

**Flygtningenævnets baggrundsmateriale**

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This submission, based primarily on research conducted by Human Rights Watch, highlights concerns about Uganda's compliance with its international human rights obligations since its last Universal Periodic Review (UPR) in 2016.

It focuses on the rights to freedom of expression, assembly, and association, including attacks on peaceful political opposition, violations of rights by the security forces, violence and harassment at work, impunity and lack of prosecutions for serious crimes, forced evictions, the rights of lesbian, gay, bisexual and transgender people, children's rights, and the protection of persons with disabilities from shackling.

## Freedom of Expression

During the Second Cycle, Uganda accepted recommendations to respect and protect the right to freedom of expression.<sup>1</sup> Instead, the government introduced new requirements that restrict free expression online. As of September 2020, the Uganda Communications Commission requires<sup>2</sup> "providers of online data and communication," including bloggers and online TV providers, to seek authorization from the Commission and pay a fee in order to operate.<sup>3</sup>

In July 2020 Ugandan police arrested four comedians, part of a group called *Bizonto*, for a satirical video<sup>4</sup> posted online calling on people to pray for top Ugandan government officials. The group was released<sup>5</sup> after four days and later charged with promoting sectarianism and offensive communication.

Two days before the January 14, 2021 elections, the Communications Commission ordered internet service providers to block social media access. The next day, the government shut down internet<sup>6</sup> across the country for five days. The authorities restored partial access to social media websites, excluding Facebook, in February.

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<sup>1</sup> See recommendations 115.19 and 115.104 on Freedom of opinion and expression.

<sup>2</sup> Public notice, *Uganda communications commission*, 7th September 2020, [https://twitter.com/UCC\\_Official/status/1302886140350005248](https://twitter.com/UCC_Official/status/1302886140350005248).

<sup>3</sup> <https://www.newvision.co.ug/news/1527106/ucc-tax-online-content-opposition>.

<sup>4</sup> « The video that sparked Bizonto's arrest. », *Kyaggwe TW's facebook page*, 24th July 2020, <https://www.facebook.com/watch/?v=3108220502629607>.

<sup>5</sup> « "Bizonto" comedians, singer Kiweewa freed on police bond », *Daily Monitor*, 29th July 2020, <https://www.monitor.co.ug/News/National/Bizonto-comedians-singer-Kiweewa-freed-on-police-bond/688334-5600696-n1ksp0z/index.html>.

<sup>6</sup> "Govt restores internet 5 days after total shutdown" *Daily Monitor*, 18th January 2021, <https://www.monitor.co.ug/uganda/news/national/govt-restores-internet-5-days-after-total-shutdown-3260830>.

During election campaigns, the authorities restricted the media from covering opposition party candidates, in some instances beating and shooting journalists.<sup>7</sup>

In February 2021, military police beat at least ten journalists<sup>8</sup> covering opposition presidential candidate Robert Kyagulanyi as he delivered a petition to the United Nations Office of the High Commissioner for Human Rights in Kampala to protest human rights abuses against his supporters. The next day, the army announced that a military court had sentenced seven members of the military police to two months detention in a military facility but did not share details about its investigations or the military trial.

In May 2021, police detained<sup>9</sup> 24-year-old law student Michael Muhima for a tweet parodying the police spokesperson, charged him with “offensive communication,” and denied him access to lawyers or family for five days before he was released on bail.

**Recommendations:**

- Remove restrictions on freedom of expression online, and on internet and social media access;
- Stop misusing the criminal law and courts to arbitrarily censor and harass government critics;
- End intimidation, threats, and physical attacks on journalists and investigate and prosecute officials implicated in such abuses;
- Drop charges against the members of *Bizonto*, Michael Muhima and all similar unfounded, arbitrary charges that violate international legal protections of free speech.

## Freedom of Association and Assembly

During the Second Cycle, Uganda accepted recommendations related to freedom of association and assembly and the protection of human rights defenders.<sup>10</sup>

In March 2020, the Constitutional Court ruled in favor of a 2013 petition<sup>11</sup> brought by civil society organizations challenging the Public Order Management Act as unconstitutional. The Court nullified section 8 of the Act, which police used to block and disperse peaceful assemblies and demonstrations,

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<sup>7</sup> « Uganda: Elections Marred by Violence Investigate Security Force Conduct; End Repression; Ensure Justice », *Human Rights Watch*, 21st January 2021, <https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence>.

<sup>8</sup> « Uganda’s Beaten Journalists Deserve Justice Opaque Military Trials No Substitute for Accountability and Security Sector Reform », *Human Rights Watch*, 22nd February, 2021 <https://www.hrw.org/news/2021/02/22/ugandas-beaten-journalists-deserve-justice>.

<sup>9</sup> « Uganda: Drop Charges Against Law Student Michael Muhima Faces Prison Over a Tweet; End Criminalization of Free Speech », *Human Rights Watch*, 20th May 2021, <https://www.hrw.org/news/2021/05/20/uganda-drop-charges-against-law-student>.

<sup>10</sup> See recommendations 115.19, 115.103 and 115.101 on the right to peaceful assembly and association, and recommendations 115.106, 115.110, 115.94, 115.95 and 115.96 on the protection of human rights defenders.

<sup>11</sup> “Constitutional Court nullifies section 8 of the contentious public order management law” <https://www.softpower.ug/constitutional-court-nullifies-section-8-of-the-contentious-public-order-management-law/>

often with excessive force. Apart from the court's decision, Uganda has not upheld commitments to respect freedoms of association and assembly.

In September 2020, Kampala police arrested eight youth activists participating in the global climate strike, including six children (i.e. under 18), and detained them for eight hours. Police told them election campaigns were not allowed, although the activists repeatedly explained that they were an environmental—not a political—movement. In December, police arrested human rights lawyer<sup>12</sup> Nicholas Opiyo and charged with money laundering,<sup>13</sup> alleging he received funds that were the “proceeds of crime” on behalf of Chapter Four Uganda, the organization he leads. Chapter Four Uganda says the funds were part of a routine grant<sup>14</sup> to support its human rights work.

In October 2020, the NGO Bureau blocked<sup>15</sup> National Elections Watch Uganda, a coalition of local organizations, from election monitoring. On election day, police arrested over 20 people working with Citizen Watch-IT and the Women's Democracy Network for operating a “parallel tallying center.”

### **Recommendations:**

- Respect and protect the rights of all groups, including those opposing government policies, to exercise freedoms of assembly, association, and expression, in accordance with international human rights norms;
- End arbitrary arrests and prosecutions of activists.

## Arrest and Harassment of Opposition Members and Supporters

In the leadup to Uganda's<sup>16</sup> January 2021 elections, security forces beat and arrested scores of opposition supporters and journalists, killed dozens, and disrupted opposition rallies. Presidential candidates Patrick Amuriat of the Forum for Democratic Change and Robert Kyagulanyi of the National Unity Platform were among those arrested. In November 2020, security forces fired live bullets and teargas at protesters<sup>17</sup> demanding the release of then-detained Kyagulanyi, popularly known as Bobi Wine, resulting in at least 54 deaths. Security Minister Elly Tumwine told the public that police have the

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<sup>12</sup> « Lawyer Nicholas Opiyo detained on money laundering charges, police say », *Daily Monitor*, 22nd December 2020, <https://www.monitor.co.ug/uganda/news/national/lawyer-nicholas-opiyo-detained-on-money-laundering-charges-police-say-3236484>.

<sup>13</sup> « Nicholas Opiyo charged, remanded », *Daily Monitor*, 24th December 2020, <https://www.monitor.co.ug/uganda/news/national/nicholas-opiyo-charged-remanded--3238432>.

<sup>14</sup> « 4th statement on the frivolous charges against Nicholas Opiyo », Chapter Four's website, 25 December 2020, <https://chapterfouruganda.org/articles/2020/12/25/4th-statement-frivolous-charges-against-nicholas-opiyo>.

<sup>15</sup> « NGO Bureau suspends operations of National Election Watch Uganda », *The Independent*, 29 October 2020, <https://www.independent.co.ug/ngo-bureau-suspends-operations-of-national-election-watch-uganda/>.

<sup>16</sup> Uganda's page on *Human Rights Watch*, <https://www.hrw.org/africa/uganda>.

<sup>17</sup> « Uganda: Authorities Weaponize Covid-19 for Repression Investigate Killings, End Arbitrary Detention, Allow Peaceful Gatherings », *Human Rights Watch*, 20th November 2020, <https://www.hrw.org/news/2020/11/20/uganda-authorities-weaponize-covid-19-repression>.

right “to shoot you and kill you.” President Museveni promised to investigate the killings and to compensate some of the victims.

On January 8, police charged 49 National Unity Platform supporters<sup>18</sup> with alleged possession of ammunition belonging to the Ugandan army. The next day, security officials surrounded Kyagulanyi’s home and prevented anyone from entering or exiting for days. On January 18, security forces blocked access to Kyagulanyi’s head office.<sup>19</sup>

#### **Recommendations:**

- Investigate, with a view to prosecuting, or where appropriate, disciplining and sanctioning, state agents implicated in violations of the rights of opposition politicians and their supporters.

## Sexual Orientation and Gender Identity

During the second cycle, Uganda rejected all recommendations explicitly calling for decriminalization of consensual same-sex conduct. Uganda accepted recommendations to comply with its human rights obligations under international law, including non-discrimination obligations under the Convention on the Elimination of All Forms of Discrimination against Women.<sup>20</sup> Uganda has failed to implement these recommendations and routinely violates rights based on victims’ real or perceived sexual orientation or gender identity. CEDAW’s non-discrimination obligations<sup>21</sup> require the repeal of laws discriminating against women based on sexual orientation or gender identity. Uganda also violates LGBT people’s rights to privacy and to be free from torture or cruel, inhuman and degrading treatment.

Uganda’s penal code punishes “carnal knowledge” between people of the same sex with up to life in prison. The Sexual Offenses Bill<sup>22</sup> passed by Parliament in May 2021 would criminalize all sexual relations between people of the same gender, anal sex between people of any gender, and sex work.

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<sup>18</sup> « Uganda's police chief: beating of reporters for their own good », *Reuters*, 8th January 2021, <https://www.reuters.com/article/uk-uganda-election/ugandas-police-chief-beating-of-reporters-for-their-own-good-idUSKBN29D1A7>.

<sup>19</sup> « 60 arrested over attack on bus, Bobi detained at home », *Daily Monitor*, 18th January 2021, <https://www.monitor.co.ug/uganda/news/national/60-arrested-over-attack-on-bus-bobi-detained-at-home-3260410>.

<sup>20</sup> See recommendations 115.57, 115.8, 115.52, 115.49, 115.62, 115.51, 115.9, 115.53, 115.69, 115.54, 115.55, 115.70 on the discrimination against women, and recommendations 115.10, 115.63, 115.65, 115.66, 115.67, 115.76, 115.77, 115.13, 115.74, 115.75, 115.11, 115.18, 115.98, 115.72, 115.73, 115.91, 115.61, 116.9, 115.12, 115.89, 115.37, 115.38, 115.64 on violence against women. See also recommendation 115.50 on participation of women in political and public life.

<sup>21</sup> General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, *UN Committee on the Elimination of Discrimination Against Women (CEDAW)*, 16 December 2010, CEDAW/C/GC/28, <https://www.refworld.org/docid/4d467ea72.html>.

<sup>22</sup> « Uganda: Reject Sexual Offenses Bill Draft Law Criminalizes Consensual Sex, Lets Down Assault Survivors », May 6th 2021, *Human Rights Watch*, <https://www.hrw.org/news/2021/05/06/uganda-reject-sexual-offenses-bill>.

In March 2020, police raided the Children of the Sun Foundation shelter for homeless LGBT youth in Wakiso District and beat shelter residents, charging them with “a negligent act likely to spread infection of disease” and “disobedience of lawful orders.” Twenty were detained and subjected to forced anal examinations, a form of cruel, inhuman and degrading treatment that can amount to torture. Prosecutors eventually dropped charges, and a court ruled that the prison system’s refusal to allow them access to counsel during their six weeks in prison violated<sup>23</sup> rights to a fair hearing and to liberty.

In May 2021, police raided a private celebration at the Happy Family Youth shelter in Wakiso District and arrested 44 people, initially accusing them of holding a same-sex wedding, then charging them with “negligent acts likely to spread infection of disease.” Police subjected 17 of the accused to forced anal examinations. A court released them on bail. Charges remained pending at the time of this submission.

### **Recommendations:**

- President Museveni should return the Sexual Offenses Bill to Parliament to produce a revised bill that prohibits all forms of sexual violence—not including consensual acts between adults—and encompasses prevention, protection, treatment, support, and remedies for survivors.
- Repeal sections 145 and 148 of the penal code, criminalizing “carnal knowledge against the order of nature.”
- Cease raids on events because they are organized or attended by LGBT people.
- Prohibit anal examinations and the use of results from any such examinations in court proceedings, except as evidence of abuse by the perpetrator or harm caused to the victim.

## Other Security Force Abuses

Security forces in Uganda, including police, soldiers, and the Local Defense Unit (LDU), an armed paramilitary group affiliated with the army, beat, extorted, shot, and arrested people for allegedly failing to comply with Covid-19 restrictions. In March 2020, such violations took place in Amuru, Mityana,<sup>24</sup> Mukono,<sup>25</sup> downtown Kampala and Bududa.

In February 2020, Parliament’s human rights committee released<sup>26</sup> findings from an investigation that found the authorities detained and tortured people in unacknowledged places of detention referred to as “safe houses.” The committee called on the Uganda Human Rights Commission to conduct further

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<sup>23</sup> « Court Awards Damages to 20 LGBT Youth in Uganda Homeless Shelter Residents to Be Compensated After Arbitrary Detention », *Human Rights Watch*, 10th July 2020, <https://www.hrw.org/news/2020/07/10/court-awards-damages-20-lgbt-youth-uganda>.

<sup>24</sup> « UPDF beat Mityana locals who don't adhere to #COVID19 guidelines », *New Vision TV*, 23rd March 2020, <https://www.youtube.com/watch?v=m9fGD5C0yOc>.

<sup>25</sup> « COVID-19: Two shot for defying presidential directives », *Daily Monitor* March 7 2020, <https://www.monitor.co.ug/News/National/Two-shot-Mukono-defying-presidential-directives/688334-5505644-aro68b/index.html>.

<sup>26</sup> « Report of the Committee on Human Rights on Alleged Torture in Ungazetted Detention Centres in the Country », *Office of the Clerk to Parliament*, November 2019, <https://www.parliament.go.ug/cmris/browser?id=49986867-2ebf-4550-af0d-55155ff20dab%3B1.0>.

investigations and furnish a report to Parliament.

**Recommendations:**

- Investigate and hold accountable state security agents who have committed, acts of inhuman and degrading treatment and torture, unlawful killings, and unlawful detentions.

## Workplace Violence and Harassment

Labor laws do not sufficiently protect informal sector workers, including domestic workers and street vendors, against violence and harassment. The Employment (Sexual Harassment) Regulations 2012 narrowly defines sexual harassment and applies only to workplaces with more than 25 employees.

The pending Employment (Amendment) Bill, 2019 expands key labor protections to informal sector workers, including protection against sexual harassment, and recognizes a range of situations where work-related abuses can occur.

**Recommendations:**

- President Museveni should approve the Employment (Amendment) Bill, 2019.
- Parliament should pass legislation that expands definitions of sexual harassment in line with the ILO Violence and Harassment Convention (C190), applies to all employers, and includes prevention measures.
- Ratify the ILO Violence and Harassment Convention (C190), review the compliance of national laws with the convention and its related Recommendation 206, and implement necessary reforms.

## Impunity and Lack of Prosecutions for Serious Crimes

Abuses by the Ugandan armed forces over the course of its 25-year armed conflict with the Lord's Resistance Army, including torture,<sup>27</sup> rape, arbitrary detention, unlawful killings, and forced displacement of citizens, have rarely been prosecuted. The Ugandan army has said that soldiers who committed abuses during the conflict have been prosecuted and convicted but has not provided details of such cases. Uganda's International Crime Division,<sup>28</sup> which was established in 2008, has pursued only one case involving crimes committed in northern Uganda, against LRA commander Thomas Kwoyelo.<sup>29</sup>

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<sup>27</sup> « State of Pain : Torture in Uganda », *Human Rights Watch*, March 2004, <https://www.hrw.org/sites/default/files/reports/uganda0304.pdf>.

<sup>28</sup> "Justice for Serious Crimes before National Courts Uganda's International Crimes Division", *Human Rights Watch*, 15th January 2012, <https://www.hrw.org/report/2012/01/15/justice-serious-crimes-national-courts/ugandas-international-crimes-division>.

<sup>29</sup> « Uganda: Q&A on the trial of Thomas Kwoyelo », *Human Rights Watch*, 7th July 2011, <https://www.hrw.org/news/2011/07/07/uganda-qa-trial-thomas-kwoyelo>.

The trial has proceeded in fits and starts,<sup>30</sup> suffering many delays.<sup>31</sup> Some former LRA fighters, including senior commanders, were integrated into the Ugandan military<sup>32</sup> without investigation into crimes they may have committed in the LRA.

In December 2020, the International Criminal Court (ICC) prosecutor's office concluded<sup>33</sup> an assessment of a 2016 police and military operation in western Uganda in which about 150 people were killed.<sup>34</sup> The prosecutor's office found Ugandan security forces committed murder and used indiscriminate and disproportionate force but was unable to conclude that the acts took place as part of a policy, a necessary element for the ICC's jurisdiction. There has been no domestic accountability<sup>35</sup> for the crimes.

#### **Recommendations:**

- Prosecute members of the armed forces and LRA implicated in serious crimes, who are not otherwise facing ICC proceedings. Impose appropriate penalties not including the death penalty.

## Child Labor

During the second UPR cycle, Uganda supported recommendations to eradicate child labor.<sup>36</sup>

The economic impact of the Covid-19 pandemic, together with school closures and inadequate government assistance, is pushing children into exploitative and dangerous child labor.<sup>37</sup> Many children entered the workforce for the first time because their families could not meet their basic needs. Children have reported long hours, hazardous working conditions, denial of pay, physical and verbal abuse by employers, and sexual harassment.

#### **Recommendations:**

- Ensure children enjoy an adequate standard of living and benefit from adequate social security, including by scaling up cash allowances, and through the progressive introduction of universal

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<sup>30</sup> « Q&A: The LRA Commander Dominic Ongwen and the ICC », *Human Rights Watch*, 27th January 2021, <https://www.hrw.org/news/2021/01/27/qa-lra-commander-dominic-ongwen-and-icc>.

<sup>31</sup> « A Test Case for Justice in Uganda Government Should Signal More Commitment to Uganda's International Crimes Division », *Human Rights Watch*, 15th November 2018, <https://www.hrw.org/news/2018/11/15/test-case-justice-uganda>.

<sup>32</sup> « Uganda Enlists Former Rebels to End a War », *The New York Times*, 11th April 2011, <https://www.nytimes.com/2010/04/11/world/africa/11lra.html>.

<sup>33</sup> « Report on Preliminary Examination Activities 2020 », *International Criminal Court*, 14th December 2020, <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.

<sup>34</sup> « The Legacy of Uganda's Kasese Massacre Three Years On, Families Still Awaiting Answers », *Human Rights Watch*, 27th November 2019, <https://www.hrw.org/news/2019/11/27/legacy-ugandas-kasese-massacre>.

<sup>35</sup> « The Legacy of Uganda's Kasese Massacre Three Years On, Families Still Awaiting Answers », *Human Rights Watch*, 27th November 2019, <https://www.hrw.org/news/2019/11/27/legacy-ugandas-kasese-massacre>.

<sup>36</sup> See recommendations 115.71 and 115.14 on the protection of children against exploitation.

<sup>37</sup> « Uganda: Covid-19 Pandemic Fueling Child Labor Meager Government Aid Leaves Children Working Long Hours for Little Pay Child working », *Human Rights Watch*, 26th May 2021, <https://www.hrw.org/news/2021/05/26/uganda-covid-19-pandemic-fueling-child-labor>.

child allowances;

- Pass laws requiring companies to conduct human rights due diligence throughout their global supply chains to ensure they are not contributing to child labor or other rights abuses.

## Education

In its second UPR cycle, Uganda supported recommendations to increase primary school enrollment, improve girls' access to education, and improve the quality of education.<sup>38</sup>

To limit the spread of Covid-19, Uganda ordered the closure of all schools in March 2020. The prolonged closures affected more than 15 million students, leading many to drop out.<sup>39</sup>

Uganda adopted universal primary education in 1997 and universal secondary education in 2007, abolishing tuition fees and prohibiting schools from introducing other costs that could create barriers for students from low-income households and those living in poverty. In practice, many public schools still levy fees. Prohibitive school fees and the under-resourcing of public primary and secondary schools are significant barriers for many children. Working children told Human Rights Watch<sup>40</sup> that in addition to helping their family during the Covid-19 pandemic, they also hoped to save money to cover school fees once schools re-opened.

### **Recommendations:**

- Guarantee universal access to free and good quality primary and secondary education free of any charges or indirect costs;
- Ensure that children who aged out of compulsory or free education during the pandemic are able to stay in school.

## Teenage Pregnancy and Child Marriage

In its second UPR cycle, Uganda supported recommendations to abolish discriminatory laws,<sup>41</sup> protect the rights of women and children<sup>42</sup> and work to achieve equal access to education for girls.<sup>43</sup>

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<sup>38</sup> See recommendations 115.123, 115.126, 115.28 and 115.127 on the right to education (general) and recommendations 115.124 and 115.125 on the right to primary education.

<sup>39</sup> « Prioritize re-opening of schools to secure children's well being An OpEd by Dr. Munir Safiaddin, UNICEF Representative in Uganda », *UNICEF*, 2nd July 2021, <https://www.unicef.org/uganda/press-releases/prioritize-re-opening-schools-secure-childrens-well-being>.

<sup>40</sup> « Uganda: Covid-19 Pandemic Fueling Child Labor Meager Government Aid Leaves Children Working Long Hours for Little Pay », *Human Rights Watch*, 26th May 2021, <https://www.hrw.org/news/2021/05/26/uganda-covid-19-pandemic-fueling-child-labor>.

<sup>41</sup> See recommendation 115.8.

<sup>42</sup> See recommendations 115.57, 115.8, 115.52, 115.49, 115.62, 115.51, 115.9, 115.53, 115.69, 115.54, 115.55, 115.70, 115.77, 115.98, 115.91, 115.37 and 115.38 on women's rights and violence against women. See recommendations 115.58, 115.20, 115.80 on children's right.

<sup>43</sup> See recommendations 115.126 and 115.128 on equal access to education for girls.

Teenage pregnancy, parenthood and child marriage constitute a significant barrier for girls' education. According to national data,<sup>44</sup> 25 percent of girls and women age 15- 19 have begun childbearing, and 34 percent<sup>45</sup> of girls are married before age 18. According to UNICEF<sup>46</sup>, 25 per cent of pregnancies recorded in Uganda annually are from teenage mothers. Many girls drop out of school once they become parents. In December 2020, Uganda's Ministry of Education published revised guidelines<sup>47</sup> for the prevention and management of teenage pregnancy which provide for school reentry.

The government states it aims to prevent teenage pregnancies through sexuality education and regular pregnancy testing in schools. Yet pregnancy testing is not a preventive tool: it is often stigmatizing,<sup>48</sup> done without consent, and infringes<sup>49</sup> on privacy and dignity. Uganda's national Sexuality Education Framework<sup>50</sup> tackles important aspects of sexuality education and prevention of gender-based violence, but overwhelmingly focuses on sexual abstinence, counter to international human rights standards<sup>51</sup> and guidance<sup>52</sup> on comprehensive sexuality education.

In 2015, the government adopted a national strategy aimed at ending child marriage and increasing adolescent girls' educational attainment. There is reported<sup>53</sup> progress, albeit slow in the face of cultural, economic, and social challenges. Uganda has yet to finalize the Marriage Bill (2017), which attempts to harmonize conflicting legislation on the minimum age for marriage.

### **Recommendations:**

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<sup>44</sup> « Demographic and Health Survey », *Uganda Bureau of Statistics*, 2016

<https://dhsprogram.com/pubs/pdf/FR333/FR333.pdf>

<sup>45</sup> Uganda's page, United Nations Population Fund, <https://www.unfpa.org/data/UG>.

<sup>46</sup> UGANDA Country profile, *UNFPA–UNICEF Global Programme to End Child Marriage*, 2019, <https://www.unicef.org/media/88846/file/Child-marriage-Uganda-profile-2019.pdf>.

<sup>47</sup> UNGEI, Revised Guidelines Prevention Management Teenage Pregnancy School Settings Uganda (2021), <https://www.ungei.org/sites/default/files/2021-02/Revised-Guidelines-Prevention-Management%2520-Teenage-Pregnancy-School-Settings-Uganda-2020-eng.pdf>.

<sup>48</sup> « Leave No Girl Behind in Africa Discrimination in Education against Pregnant Girls and Adolescent Mothers », *Human Rights Watch*, 14th June 2018, [https://www.hrw.org/report/2018/06/14/leave-no-girl-behind-africa/discrimination-education-against-pregnant-girls-and#\\_ftn80](https://www.hrw.org/report/2018/06/14/leave-no-girl-behind-africa/discrimination-education-against-pregnant-girls-and#_ftn80).

<sup>49</sup> « Submission by Human Rights Watch to the UN Special Rapporteur on the Right to Privacy », *Human Rights Watch*, 19th October 2020, <https://www.hrw.org/news/2020/10/19/submission-human-rights-watch-un-special-rapporteur-right-privacy>.

<sup>50</sup> <https://irp-cdn.multiscreensite.com/a135ac62/files/uploaded/NATIONAL%2520SEXUALITY%2520EDUCATION%2520FRAMEWORK.pdf>.

<sup>51</sup> General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, *Conventions on the Rights of the Child*, United Nations, 6th December 2016, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%252fC%252fGC%252f20&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%252fC%252fGC%252f20&Lang=en).

<sup>52</sup> « International technical guidance on sexuality education: an evidence-informed approach », *UNESCO*, 2018, <https://unesdoc.unesco.org/ark:/48223/pf0000260770>.

<sup>53</sup> « A Policy Brief on the Economic Impacts of Child Marriage in Uganda », *Girls Not Brides Uganda, The Ugandan Partnership to End Child Marriage*, [https://www.icrw.org/wp-content/uploads/2018/10/GirlsNotBrides\\_UgandaEICM\\_Brief\\_v5.pdf](https://www.icrw.org/wp-content/uploads/2018/10/GirlsNotBrides_UgandaEICM_Brief_v5.pdf).

- Monitor schools to ensure girls are not discriminated against or excluded due to pregnancy or parenthood.
- End compulsory pregnancy testing in schools.
- Ensure sexuality education complies with international human rights standards and best practices, including UNESCO's International Guidance on Comprehensive Sexuality Education.
- Reform marriage laws to align them with international human rights law, in collaboration with civil society groups working on women's and girls' rights. Enact legislation setting a minimum marriage age of 18 for both spouses without parental consent.

## Forced evictions

Years of security forces' forced evictions in Apaa, Northern Uganda, gained attention in June 2018 when 200 residents traveled 100 kilometers to seek refuge at the UN Office of the High Commissioner for Human Rights (OHCHR) in Gulu after soldiers torched homes, beating and killing a resident as part of an eviction exercise. The forced evictions have continued.

Between November 2019 and March 2020, Uganda's Electoral Commission sought to update the national voters' register, verifying existing voters and registering newly eligible ones across the country, but excluded Apaa,<sup>54</sup> leaving thousands of eligible voters unable to participate in the 2021 elections.

### **Recommendations:**

- End forced evictions and establish an effective consultative process to resolve the Apaa property dispute, based on respect for property rights and fair procedures for compulsory acquisition of land and equitable compensation.
- The Ugandan Electoral Commission should ensure all eligible Apaa residents are included in the updated voters' register and can participate in future elections.

## Shackling of People with Psychosocial Disabilities

Uganda committed to implementing recommendations on protecting the rights of persons with disabilities.<sup>55</sup> People with psychosocial disabilities (mental health conditions) in Uganda can be shackled<sup>56</sup>—chained or locked in confined spaces—due to inadequate support and mental health services, as well as widespread beliefs that stigmatize people with psychosocial disabilities.

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<sup>54</sup> « Uganda: Northern Village May Be Disenfranchised Ensure All Eligible Citizens in Apaa Right to Vote; Access to Polls », *Human Rights Watch*, 22nd December 2020, <https://www.hrw.org/news/2020/12/22/uganda-northern-village-may-be-disenfranchised>.

<sup>55</sup> See recommendations 115.130, 115.129, 115.131, 115.21, 116.18, 115.140, 115.122 and 115.20 on persons with disabilities' rights.

<sup>56</sup> « Living in chains. Shackling of People with Psychosocial Disabilities Worldwide », *Human Rights Watch*, October 2020, [https://www.hrw.org/sites/default/files/media\\_2020/10/global\\_shackling1020\\_web\\_2.pdf](https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf).

The UN special rapporteur on torture has noted<sup>57</sup> that shackling “unequivocally amount(s) to torture even if committed by non-State actors under conditions in which the State knows or ought to know about them.”

**Recommendations:**

- Ban shackling.
- Create and implement a de-institutionalization policy with a time-bound action plan for de-institutionalization, based on the values of equality, independence, and inclusion for persons with disabilities, and shift progressively to voluntary community-based mental health, support, and independent living services.

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<sup>57</sup> « Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana », Human Rights Council 31st Session, 25th February 2015, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/036/92/PDF/G1603692.pdf?OpenElement>.