recommendations (para. 41).
[131] JS11, p. 12.
[132] UCRNN, para. 3.2.
[133] JS11, p. 2.
[134] *Ibid*.
[135] FI, p. 4, para. 17.
[136] FL, paras. 19–21.
[137] UCRNN, para. 3.2.
[138] JS5, para. 16.
[139] JS5, para. 16.
[140] UCRNN, para. 3.4.
[141] FI, para. 22.
[142] IHRC, p. 2; IHRC made a recommendation (p. 2).
[143] JS12, pp. 1–2.
[144] *Ibid*.
[145] JS12, p. 2.
[146] UHRC, para. 3.3; UHRC made a recommendation (para. 3.3).

147 UCRNN, para. 3.4.
148 JS5, para. 9.
149 JS5, para. 10.
150 JS5, para. 24.
151 JS5, para. 25.
152 JS7, para. 36.
153 JS7, para. 37; JS7 made a recommendation (para. 38).
154 IHRC, p. 4; IHRC made a recommendation (p. 4); JS8 made a recommendation (para. 24).
155 IPAAC, para. 9.
156 JS9, para. 15; JS9 made recommendations in this regard (p. 5, para. 16).
157 UHRC, para. 3.7; UHRC made a recommendation (para. 3.7).
158 JS6, para. 41.
159 JS8, para. 10, *See also* IPAAC, paras. 4–7.
160 IHRC, p. 1; IHRC made recommendations (p. 2); *See also* IPAAC, paras. 4–7.
161 IHRC, p. 2.
162 JS9, paras. 23 and 25; *See also* IPAAC, paras. 4–5.
163 JS9, para. 31.
164 RLP, para. 2.2; RLP made a recommendation (para. 31).
165 RLP, para. 2.3; RLP made a recommendation (para. 3.2).
166 RLP, para. 2.4; RLP made a recommendation (para. 3.3).
167 RLP, para. 2.5; RLP made a recommendation (para. 3.4).
168 HRW, p. 5; *See also* JS8, p. 10, para. 34; HRW made recommendations (p. 5); RLP made recommendations (paras. 3.5–3.7).
169 RLP, para. 4.1; *See also* JS10, paras. 21–23.
170 UCRNN, para. 3.2.6.
171 RLP, para. 4.2.
172 RLP, para. 4.2.
173 JS2, para. 5.
174 JS2, para. 9.
175 HRW, p. 1.
176 UCRNN, para. 2.2.
177 JS6, para. 2.
178 JS7, para. 5.