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UGANDA



ALTERNATIVE CSO REPORT DUE SUBMISSION TO THE HUMAN RIGHTS COMMITTEE ON CIVIL AND POLITICAL RIGHTS

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ABBREVIATIONS AND ACRONYMS

ACTV	African Centre for Treatment of Torture Victims
ACU	Anti-Corruption Unit
COPTIP	Coordination Office for Prevention of Trafficking in Persons
CSOs	Civil Society Organisations
DGF	Democratic Governance Facility
FIA	Financial Intelligence Authority
FY	Financial Year
GBV	Gender Based Violence
IGG	Inspectorate of Government
JSC	Judicial Service Commission
LASPNET	Legal Aid service Providers
MDAs	Ministries, Departments and Agencies
MIA	Ministry of Internal Affairs
MoGLSD	Ministry of Gender, Labour and Social Development
MoFPED	Ministry of Finance, Planning and Economic Development
MoJCA	Ministry of Justice and Constitutional Affairs
NAP	National Action Plan on Human Rights
NGOs	Non- Governmental Organisations
NUP	National Unity Platform
ODPP	Office of the Director of Public Prosecutions
PSU	Professional Standards Unit
PTIP	Prevention of Trafficking in Persons, Act, 2009
UHRC	Uganda Human Rights Commission
ULS	Uganda Law Society
UWONET	Uganda Women's Network

UWOPA	Uganda Parliamentary Women Association
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UPS	Uganda Prisons Service

CIVIL SOCIETY'S RESPONSES TO THE LIST OF QUESTIONS

General information on the situation of human rights in the country, including new measures and developments related to the implementation of the Covenant.

1. Please provide detailed information on measures and developments since the consideration of the previous periodic report, including the legal and institutional framework for the promotion and protection of human rights at the national level. According to the Committee's previous final observations, please provide examples, if any, of cases in which domestic courts have directly applied the provisions of the Covenant or referred to it in interpreting domestic legislation.
2. Please specify the mechanisms available to the State party to implement the Committee's concluding observations, if any. Please provide information on the implementation of the previous concluding observations.
3. Please indicate the procedures for giving effect to the Committee's Views under the Optional Protocol to the International Covenant on Civil and Political Rights. Please also indicate whether concrete measures have been taken to implement the Committee's Views against the State party.

Constitutional and legal framework for the implementation of the Covenant (art. 2)

4. In light of the information provided in the State party's periodic report (CCPR/C/UGA/2, paras.30; 42-49), please update the Committee on any additional developments in regard to domesticating the provisions of the Covenant, as recommended by the Committee in its previous concluding observations (CCPR/CO//80/UGA, para. 6). Please include information on: (a) the extent to which provisions of the Covenant have been applied by domestic courts and administrative authorities; (b) the status of the harmonization of all sources of law in the country in line with the provisions of the Covenant, notably in regard to the customary law system in force in the State party and its interaction with statutory law; and (c) steps taken to finalize, issue and implement the National Action Plan (NAP) on Human Rights, which was prepared in 2014 and was ready for approval in 2016 but appears not to have been implemented yet.

5. In view of the Committee's previous concluding observations (CCPR/CO//80/UGA, para. 7) and the State party's periodic report (paras. 62-65), please comment on reports that the current financial and human resources of the Ugandan Human Rights Commission (UHRC) are insufficient to enable it to effectively fulfil its mandate. Please provide information on how the State intends to support the UHRC in addressing the current backlog of cases to be disposed of at the Tribunal level and provide updated figures on the backlog and its impact on access to justice for victims of human rights violations. Please provide information on how the State party intends to address the significant delays to disbursement of UHRC Tribunal compensation awards, following the transferal of responsibility for paying out compensation awards from the Ministry of Justice and Constitutional Affairs to the respective line ministries and agencies. Please comment on the implications for the independence of the UHRC resulting from the appointment of its members directly by the President.

6. Please provide information on steps taken towards the implementation of the National Transitional Justice Policy (NTJP) adopted in 2019, including information on the planned timeframe for the enactment of the Transitional Justice Bill. Please include details on the involvement of victims in the development of the different components of the policy. In view of the considerable delay in the development and implementation of the policy since 2008, please provide information on measures taken in the interim to provide support to victims, including financial support.

Domestication of the provisions of the ICCPR

Since the last periodic report to the Human Rights Committee, Uganda has enacted a number of legislations to domesticate the provisions of the ICCPR. In March 2019, the President assented to the Human Rights (Enforcement) Act, 2019 which gives effect to Article 50 (4) of the Constitution by providing for the procedure of enforcing human rights under Chapter Four of the Constitution, and for related matters. This notwithstanding, the Human Rights (Enforcement) Act, 2019 has faced implementation challenges due to among others inadequate resources. Uganda has enacted the Prevention and Prohibition of Torture Regulations, 2017 which are intended to operationalise the provisions of the Prevention and Prohibition of Torture Act, 2012. Though Uganda has taken positive steps, laws including the Computer Misuse (Amendment) Act, 2022 have been enacted that impede the enjoyment as provided in the ICCPR.

Policy Framework on Human Rights

Concerning the policy framework, The National Action Plan on Human Rights is yet to be put in place. On 13th February 2019, the Uganda Police Force in partnership with Human Rights Network Uganda launched a Human Rights Policy.¹

Application of the provisions of the ICCPR in domestic courts

Ugandan courts such as the Constitutional Court have made reference to the provisions of the ICCPR, for instance, in the case of *Andrew Karamagi & Anor Vs. Attorney General*, the Court found that Section 25 of the Computer Misuse Act, 2011 was inconsistent with Article 29 of the Constitution and Article 19(2) of the ICCPR.² On March 26th, 2020, the Constitutional Court, in the case of *Human Rights Network Uganda v. Attorney General*, annulled section 8 of the Public Order Management Act that provided for Police regulation and restriction of public gatherings and assemblies. The provision was found to be in contravention of Article 29 (1) Constitution and Article 21 of the ICCPR. The Court noted that in the event the Police anticipate a breach of the peace at a public gathering, their duty is to provide reinforced deployments and not to prohibit the planned gathering altogether. Subsequently, in 2023, the Constitution court ruled that sections 5 and 10 of POMA also contravened Article 29 (1) of the Constitution.

Effective implementation of the mandate of the Uganda Human Rights Commission

After the September 2019 hearings, the Uganda Human Rights Commission (UHRC) resumed hearing cases of human rights violations in January 2023 which had stalled due to delays in fully constituting the UHRC and inadequate funding. Though the Ministry of Justice and Constitutional Affairs (MoJCA) paid out compensation awards to victims of human rights violations of UGX 1,322,823,982 there is still an outstanding balance is UGX 810,435,505. Since decentralisation of awards on 1 July 2015, UPF has paid UGX 701,366,500 and is to pay UGX 570,244,300, UPS has not made any payment of UGX 295, 600,000 awarded against it. In 2022, Uganda Wildlife Authority paid UGX 14,000,000 in compensation to one complainant.³

Liabilities of MoJCA arising from court awards and compensations, stood at UGX. 377,429,099,424 as at the period ending 30th June 2021. Only UGX. 19,160,000,000 was budgeted for, with interest accruing standing at UGX.

¹ <https://www.upf.go.ug/uganda-police-force-launches-human-rights-policy/>.

² Constitutional Petition No. 5 of 2016, 15.

³ Uganda Human Rights Commission (UHRC) 25th Annual Report, launched on 19 May 2023.

115,667,496,357 at the end of the Financial Year (FY) 2021/22. Out of the reviewed 88 court awards worth UGX. 227,100,829,847, 44 cases with a total debt of UGX. 208,996,489,066 have remained outstanding for more than ten years. Of these, 24 cases are accumulating interest at an average annual rate of 7%. MoJCA lacks a comprehensive and accurate record of all cases and there are challenges in prioritisation of high-interest cases and estimation of contingent liabilities.⁴

Although the decentralisation of court awards and compensation was intended to address accumulation of arrears arising from court awards and compensation, starting with obligations for the financial year 2016/2017, the Auditor General's preliminary findings indicate that some Ministries, Departments and Agencies (MDAs) and Local Governments are still accumulating court awards. The said report indicated that nine entities owed a sum of UGX. 604,091,207,112 in outstanding court awards at the start of the year in spite of these entities fully declaring their liability to the Ministry of Finance, Planning and Economic Development (MoFPED) for budgeting and settlement, only UGX. 26,622,994,920 (4%) was provided, leaving a balance of UGX. 577,468,212,192 unbudgeted. As of the 30th of June 2022, the outstanding awards at MoJCA had accumulated interest amounting to UGX. 115,667,496,357, which is 73% of the principal amount awarded.⁵ He also reviewed 278 court awards across six (6) entities and noted that 37 awards have remained outstanding for more than ten years; 116 cases ranged between 5 to 10 years without settlement.⁶

Recommendation:

The government of Uganda should:

- Allocate resources for the enforcement and implementation of the Human Rights (Enforcement) Act 2019 to enable citizens fully realize the human rights guaranteed by the Chapter Four of the Constitution of Uganda.
- Repeal the Computer Misuse Act of 2022 which infringes on the peoples' liberties as provided in the ICCPR.
- Implement the provisions of the National Action Plan on Human Rights.
- Uphold the rule of law and respect the decisions of the Courts of law especially in respect to the rulings that repealed sections of the Computer Misuse Act and Public Order Management Act.

⁴ As above,369-370.

⁵ As above,123-124.

⁶ As above,124.

- Prioritize the payment of compensation awards issued by the Uganda Human Rights Commission and other statutory bodies to ensure that timely justice is served.

Anti-corruption measures (arts. 2 and 25)

7. In light of information provided by the State party in its report (paras. 136-138), please respond to reports that corruption, including bribe-seeking by public officials, remains widespread. Please report on the impact of measures taken to combat corruption and provide information on measures taken to strengthen legal and institutional capacity to ensure the effective investigation and prosecution of complex and high-level corruption cases.

Measures taken to strengthen legal and institutional capacity.

The Anti-Corruption Act, 2009 mandates the Inspectorate of Government and the Directorate of Public Prosecutions to prosecute corruption cases. The Zero Tolerance to Corruption Policy was launched 4th December 2019 by H.E the President of Uganda. The 2019 Constitution (Recusal of Judicial Officers) (Practice) Directions regulate issues of ethics, integrity and conflicts of interest among Judicial Officers.⁷

The Government of Uganda established the Anti-Corruption Division of the High Court in 2008 to adjudicate corruption cases and operationalised the Leadership Code Tribunal to enforce the Leadership Code in July 2020. The Anti-Corruption Inter Agency Forum (IAF) was put in place to ensure that the National Anti-Corruption Strategy (NACS) is effectively implemented to promote the fight against corruption and related malpractices.

The Judicial Service Commission (JSC) is mandated with disciplining errant judicial officers. Disciplinary measures have however mostly been applied to low-ranking judicial officers and prosecutors. Although high-profile cases have been reported to the JSC against judges, the outcome of these cases has not been made public. The JSC, introduced the Electronic Court Case Management Information System (ECMIS), to reduce human contact with the processing of cases and hence bribery, however according, to the Auditor

⁷<https://uncaccoalition.org/new-civil-society-report-on-uganda-calls-for-stronger-anti-corruption-bodies-enhanced-civil-society-participation-and-effective-asset-recovery-laws-to-advance-the-fight-against-corruption/>

General's Report of 2022, he pointed out the case management system had not been utilised.

While judges and prosecutors are required to declare their wealth under the 2002 Leadership Code Act (as amended), these declarations are not made public and there is inadequate follow-up to verify their authenticity. In the first 6 months of 2020, the Inspectorate of Government sanctioned 341 of 669 complaints of corruption and maladministration to be investigated. However, only 23 prosecution cases were closed, and only 8 arrests occurred during that period and none of the arrests were for high-level government officials.

Section 13 (b) of the National Audit Act, 2008 requires the Auditor General to conduct the following audits: Financial audits, Value for money, Engineering, Information Systems, Special/Forensic Audits, Gender and Environment and any other audits in respect of any project or activity involving public funds, Classified expenditure, Government investments, Procurement audits, and Treasury Memoranda. Under Article 163 (4) of the Constitution, he is also required to submit to Parliament annually a report of the accounts audited by him for the year immediately preceding.⁸

Despite these initiatives, corruption remains one of the major development challenges in Uganda. In 2019, corruption cost each Ugandan at least UGX 200,000.⁹ There has been a record of inadequate implementation of anti-corruption regulations, gaps within anti-corruption laws, internal weaknesses in anti-corruption institutions, state patronage, limited access to information, and limited citizen and civil society engagement in human rights related work. Misuse of public funds accounts for as much as 20% of Uganda's government revenue.¹⁰ while another study funded by German Corporation for International Cooperation (GIZ) in 2021¹¹, documented that UGX 10 trillion of the state budget is lost every year to corruption.

The Financial Intelligence Authority (FIA), which is in charge of investigating money laundering in Uganda and enforcing anti-money laundering laws has challenges of inadequate funding, up to date technology to track money effectively, experience and relevant skills to convict individuals on money laundering charges.¹²

⁸ The 1995 Constitution of the Republic of Uganda as amended.

⁹ Cost of Corruption in Uganda, Popular Version, Inspectorate of Government, December 2021, 4.

¹⁰ Ballard Brief, Vol. 2022 [2022], Iss. 2, Art.2, 2.

¹¹ Study on the Cost of Corruption In Uganda, by Mihály Fazekas et al, Inspectorate of Government / Governance Transparency Institute, December 2021.

¹² Corruption in Uganda, Ballard Brief, Vol. 2022 [2022], Jared Saxton, Iss. 2, Art.2, 9.

The IG Data Tracking Mechanism (2014) revealed that though Uganda was doing well at enactment of anti-corruption laws (at 99%) it was poor at implementation (at 54%) due to patronage and lack of political will, and challenges within anti-corruption institutions including limited funding, under staffing, corruption, and external interference.¹³

The government of Uganda should:

- Ensure equal and effective application of the law to all public servants Implicated in corruption cases.
- Strengthen the prosecutorial capacity of government agencies charged with investigating and prosecuting corruption and money laundering cases.

Non-discrimination (arts. 2, 19, 20 and 26)

8. Please provide further information on the steps taken to ensure that the State party's legal framework: (a) provides full and effective protection against direct, indirect, and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under the Covenant, including sexual orientation and gender identity; and (b) provides for effective remedies in judicial and administrative proceedings for victims of discrimination. Please indicate if the State party intends to adopt comprehensive anti- discrimination legislation to address the above requirements.

9. Please provide information on the number of arrests, prosecutions, convictions, and sanctions imposed for same-sex sexual relations in the past five years and indicate whether the State party intends to repeal the criminalization of consensual same-sex relationships between adults to ensure compliance with its obligations under articles 2, 17 and 26 of the Covenant. Please respond to reports of discrimination, stigmatization, harassment, and violence, including while in police custody, on the basis of sexual orientation or gender identity, and provide information on the measures taken to prevent and combat such acts, and the impact of such measures.

¹³ Inspectorate of Government. (2014). Tracking Corruption Trends in Uganda: Using the Data Tracking Mechanisms. Kampala: Economic Policy Research Centre. Accessed at: https://www.igg.go.ug/static/files/publications/tracking_corruption_annual_report_4th_edition.pdf

Grounds for prohibition of discrimination

In Uganda, prohibition of discrimination is based on grounds of political affiliation, sex, gender, economic and social status as well disability is prohibited.¹⁴ On Monday, 29th May 2023, the President of the Republic of Uganda His Excellency Yoweri Kaguta Museveni assented to the Anti-Homosexuality Act, 2023. Human rights activists have filed a constitutional petition to determine the legality of this Act.

Between October and December 2022, there were four reported incidents of police raids on offices of sexual minorities.¹⁵ There are four prosecutions ongoing in the country related to same sexual acts. Human Rights Awareness and Promotion Forum (HRAPF) received and handled 59 cases. Of these, 40 cases (67.8%) involved violence and violations targeting the victims purely on the basis of their presumed sexuality, 11 cases were arrests of people based on their presumed sexuality, 14 were crimes against persons on basis of their sexuality, and 15 were cases of evictions from rented property.¹⁶ There have been 11 arrests on grounds of their presumed sexuality and/or gender identity. Of the 11 cases, 7 cases did not proceed to court while in 4 cases, the cases proceeded to court.

Implementation of laws and policies

The Succession Act (2022) which was passed last year actualised the declarations in the constitutional petition *Law Advocacy for Women in Uganda v Attorney General (Constitutional Petition No. 13 of 2005)*. This court found that several provisions of the old Act were discriminative against women and declared them unconstitutional. The new Act took that into account and has greatly eliminated discriminative provisions, increasing equality of males and females. In response to advocacy by women rights organizations, some cultural institutions like the Ker Kwar Acholi have enacted a bye law to provide for the rights of women and girls to inherit land and other properties from their deceased parents.

The Marriage Bill 2022 is still a draft and is yet to be introduced as a private member's bill. This is an initiative of the Uganda Women's Parliamentary Association (UWOPA) which is being supported by the Marriage and Divorce Bill Coalition (a group of marriage reform advocates) under the leadership of Uganda Women's Network (UWONET).

¹⁴ Article 21 of the 1995 Constitution of the Republic of Uganda as amended.

¹⁵ Chapter Four Uganda, a Non-Government Organisation in Uganda focusing on enjoyment of civil liberties created a tracker.

¹⁶ It is the Human Rights Awareness and Promotion Forum, a Non-Government Organization which among other things provides legal aid to key populations in Uganda. 1

The government of Uganda should:

- Repeal the Anti Homosexuality Act 2023 which seeks to discriminate against sexual minorities, in contravention of the constitution and ICCPR.
- Fast track the enactment of the Marriage Bill 2022 which provides for equality for women in domestic relations.

Counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

11. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 8) and the information provided by the State party in its report (para. 66), please comment on reports indicating that the 2002 Terrorism Act is still not in conformity with the Covenant, notably in regard to the absence of adequate safeguards, such as judicial review on the use of discretionary powers by law enforcement and security forces, and the lack of access to legal remedy for victims of human rights violations. Please provide information on reports that four NGOs working in the field of good governance and election observation had their bank accounts frozen during the 2021 election cycle for alleged terrorism-financing activities.

The Anti-Terrorism Act, 2002 (as Amended) has been selectively applied to target opposition political party members, stifle political dissent and lawful civil society activities related to good governance, transparency, accountability and rule of law.¹⁷ In September 2021, the State preferred terrorism charges against Honourable Allan Ssewanyana and Muhammed Ssegirinya following a spate of murders by panga wielded people in the Greater Masaka districts. They were detained for one and a half years until they were granted bail in February 2023.¹⁸

During the 2021 General Elections, the FIA ordered for the freezing of the bank accounts of NGO Forum and UWONET on grounds that the two organisations were involved in terrorism financing activities. Whereas the accounts were later unfrozen, the two organisations challenged the actions of FIA before the High Court in the case of *Uganda Women's Network and Another Vs. FIA and the Attorney General*, in which court ruled that it was unlawful for FIA to order for the freezing of the bank accounts of the organisations.¹⁹

¹⁷ Laws of Uganda

¹⁸ Members of the 11th Parliament in Uganda belonging to the National Unity Platform an opposition Political Party in Uganda.

¹⁹ Misc. Cause 23 of 2021.

Violence against women, including sexual violence (art. 2, 3, 6, 7 et 26)

12. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 11) and the information provided in the State party's report (paras. 77-84), please provide information on the effectiveness of the law enforcement response to violence against women and girls, including sexual violence and domestic violence. Please provide information on the status of enactment of the Sexual Offences Bill, currently before Parliament, and how it will ensure the criminalization of marital rapes.

Despite positive steps taken in in legal and policy reform, a number of challenges remain including provision of adequate human and financial support to MDAs to prevent and respond to (Violence Against Women and Girls) VAWG. Whereas UPF planned to investigate and complete 7000 cases of sexual gender-based violence crimes using a budget of UGX. 350,000,000, with 92% of the budgeted funds released only 10% of the planned cases were investigated.²⁰

Death penalty (art. 6)

13. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 13) and the information provided in the State party's report (paras. 86-88), please provide information on steps taken to revise the current legislation to ensure that the death penalty is authorized only for the most serious crimes, in the most exceptional cases and under the strictest limits [GC 36, § 5], involving intentional killing [idem, § 6], is never mandatory, and that pardon or commutation of the sentence, as well as full right to appeal, is available in all cases, regardless of the crime committed. Please provide updated information on the resentencing of death penalty cases for those people currently on death row, following the landmark 'Kigula' decision by the Supreme Court in 2008. Please also provide information on whether there are any plans by the State party to abolish the death penalty and accede to the Second Optional Protocol to the Covenant.

Steps taken to revise the current legislation.

In as much as Uganda currently has 28 death penalty applicable crimes in three different statutes (the Penal Code Act 2007; the Anti-Terrorism Act 2002; and the Uganda Peoples Defence Forces Act 1992, no execution has been

²⁰ Report of the Auditor General to Parliament for the Financial Year ended 30th June 2022, 1 382.

carried out since 1999 (civilians) and 2005 (military). The last death sentence issued by a civilian court was on 12 August 2011.

The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, 2019 (in line with the outcome of the AG V Susan Kigula & 417 Others) has amended the Penal Code Act Cap 120 and the Anti-Terrorism Act 2002 to outlaw mandatory death penalty including the restriction of the most serious crimes and in the most exceptional cases under the strictest limits, the restriction on the discretion of the court to pass the death sentence in exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate, and the prohibition of sentencing persons below the age of 18 to the death.²¹

According to the Government, the courts in 2009 commenced the resentencing of prisoners on death row, and as a result of this, the number of death row inmates reduced from 505 in 2011 to 120 in 2022. As of May 2023, the current number of death row inmates is 118 with 116 males and 2 females. In terms of parole, in May 2023, one male death row inmate was freed after age and health considerations by the State.

The 116 male death row inmates and two females on death row have however been on death row more than 5-15 years. By not commuting their death sentences to life imprisonment, the Government is failing to observe the rulings of the landmark ruling AG v Susan Kigula and 417 Others which allows for the commuting of death sentences to life in prison for persons who have been on death row for more than three years. It is alleged that in some cases persons who are sentenced to death cannot access resentencing services because their case files could not be found/are non-existent. The non-existence of their files makes it difficult for them to be beneficiaries of the Suzan Kigula ruling which allowed for the commutation of the death sentence to life in prison for people who have been on death row for more than three years.

In regard to the abolition of the death penalty and ratification of the Second Optional Protocol to the ICCPR, Government has taken note of such recommendations and indicated its interest in considering the ratification of the Protocol.²² Even though the Government has not clearly taken any outstanding initiatives to implement the Protocol, there has been no civilian or military execution since 1999 or 2005 respectively.

The government of Uganda should:

²¹ Penal Code Act Cap.120

²² CCPR/C/UGA/RQ/2 Para. 51

- Refrain from selective application of the laws against the political opposition and dissenting voices, especially the in the application of the Anti-Terrorism Act and the Anti Money Laundering Act.
- Enhance the capacity of the UPF to investigate and complete sexual gender-based crimes reported to it by the citizens.
- Ratify and implement the Second Optional Protocol to the ICCPR

Right to life and excessive use of force (arts. 3 and 6–7)

14. With reference to the Committee's previous concluding observations (CCPR/CO/80/UGA, para. 16), and the information provided in the State party's report (paras. 93-94), please comment on continuing reports of the excessive use of force and firearms by police officers and security forces, which has led to death in several instances. Please respond to allegations that, despite the existence of domestic legislation protecting the right to life, and regulating the use of firearms by police and security forces, police and security forces were responsible for the killing of at least 54 participants in the context of response to protests by opposition party supporters during the 2020/2021 election campaign, and for the killing of 116 members of the Bakonzo ethnic group during a siege of the Bakonzo cultural king's palace in Kasese town in 2016, including women and children.

15. Please provide, for each of the past five years, the number of complaints filed, investigations and prosecutions undertaken, and convictions handed down for excessive use of force and unlawful killings by law enforcement officers and security forces, including with regard to the 2021 election campaign protests and the events in Kasese in 2016. Please provide details on compensation provided to the victims' families, as well as to those who suffered injuries. Please provide information on measures taken to prevent and combat such violations effectively, including, for each of the last five years, the number of police and security personnel trained on human rights standards regarding the use of force and firearms (including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990) and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement (2020)). Please provide information on mechanisms for independent oversight of law enforcement and security forces.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7 and 10)

13. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 17) and the information provided in the State party's report (paras. 95-105), please comment on the reported continuing prevalence of torture by police and security forces, including the alleged torture of opposition leader Robert Kyagulanyi (commonly known as 'Bobi Wine'), opposition member of parliament Mr Francis Zaake and author Kakwenza Rukirabashaija. Please provide information on reports of torture of detainees held in incommunicado detention. Please also provide, for the past five years' statistics on the number of investigations, prosecutions, convictions, or acquittals recorded in relation to acts of torture and other cruel, inhuman, or degrading treatment.

Prevalence of Torture

In February 2023, the Attorney General cautioned public officials against torture and pledged not to defend any public official implicated in a torture related matter in Uganda.²³ This was an indication of the will to prosecute those found in abuse or violation of Article 24²⁴ and 44 (a)²⁵ of the Constitution²⁶ which is also criminalised in Section 4 of the Prevention and Prohibition of Torture Act No.3 of 2012.²⁷

In spite of this caution however, according to the UHRC 24th Annual Report, 2021, security agencies had the highest number of complaints lodged against them, with a substantial increase in 2021 as compared to 2020. The second highest number of complaints were registered against the UPF was the alleged violation of the right to freedom from torture with 107 complaints and the UPDF with 80 complaints.²⁸

In 2021, African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) registered 1,032 torture allegations from Ugandans seeking health and legal assistance where the alleged perpetrators included the UPF and UPDF.²⁹ In addition, there were a significant number of cases where the perpetrator

²³ <https://www.monitor.co.ug/uganda/news/national/we-won-t-defend-officials-on-torture-ag-4113132>

²⁴ Guarantees Freedom from Torture and Cruel, Inhumane, Degrading Treatment or Punishment.

²⁵ Freedom from Torture and Cruel, Inhumane, Degrading Treatment or Punishment is a non derogable Freedom.

²⁶ 1995 Constitution of the Republic of Uganda as amended.

²⁷ Laws of Uganda.

²⁸ <https://www.uhrc.ug/download/24th-annual-report/?wpdmdl=1696&refresh=6311b11a7fb981662103834>

²⁹ African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) 2021 Annual Report. 1

was a private individual. This was mainly in cases of mob “justice” and land disputes. Table 1 shows torture allegations received by ACTV.

Table 1: Torture Allegations Received by ACTV

	Alleged perpetrator				
Category	2018	2019	2020	2021	TOTAL
Army (UPDF)	257	569	426	370	1,622
Uganda Police	327	451	170	126	1,074
Persons acting in Private capacity	103	394	104	166	767

Survivors alleged the motive for torture included intimidation (194), punishment (188), election-related violence (162) and forced confession (78), while a very high number were also tortured by the Uganda Army in the context of the disarmament process (196) in the Karamoja region.

Between 2020 and 2021 ACTV documented 166 cases arising from torture and ill-treatment during the enforcement of the COVID-19 Standard Operating Procedures and enforcement of the presidential directives and, similarly, the UHRC received 124 complaints of torture out of the 164 cases registered in 2020. The victims included activists and politicians who demanded social equality during the pandemic³⁰, and persons in the community found breaching the guidelines. Perpetrators included Law enforcement that included UPF, Local Defense Units (LDU), and UPDF.³¹

³⁰ <https://www.monitor.co.ug/uganda/news/national/dr-stella-nyanzi-bajjo-and-several-others-arrested-over-food-protest-1890628>

³¹ <https://monitor.civicus.org/updates/2020/08/31/continued-rights-violations-reported-throughout-covid-19-lockdown-and-run-national-elections/>

In Uganda, persons deprived of liberty are held in prison facilities, police stations, police posts, military detention facilities, ungazetted places of detention and house arrests. Access to justice includes equitable access to timely treatment. From January 2016 to March 2020,³² ACTV registered 2,334 survivors of torture during prison visits, most of whom had been tortured during arrests and interrogations by other security forces. Uganda continues to use ungazetted places of detention.³³ According to the November 2019 Report of the Committee of Parliament on Human Rights on Alleged Torture in ungazetted Detention Centres in the Country, several victims testified before the Committee to having been tortured in these centres, commonly known as ‘safe houses’, that were operated by the Internal Security Organisation (ISO). Between the years 2018 – 2020, ACTV registered 33 survivors alleged to have been tortured in various ungazetted places of detention. Furthermore, in the aftermath of the 2021 General Elections, several citizens came out to declare that their family members had gone missing and could not be traced in any of the legal, gazetted and known places of detention. Some of these persons have later resurfaced and eventually gave account of having been held and detained in some unknown location.

The government of Uganda should:

- Take active steps to eliminate the use of ungazetted detention facilities for interrogation and torture by security agencies.
- Prosecute and hold accountable perpetrators of torture

Accountability for acts of torture

Uganda continues to face a challenge in investigations not only for criminal but civil cases. In as much as the Office of the Director of Public Prosecutions (ODPP) has made commendable progress in prosecuting torture related cases, most of them are those brought up against private individuals not against public officials. The Annual Crime Reports released by the UPF over the years fail to report on torture only citing child torture related cases but not those for the majority age.³⁴ This highlights a gap in effective documentation of torture.

In May 2023, the UHRC awarded compensation to 26 complainants who had been tortured. Uganda, however, still grapples with the actual receipt of these

³² Since March 2020, ACTV has been granted permission in August 2022 to access places of detention.

³³ African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) Annual Reports, 2016, 2017, 2018, 2019 and 2020.

³⁴ Uganda Police Annual Crime Report, 2022.

awards by complainants, including to those awarded in the previous years. In 2019, ACTV conducted field investigations and collected evidence in the 5 cases of torture listed below, which were referred to the ODPP for prosecution where action was taken.

Table 2: Cases referred to the ODPP where action was taken :

No.	Case File
1.	Uganda Vs A1 Mugondi William & A2 Kasirye Raphael KST-CR-CA-49/2019 CRB 690/2019
2.	Uganda Vs Katetei Kenneth and others Criminal Case No. JJA CRB 249/2016
3.	KMP/GEF/32/2018 Case filed by Lutaaya Mohammed (ACTV/K/2191/2019)
4.	Uganda Vs ASP Mukubwa Kenneth D/ASP & Namulondo Eva Criminal Case 0363/2018 (ACTV/K/1872/2019)
5.	CRB 526/2018 arising from SD 02/27/05/2018 - Katumba Richard (now deceased)

Following allegations of torture of Hon. Zaaake Francis for allegedly violating the COVID-19 guidelines when he distributed food supplies to members of his constituency, two cases were lodged in court.³⁵ Hon. Zaaake Francis was awarded compensation in the civil case however the criminal case,³⁶ which was instituted by ACTV, and taken over by the ODPP, in accordance with Article 120 (c) was subsequently discontinued under Article 120 (d) of the Uganda Constitution.³⁷ In general, torture cases instituted as civil cases are more likely to be more successful than if instituted as criminal cases. Table 3 below shows selected Cases referred to Courts.

Table 3: Selected Cases referred to Courts

No.	Case
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³⁵ Hon. Zaaake Francis Vs A.G & 7 Others HCCS Miscellaneous Cause No.85 /2020 (Plaintiff awarded UGX 75M).

³⁶ Uganda Vs Kagarura Bob, Mwine Alex Mukono, Twesigye Hamdan, Elly Womanya, Walugembe Musa and Oketcho Isaac. Criminal Case No. 2020 of 2020 (Complainant Hon. Zaaake Francis).

³⁷ Application by ODPP granted on 18th August, 2020.

1.	<i>Behangana and Another V Attorney General</i> court held that the assault on the petitioners during arrest and while in Police custody contravened Article 24 of the 1995 Constitution of the Republic of Uganda. ³⁸
2.	<i>Issa Wazembe V Attorney General</i> , court held that freedom from torture is a non-derogable right under the constitution and awarded UGX 50,000,000/= (Fifty million Uganda Shillings / EUR 13,000) for the illegal detention and UGX 15.000.000 (Fifteen million Uganda Shillings / EUR 4,000) as punitive damages against the defendant for the gross violation of human rights under the Constitution. ³⁹
3.	<i>Bikyahaga-Namata V Attorney General</i> , court held that the Constitution under Article 22 and 24 respectively guarantees and protects the life of every citizen in this country as well as the right against torture, degrading and inhumane treatment. ⁴⁰
4.	<i>George Kiggundu V Attorney General</i> court, held that the plaintiff proved to court that he suffered physical injuries due to torture and was awarded UGX 50,000,000/=. ⁴¹

There are however challenges related to effective investigation and documentation, firstly, since the Prevention and Prohibition of Torture Regulations 2017 are not yet utilised in prosecution the use of Penal Code Act Cap 120 and Form 3 means that torture allegations are combined with the other approximately 30,000 assault cases each year making data collection on torture investigations challenging. Secondly, failure to document as was seen in the case of Mr. Kakwenza Rukirabasajja, on 13th January 2022, where court ordered a medical examination to be carried out by the prison authorities to determine the allegation of torture. The UPS submitted a report on 20th January 2022, which was not comprehensive as the examiner never followed either Form 4 of the PPTA regulations or the Istanbul Protocol guidelines.⁴² Thirdly, though the ODPP currently uses the Witness Protection Guidelines in addressing some of the challenges brought by the absence of the law, the guidelines by themselves are not sufficient and are not available in the public

³⁸ (CONSTITUTIONAL PETITION NO. 53 OF 2010) (2015) UGCA 6 (12 October) 2015.

³⁹ (Civil Suit No. 154 of 2016 [2019] UGHCCD.

⁴⁰ (Civil Suit No 228 of 2008) [2019] UGHCCD.

⁴¹ (CIVIL SUIT NO. 386 OF 2014) [2019] UGHCCD 189 (19 August 2019).

⁴²<https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.exposeduganda.com%2Fjail-led-author-kakwenza-was-tortured-uganda-prisons-medical->

domain for potential beneficiaries to know when and how they can effectively utilise them. During the documentation of torture arising from the 2021 general election, ACTV engaged with more than 20 persons in the districts of Masaka, Mukono, Kampala, Gomba and Mityana who alleged to have been tortured but refused to share their stories due to fear of reprisals.

The government of Uganda should:

- Implement the Prevention and Prohibition against Torture Regulations 2017
- Expedite the enactment of the Witness Protection Bill, 2015.

Liberty and security of the person (art. 9)

13. In light of the Committee's previous recommendations (CCPR/CO/80/UGA para. 17) and the information provided in the State party's report (paras. 95-105), please respond to persistent reports of arbitrary detention - including incommunicado detention - by police and security forces, targeting journalists, human rights defenders, sex workers, members of the LGBTIQI+ community and political opponents, among others. Please respond to reports that in the context of the 2021 general election cycle, large numbers of opposition candidates and supporters were subject to arbitrary and often violent arrest and held without charge beyond the 48 hour-limit prescribed by the constitution.

14. Please respond to reports that several hundred people were forcibly disappeared by security forces in the period prior to and after the 2021 elections, often having been bundled into unmarked vehicles from the street or from their homes, and interrogated in places of unacknowledged detention, putting them at high risk of extrajudicial killing, torture or ill-treatment. Please provide information on (a) the number of people who were reported as missing, the number who remain missing, and the number of complaints received; and (b) the number and status of criminal trials of security officers, the number of convictions, and details of sentences handed down. c) whether the State party intends to establish an independent investigation mechanism in regard to the allegations of multiple enforced disappearances during the 2021 general election cycle

Treatment of persons deprived of their liberty (art. 10)

15. The Committee takes note of the initiatives described in the State Party's report to reduce overcrowding in detention facilities (CCPR/CO/80/UGA para. 106), in line with its previous recommendation (CCPR/CO/80/UGA, para. 18), and requests information on the State Party's plans to address the persistence of this issue, which worsened during the period of restrictions related to the COVID-19 pandemic. Please respond to reports that many places of detention remain in a dilapidated condition, in which detainees lack access to clean water, sufficient space, lighting, ventilation, sanitation – and in relation to police custody - adequate food. Please respond to reports on the continued use of corporal punishment (caning) in some places of detention.

Arbitrary Detention and Enforced Disappearances

In its 24th Annual Report, the UHRC stated that “The UHRC has, since its inception, raised concerns over the increasing cases of deprivation of the right to personal liberty, including detention of persons in safe houses and incommunicado detention majorly perpetrated by state agents. Deprivation of the right to personal liberty has been reported by UHRC in its annual reports to Parliament as among the top two most allegedly violated human rights, the other being freedom from torture. The period leading to and after the 2021 general elections was characterised by a wave of alleged cases of enforced disappearances of people allegedly arrested by security agencies and taken to unknown detention places”.⁴³ The UHRC in its report went further to state that “Arbitrary arrests and detention remain the most prominent acts used by perpetrators against victims of enforced disappearances. Victims of alleged enforced disappearances were allegedly arrested without being told the reason for their arrest, kept in ungazetted detention facilities, denied access to legal representation, and were not produced before any court or subjected to any judicial process. There were also allegations of over detention beyond the mandatory 48 hours before release”.⁴⁴

On 28th November 2022, the UHRC requested the NUP, a political party, to submit a list of missing persons. On submission, NUP presented the UHRC with 25 names of alleged missing persons, of which the UHRC found only 8 persons (noting that these persons were also held incommunicado before the UHRC established their whereabouts) and the remaining 17 persons, their

⁴³ Uganda Human Rights Commission, The 24th Annual Report On The State Of Human Rights And Freedoms In Uganda In 2021, 77, para 4.

⁴⁴ As above, 87 para 2.

whereabouts are still not known.⁴⁵ As reported in the UHRC report, police arrested and harassed politicians of the opposition including their supporters and civilians who engaged in peaceful protests and public rallies.⁴⁶ This also included the arrest of various journalists for covering stories related to human rights violations in connection with the 2020/2021 general presidential elections.⁴⁷

In regard to the number of persons who are arbitrary arrested, held incommunicado, still missing, number of complaints received, and the status of criminal trials of security officers in the context of the 2021 general election cycle, there exists no concrete public information on these issues, thus it is difficult to establish the answers for them. In the 2021 Police Annual Report, however it was reported that cases of electoral/ political offences as follows, Election Offences 556, Incitement to violence 225, Treason 12, Promoting Sectarianism 4 leading to a total of 797. By the end of the 2021, 151 cases were taken to Court, 32 cases secured convictions, 19 cases were dismissed while 100 cases were still pending in court and 254 cases were still under inquiry.⁴⁸

The 2021 National General Elections were carried out when the country was still experiencing the COVID-19 pandemic and its effects. This posed a challenge to the State and political actors as they had to ensure that campaigns and elections were conducted amidst the requirement to observe the COVID-19 guidelines in order to curb the spread of the pandemic. This resulted in reports of alleged human rights violations including torture. From January 2021 to May 2022, ACTV offered rehabilitation services to 279 cases of torture arising from election-related violence. The main alleged perpetrators were UPDF, UPF, and political leaders. Those mostly affected by torture during elections were the youth aged between 19 and 35 years, and mainly those who were supporters of opposition political parties. Journalists were also targeted as they covered political activities for example, a number of journalists were beaten as the National Unity Platform Presidential Candidate delivered a petition to the United Nations Office of the High Commissioner of Human Rights in Uganda (OHCHR).

The government of Uganda should:

- Respect and uphold the rights of journalists to carry out their work.

⁴⁵ “Commission speaks out on the 25 alleged missing supporters of the NUP” (2023, Jan, 23) UHRC, retrieved from :<https://uhrc.ug/commission-speaks-out-on-the-25-alleged-missing-supporters-of-national-unity-platform-nup/>>.

⁴⁶ Uganda Human Rights Report 2022 : https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf>.

⁴⁷ Ibid.

⁴⁸ Uganda Police Force Annual Crime Report 2021, 25.

- Prosecute the perpetrators of human rights violations against journalists, activists and opposition politicians.

Elimination of slavery, servitude, and trafficking in persons (arts. 2, 7, 8 and 26)

16. In light of reports that trafficking, including trafficking in children, remains prevalent in both domestic and international forms, and in reference to the Prevention of Trafficking in Persons Act, No. 7 (2009) and the National Action Plan for Prevention of Trafficking in Persons in Uganda (2015), please provide information on efforts to increase identification of perpetrators and to improve the rate of prosecutions and convictions, and measures taken to establish an efficient system of support and compensation for victims, particularly children. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 20) and the information provided in the State party's report (paras. 122-125), please comment on the continued prevalence of child labor, including the worst forms of child labor such as commercial sexual exploitation and forced begging, and provide information on plans to bring legislation in line with international standards.

Investigation and prosecution of perpetrators

The Preventing Trafficking in Persons Act of 2009 criminalised sex trafficking and labour trafficking and prescribed punishments of up to 15 years' imprisonment for offenses involving adult victims and up to life imprisonment for those involving child victims. The Children Amendment Act of 2016 however conflicted with the 2009 anti-trafficking act in some respects, for example, it defined child sex trafficking to require force, fraud, or coercion, which was inconsistent with the definition of trafficking under international law and prescribed substantially lower penalties for the crime.

In 2021, government reported investigating 421 incidents of human trafficking involving 501 suspects, a significant increase compared with 214 incidents involving 154 suspects in 2020.⁴⁹ Of the 421 reported incidents of human trafficking, at least 278 involved exploitation in Uganda and at least 113 involved exploitation abroad, 30 incidents of trafficking were unknown. Government reported initiating prosecutions against 537 alleged traffickers in 403 cases in 2021, a significant increase compared with prosecuting 283 individuals in 202 cases in 2020. Of the 403 cases filed, at least 256 involved sex trafficking, 103 involved forced labour, and 44 involved unknown

⁴⁹ <https://www.state.gov/reports/2022-trafficking-in-persons-report/uganda/>.

exploitation ; 357 involved exploitation in Uganda and 46 involved exploitation abroad.

The State withdrew 11 cases due to lack of evidence, while 361 cases remained ongoing at the end of the reporting period. Courts convicted 30 traffickers under the Anti-trafficking Act 2009 in comparison with 11 convictions in 2020. Of the 30 convictions, courts convicted 14 traffickers for sex trafficking and 16 for forced labour. Courts sentenced the majority of traffickers to significant prison terms, including the first reported life sentence for a trafficker convicted of child sex trafficking; the average sentence was approximately 10 years' imprisonment. Courts acquitted one trafficker for unspecified reasons.

In response to the pandemic, courts nationwide closed or significantly scaled down operations from June 2021 to November 2021.⁵⁰ During this time, some courts in urban areas utilised virtual options; however, the court closures exacerbated previous case backlogs. ODPP, Department of Gender, Children, and Sexual Offenses held special court sessions to alleviate the case backlog related to sexual and gender-based violence, including potential trafficking crimes; ODPP however did not systematically track trafficking cases tried during these special sessions.⁵¹ The Criminal Investigation Directorate (CID) within the UPF and ODPP maintained anti-trafficking units, which were responsible for responding to trafficking crimes and coordinating between law enforcement officers. In 2021, the Coordination Office for Prevention of Trafficking (COPTIP), in partnership with other sections of the Ministry of Internal Affairs (MIA), established an anti-trafficking unit at major border crossings. In 2019, UPF announced the creation of an Anti-Trafficking Department within CID; however, the department remained awaiting final approval by the public service commission for the second consecutive year.

In 2021, ODPP, in partnership with an NGO, developed and implemented a mobile phone app to collect and disseminate standardised data pertaining to human trafficking investigations and prosecutions, enabling government agencies to track suspected and convicted traffickers and nationwide trafficking trends. Government allocated UGX 50 million (\$14,140) to assist with prosecution-led investigations of trafficking cases, including support for victim protection. Despite increased trainings and new protocols, some UPF and immigration officers continued to lack an understanding of the anti-trafficking law, which could lead to misclassified trafficking cases as other

⁵⁰ As above.

⁵¹ As above.

crimes or the collection of insufficient evidence for trafficking cases to proceed to prosecution⁵².

Government reported identifying 710 victims in 2021, compared with 257 victims in 2020. Additionally, government also intercepted 305 potential victims using screening tools at sites known for transporting trafficking victims, including airports, border crossings, and internal highways, this compared with 378 potential victims intercepted in 2020. NGOs and international organisations reported identifying and assisting at least 826 potential victims, providing them with various services, including medical care, shelter, psycho-social counselling, family reunification, and repatriation assistance.⁵³

The Ministry of Gender, Labour and Social Development (MoGLSD) continued to regulate labour migration and other labour-related matters, including labour trafficking, and increased efforts to improve ethical recruitment practices. In August 2021, the government enacted the Employment (Recruitment of Ugandan Migrant Workers) Regulations of 2021, strengthening the previous 2005 Employment Regulations. The 2021 regulations increased the basic financial and personnel requirements for new and existing labour recruitment companies, prohibited the licensure of companies whose personnel had previous criminal records related to illegal recruitment or human trafficking, increased penalties for violations, and deemed companies' exploitation of workers in forced labour as grounds for suspension of a recruitment license. In 2021, MoGLSD suspended 12 companies' recruitment licenses for engaging in fraudulent and exploitative recruitment activities, compared with no suspensions in 2020. UPF reported arresting three individuals for illegally operating a recruitment company, compared with one in 2020.⁵⁴

As reported over the past five years, human traffickers exploit domestic and foreign victims in Uganda, and traffickers exploit victims from Uganda abroad. Traffickers also exploit women, girls, and boys in sex trafficking throughout the country, particularly in Kampala and other urban areas, in brothels, bars, residential homes, and on the street. Children from the Karamoja region are particularly vulnerable to trafficking due to lack of economic and educational opportunities in the region.

In response to the pandemic, most schools closed from March 2020 to January 2022 during this time, traffickers increasingly exploited children in sex trafficking, including online commercial sexual exploitation, and forced labour

⁵² <https://www.state.gov/reports/2022-trafficking-in-persons-report/uganda/>

⁵³ As above.

⁵⁴ As above.

in domestic work and begging. In some cases, parents exploited their children using forced labour and sex trafficking to supplement family income lost as a result of pandemic-related job loss.⁵⁵ In spite of the various interventions some law enforcement officials lack a victim-centred approach which limits their participation in criminal proceedings and support for victims exploited abroad.

The government of Uganda should:

- Allocate adequate resources and capacity needed to successfully investigate and prosecute human trafficking offences involving Ugandans.

Administration of justice (arts. 2 and 14)

17. Please comment on information received according to which violations of fair trial rights are widespread, including presumption of innocence, the right to be informed promptly of charges, the right to police bond and to bail, the right to be tried without undue delay and the right to access legal representation. Please respond to reports of political interference in the work of the judiciary, prosecution, including the reported practice of re-arresting bailed suspects inside court premises or within minutes of their release. In light of the Committee's previous recommendations (CCPR/CO//80/UGA, para. 21), and the State Party's report, please provide updated information on measures taken to broaden access to legal aid currently still restricted to capital punishment cases and to strengthen legal aid provision, including information on the status of the Legal aid bill (2020), and measures to ensure sustainable and adequate funding.

18. Please explain how the regular use of military courts to try civilians is compatible with the provisions of the Covenant, with reference to the Committee's general comment 13 (para. 4), and general comment 36 (para 45). Please provide information on the use of the UPDF Act (2005), which extends jurisdiction to military courts under certain circumstances, to charge opposition supporters arrested by security forces during the 2021 general election cycle, including the nature of charges, the number of prosecutions and convictions, details of sentences, and the number of those still detained awaiting trial. Please indicate whether there are plans to transfer cases involving civilians from military courts to ordinary courts.

⁵⁵ As above.

19. Please respond to reports that lawyers are discouraged from visiting their clients (especially those representing the LGBTQ+ community and sex workers), often have to pay guards in order to obtain (full) access to their clients, and face intimidation during such visits in the form of threats from police officers. Please respond to allegations of frequent arbitrary detention, intimidation, and harassment of lawyers, particularly those working on human rights cases (including LGBTI, land grabbing and natural resource extraction cases), the reportedly regular occurrence of targeted break-ins at lawyers' places of work in order to steal confidential case-related information, and the alleged failure by police to investigate such break-ins. Please respond to reports that intimidation of lawyers increased during the general election period (2020-2021), including cases of lawyers having been cuffed and physically assaulted in police vans during their arrests.

Enactment of laws to strengthen administration of justice.

Uganda has made commendable strides in enacting laws to foster administration of justice in Uganda. Recently, the Administration of the Judiciary Act, 2020 which operationalises Chapter Eight of the Constitution the Judicature (Court Bailiffs) Rules, 2022, the Judicature (Amicus Curiae) Rules, 2022, the Judicature (Legal Representation at the Expense of the State) Rules, 2022 and the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, 2022 were passed to further strengthen administration of justice.⁵⁶

Strengthening institutional framework

The Judiciary is working together with MoJCA and, in particular Attorney General's Chambers, to submit to Cabinet for its approval, the proposals for the Bill to amend the Judicature Act, Cap. 13 to increase the number of Justices of the Supreme Court from 11 to 21, the number of Justices of the Court of Appeal from 15 to 56. The recruitment and promotion of 288 new judicial officers increased staffing levels of judicial officers from 37% in FY 2020/21 to 45% in FY 2021/22 which enabled the Judiciary to increase the coverage of operational courts from 238 to 300. According to the same report, the Judiciary received additional 258 judicial officers to bridge the staffing gaps and improve service delivery. On 9th August 2021 Cabinet approved an increase of High Court judges from 83 to 151.⁵⁷ Government took steps to enhance the remuneration of the Judicial officers, however, poor

⁵⁶ The Judiciary Annual Performance Report FY 2021/2022, Strengthening Administration of Justice, August 2022 at page XVIII.

⁵⁷ Remarks by the Hon. Minister of Justice and Constitutional Affairs at the 24th annual Judge's Conference held on 30th January, 2023.

remuneration of judicial officers was cited as one of the drivers of corruption in the Judiciary⁵⁸ coupled with incessant budget cuts risked undermining the independence of the Judiciary.⁵⁹

In FY 2021/22, Courts disposed of 205,967 cases out of the total caseload of 373,974. This accounted for 55% of all cases in the system. This was a significant improvement in caseload management from 49% disposal rate of last FY 2020/21. This can be attributed to: recruitment of new justices, judges and judicial officers of the lower bench; operationalisation of new Magistrates' Courts; increased automation of Court processes through court recording and transcription equipment and video conferencing; introduction of the Electronic Court Case Management Information System (ECMIS), increased use of alternative mechanisms of dispute resolution like plea-bargain, small claims procedure and mediation; procurement of vehicles for conducting locus visits and support supervision; increased monitoring and supervision by the Judiciary administration, as well as their increased participation in the Court Open Days. For the Courts, however, to operate effectively on criminal matters, State Attorneys from the ODDP must be readily available, to prosecute cases and advocates defending accused persons in courts. There are 102 courts that do not have State Attorneys and backlog is increasing in the area of criminal justice especially in the Magistrates Courts.

As a result of the improved coverage, more cases have been disposed of and case backlog has also reduced to 30% from 32% in FY 2020/21. Plans are underway to operationalise more High Court Circuits, namely as well as more Chief Magistrates Courts and Magistrate Grade One Courts in the FY 2022/23. The Judiciary continued to digitalise court processes to reduce delays in handling of cases. The ECMIS Go-Live was launched and is operational in 7 pilot-courts. In addition, the ECMIS Kiosks have been set up at the pilot courts to provide free services to court users that are unable to e-file cases from their premises.⁶⁰ The Uganda Police Annual Report 2022 pointed out a general increase in the number of cases taken to Court in 2022. The month of October registered the highest number of cases taken to court (6,601 cases), followed by September with 6,414 cases taken to court, November with 6,211 cases taken to court and May with 6,182 cases. There was an increase in the number of convictions from 673 convictions in January 2022 to 814 convictions in February 2022 to 1072 in October 2022.

⁵⁸ Speech of the Hon. Chief Justice at the Opening of the 21st Annual Judges Conference, 2019 held on January 28th to 31st at Serena Hotel, Kampala.

⁵⁹ As above.

⁶⁰ The Judiciary Annual Performance Report FY 2021/2022, Strengthening Administration of Justice, August 2022.

In spite of the interventions in FY2021/22, case backlog stood at 50,592 Cases (30.11%) against caseload of 168,007 pending cases. In the Supreme Court, 333 (48.5%) cases of 686 pending were backlog cases. In the Court of Appeal/Constitutional Court, 4,918 (59.6%) cases of the 8,250 pending were backlog cases. In the High Court Divisions, 11,650 (37.6%) cases of 30,969 pending were backlog cases. In the High Court Circuits, 19,824 (59.7%) cases of the 33,222 pending were backlog cases. In the Chief Magistrates Courts, 11,228 (15.7%) cases of the 71,159 pending were backlog cases. In the Magistrate Grade 1 Courts, 2,560 (11.3%) cases of the 22,569 pending were backlog cases. In the Magistrate Grade II Courts, 79 (6.8%) cases of 1,152 pending were backlog cases.⁶¹

In 2021, there were incidents of limited access to prisons by the lawyers and relatives of inmates during the COVID-19 pandemic. On 25 March 2020, the Commissioner General of Uganda Prisons, Dr Johnson Byabashaija, issued Administrative Instruction No.04/2020 Coronavirus Disease (COVID-19) Control Measures, which among other things directed for the suspension of all prison visitations as well as the restriction of movement of prisoners as well as staff and their relatives outside the barracks. This, however limited all forms of access to prison inmates, including access by lawyers to their clients. Subsequently, prisoners were held up in detention without physical access to courts or legal advice.⁶² Government later adopted communication technologies which facilitated contact between inmates and their lawyers without breaching the measures put in place to prevent the spread of the coronavirus in prisons. During the 2020 Covid-19 lockdown, the Uganda Law Society subsequently applied to get clearance to become essential workers on the basis that making lawyers essential workers, would enable them to continue offering services to people in critical need of legal services in the country during the lockdown.⁶³

The Uganda Law Society has however noted with concern the number of days that the suspects spent on remand without trial and were denied bail on several occasions.⁶⁴ In September 2021, the Uganda Law Society in its Third Quarterly Rule of Law Report noted the continued irregular and arbitrary detention of supporters of the National Unity Platform. In a recent case that was handled in April 2023, three appellate judges apologized to Mr. William Obore who had earlier been indicted, tried and convicted of the offence of aggravated robbery contrary to sections 285 and 286 of the Penal Code.

⁶¹ As above, page XXI.

⁶² The 24th Annual Report on the State of Human Rights and Freedoms in Uganda, 2021.

⁶³ Retrieved from newvision.co.ug/category/news/govt-clears-lawyers-to-become-essential-worke-106794.

⁶⁴ Uganda Law Society Report: Rule of Law Report 2022, 3rd Quarter.

Although Mr. Obore appeal was filed in 2012, it was heard over nine years later. His acquittal, they further noted, comes after he has served close to 10 years from the date of his conviction.⁶⁵

Non-interference in the work of the Judiciary

Uganda has a legal framework that emphasizes non-interference with the judiciary's adjudication processes. Whether this is complied with is an issue based on a case-to-case basis. In 2017, the Uganda Judicial Officers Association (UJOA) decried political interference in the work of judicial officers saying it denies people from accessing justice freely. UJOA president Godfrey Kaweesa said that although the courts of judicature are expected to dispense justice to the people of Uganda freely, they are being impeded by a lot of political interferences, omissions, and commissions on the side of the state, which result into a very challenging situation.⁶⁶ According to the Uganda Law Society Report,⁶⁷ on Monday 21st November 2022, the Hon. Prime Minister, during her visit to Mengo Chief Magistrates Court, intervened in a civil matter between Gertrude Nalule and Godfrey Bazaale by a Grade 1 Magistrate.

Provision of legal aid services

To strengthen the delivery of legal aid, the Judiciary passed the Judicature (Legal Representation at the Expense of the State) Rules, 2022 whose objective is to streamline the management of State-funded legal representation in the administration of justice with specific emphasis on ensuring effective and efficient representation of accused persons entitled to legal representation at the expense of the State and ensuring the proper management and operation of State funded representation among others.

Whereas there are various CSOs that strive to provide legal aid services have for years faced challenges to among others due to lack of an adequate legal framework. The National Legal Aid Bill was moved in the 10th Parliament and through the advocacy efforts of both the state and non-state actors, the National Legal Aid Bill (then 2021), was gazzetted and had its first reading at the tail end of the 10th Parliament. At the commencement of the 11th Parliament, however, the Late Rt. Hon. Speaker, Jacob Oulanyah, ruled that all bills including the Legal Aid Bill, 2021 before the 10th Parliament are re-tabled again in the 11th Parliament.

⁶⁵Retrieved from: <https://www.monitor.co.ug/uganda/news/national/court-apologises-to-man-who-spent-11-years-in-jail-4201234>

⁶⁶ Retrieved from: <https://www.newvision.co.ug/news/1459092/ujoa-deplorespolitical-interference-courts>

⁶⁷ The State of the Rule of Law: Fourth Quarterly Report, 2022.

The revised Bill was introduced as the National Legal Aid Bill, 2022. The Bill was referred to the Sectoral Committee on Legal and Parliamentary Affairs for scrutiny. On 22nd November 2022 when the bill was tabled for the second reading, the Attorney General recommended that the Bill be withdrawn citing serious financial implications and non-conformity with the existing Advocates Act 267 and its regulations among others, which warranted the Rt. Hon. Speaker of Parliament to refer the Bill back to the Legal and Parliamentary Affairs Committee for further discussions and harmonization. These protracted delays continue to hamper the promotion of Access to Justice, Human Rights, and Rule of Law which is the bedrock of good governance in the society.

Pre-trial detainees have a right to be assisted by legal counsel in order to prepare their defense and without undue hindrances.⁶⁸ The state brief system is designed to provide legal aid to serious matters in criminal sessions. Under this system, public funds are allocated by courts to advocates who are instructed to represent accused persons charged with capital offences.⁶⁹ The quality of representation has however been criticized as it is alleged that the state brief advocates did not effectively defend the accused persons due to lack of commitment caused by the poor pay, lack of interest or experience. Accused persons often complained that state brief lawyers did not adequately interact with them to get their version of events for effective defense and, as a result, they ended up messing cases and hindering justice at the end of it all.⁷⁰ In 2018, a number of inmates in prison suffered prolonged pre-trial detention due to missing court files that would enable the start of the hearing process.⁷¹ During the recent Bar-Bench Forum, the Principal Judge noted that all files can be traced within five minutes, hence improving the record management system at the Judiciary.⁷²

The Justice Centres Uganda (JCU) Pilot Project employs staff advocates, paralegals and psycho-social support officers who provide legal aid provision to the vulnerable, indigent and marginalized persons. Further, it has no law establishing it except under The Chief Justice Circular (Instrument No.1 of 2010) hence the need to recognize its operations under a substantive legislation if this mode is to be sustained. JCU however was 90% funded by the Democratic Governance Facility (DGF) which has now ceased operations.

⁶⁸ Body of Principles, Principle 17.

⁶⁹ ICCPR art 14 (3)(d).

⁷⁰ Information got from inmates in Jinja Main and Kigo prisons during of the inspections: UHRC 2018

⁷¹ Uganda Human Rights Commission: 21st Annual Report - 2018

⁷² <https://judiciary.go.ug/data/news/1281/Family%20Division%20Staff%20Commit%20to%20Improved%20Service%20Delivery.html>

Pro-bono Service under the Uganda Law Society requires lawyers to give back to society through legal aid services. Section 15 A of the Advocates Act mandates every advocate to provide pro bono services when required by the Law Council or pay a fee prescribed by the Advocates (Pro Bono Services to Indigent Persons) Regulations SI No.37 of 2009 made by the Law Council in lieu of such services. However, not all enrolled Advocates have voluntarily enrolled for Pro-bono services or been significant in providing legal aid services across the civil and criminal areas of justice. This is because this arrangement is still considered by the advocates as a kind of forced labor. Hence the alternative of payment in lieu of pro bono services is seen as a persuasive strategy to have unwilling Advocates subscribe.

According to the Uganda Law Society Annual Report 2021, the project offered legal aid services to a total of 53275 (Male=33125, Female-20150) indigent, vulnerable and marginalized persons. Among the beneficiaries, 38,765 (Male-25288, Female-1377) persons were served through direct legal aid services of; legal representation, alternative dispute resolution, legal advice and referral services.

Legal Aid Service Providers Network (LASPNET) coordinates over 56 member organisations that provide legal aid in form of legal assistance, representation, advice, and counselling as well as empowerment through information and sensitization. However, most of the member organizations have been affected with the closure of the DGF.

Special criminal sessions for juveniles

Special criminal sessions for juveniles at remand homes in Naguru, Gulu, Arua and Mbale were held between July 2020 and February 2021. Regarding the sanctioning of files for prosecution, 4,074 files were registered, and the perusal of 2,289 case files were concluded within the stipulated timelines. The Justice, Law and Order Institution report indicated that a total of 1,000 cases were investigated involving children in conflict with the law. In 2021, the UHRC pointed out that it was unable to obtain reliable statistical information regarding juvenile justice case disposal for 2021 but welcomed tremendous efforts by criminal justice actors and institutions to dispose of juvenile cases promptly, 3,800 juveniles attended both higher and lower courts in the seven remand homes in 2021.⁷³

Special Court sessions on Sexual Gender-Based Violence

⁷³ UHRC: The 24th Annual Report on the State of Human Rights and Freedoms in Uganda in 2021. 3

Innovations such as the Special Court Sessions on Sexual Gender-Based Violence cases. Since 2018, the Justice, Law and Order Institutions in an attempt to clear case backlog, under the guidance of the Chief Justice established special sessions which exclusively handle sex-related cases.

20. Please explain how the regular use of military courts to try civilians is compatible with the provisions of the Covenant, with reference to the Committee's general comment 13 (para. 4), and general comment 36 (para 45). Please provide information on the use of the UPDF Act (2005), which extends jurisdiction to military courts under certain circumstances, to charge opposition supporters arrested by security forces during the 2021 general election cycle, including the nature of charges, the number of prosecutions and convictions, details of sentences, and the number of those still detained awaiting trial. Please indicate whether there are plans to transfer cases involving civilians from military courts to ordinary courts.

Trial of civilians in military courts

Uganda has failed to adhere to the guidance given by the African Commission on Human and Peoples Rights against trying civilians before military courts.⁷⁴ The African Commission has held that “military tribunals must be subject to the same requirements of fairness, openness, justice, independence and due process as any other process. Human Rights Watch in a report, “Righting Military Injustice: Addressing Uganda’s Unlawful Prosecutions of Civilians in Military Courts⁷⁵,” documents the pattern of trials of civilians before military courts, the ways in which such trials violate international legal principles, and the steps Uganda should take to address these fair-trial violations. Uganda remains among some of the countries in Africa which have been criticised by the African Commission on Human and People’s Rights over trials of civilians by the military under the UPDF Act, 2005.

On December 30th, 2020 in Kalangala District, the supporters of the National Unity platform were arrested and arraigned before the chief magistrate at Masaka on January 2021, where they were granted bail. They were however re-arrested and detained at the Makindye Military barracks for days before they appeared at the Makindye based army court, charged a fresh and remanded to Kitalya Prison. The Uganda Law Society Rule of Law Report, 2023,⁷⁶ was very particular on calling upon the concerned agencies to comply with court decisions to cease trying civilians with immediate effect, and that

⁷⁴ Communication 339/2007: Patrick Okiring and Agupio Samson (represented by Human Rights Network and ISIS-WICCE) v. Republic of Uganda.

⁷⁵ <https://ugandaradionetwork.net/story/attorney-general-confused-about-trial-of-civilians-in-military-courts>

⁷⁶ The State of the Rule of Law, First Quarterly Report, 2023.

all criminal proceedings against civilians before the Military Courts should immediately be transferred to competent civilian courts of judicature and taken over by the Office of the Director of Public Prosecutions. In 2020, Uganda Law Society members, Ambrose Tebyasa, Muwada Nkuningi, Musangala Simon Peter and Nicholas Opio were arrested without a warrant by military officers. Hassan Katerega an advocate practicing with Matovu Katerega Co. Advocates was allegedly arrested on the orders of the lands State Minister on Tuesday 4th October 2022 alongside his client, Richard Kakonge, his brother, and their workers. This arrests allegedly followed a meeting in which the advocate was instructed to handle a land dispute. Our preliminary findings indicate that Advocate Katerega was undertaking his professional duty as a lawyer in the matter.

The government of Uganda should:

- Prioritize the enactment of the National Legal Aid Bill, 2022
- Uphold the rights of Pre-Trial detainees to access legal counsel and their right to apply for bail within the constitutionally provided period.
- Drop the Supreme Court appeal against the ruling of the Constitutional Court which halted the trial of civilians in the military courts.

Freedom of expression (arts. 19 and 20)

21. Please provide information on the implementation of the Computer Misuse Act, 2011, and the Minimum Broadcasting Standards under Schedule 4 of the Uganda Communications Act, 2013. Please explain how the broad and vaguely defined provisions contained therein are compatible with the Covenant, and whether the State party intends to repeal or amend them. Please respond to allegations that the authorities have used these and other laws to silence critics of the executive, and to restrict media coverage of opposition activities.

22. Please respond to reports that during the General Election campaign period (2020- 2021), a range of measures were implemented by authorities which unduly restricted freedom of expression and access to information, notably including: a full internet shutdown implemented on 13 January 2021 on the eve of the presidential election and maintained until 18 January 2021, the introduction of an accreditation regime for journalists covering political affairs on the eve of the election; censorship by Uganda Communications Commission of independent radio broadcasts by switching off transmitters; and the denial of access to privately owned media houses by presidential candidates, especially those from the opposition.

23. Please provide information on reports of arbitrary arrests and detention of journalists, and physical attacks on journalists, including by security forces. Please provide information on measures taken to ensure that journalists and human rights defenders are effectively able to carry out their profession without constraints and provide information on measures taken to ensure that all rights violations perpetrated against journalists and human rights defenders are thoroughly investigated and those responsible are brought to justice and adequately sanctioned.

Arbitrary arrests

The Annual Crime Report of Police 2022 pointed out 797 Political/ Media offences in 2021 comparison to 140 offences in 2022 ⁷⁷ and 1,033 offences in 2020.⁷⁸ In 2022, HRNJ-Uganda recorded a total of 94 cases of human rights abuses in comparison to 131 cases in 2021, 174 cases in 2020, 165 cases in 2019, 163 cases in 2018 and 113 cases in 2017. ⁷⁹ This consisted of 30 assault cases, 22 arrest cases, 15 cases of damage of equipment, 10 cases of blocked access, 9 cases of journalists charged, 4 cases of confiscation of gadgets, 3 threats and 2 Unknown.⁸⁰

The UPF has for the fourteenth year emerged as the leading violator of press freedoms. In total, 42 cases of violations reported were directly attributed to members of the UPF. Despite the decrease in the number of violations committed by the UPF in 2022, it is still the leading violator of press freedom especially during election periods. The UPDF came second with 11 cases recorded and reported as having been committed against journalists and media practitioners. A total of 16 cases were perpetrated by communities and mobs in 2022. Sixteen of the 94 cases of violations and abuses reported and recorded in 2022 were against female journalists. This was an increase from the 10 that were reported and recorded in 2021.⁸¹

The government of Uganda should:

⁷⁷ Uganda Police Force Annual Crime Report 2022 ,18.

⁷⁸ As above, 27.

⁷⁹ Human Rights Network for Journalists Uganda is a Non-Government Organization in Uganda advocating for press freedoms. Annually, it publishes an Annual Press Index which is informative in advocacy initiatives for safe spaces for press freedom for journalists.

⁸⁰ Human Rights Network for Journalists Uganda Press Freedom Index 2022 35.

⁸¹ As above, 45.

- Respect the rights of journalists and their property in the line of duty and prosecute the perpetrators of human rights violations against journalists as a deterrent.

Right of peaceful assembly (art. 21)

24. Please comment on the compatibility of the legal framework governing freedom of peaceful assembly with the provisions of the Covenant, and provide information on any plans to review it, in light of reported inconsistencies and the ruling of the Constitutional Court of 26 March 2020 which found section 8 of the Public Order Management Act (2013) to be illegal and unconstitutional. Please respond to allegations that the prohibition of public assemblies introduced in March 2020 to control the spread of the COVID-19 virus was selectively and disproportionately used to curb gatherings of opposition politicians during the election campaign. Please provide information on any COVID-19-related restrictions on public assembly which are still in place, and as applicable, the criteria which must be met for the restrictions to be lifted.

The issue of public assemblies and management especially as pertains to regulation or facilitation of processions and assemblies was tested in *Muwanga Kivumbi V Attorney General*.⁸² Section 32 (2) of the Police Act⁸³ was held to be in violation of the spirit enshrined in Article 29 of the 1995 Constitution⁸⁴ and therefore that Section was nullified to the extent of being inconsistent with the Constitution. On 30 May 2019, the Constitutional court passed judgement⁸⁵ while considering whether Sections 33 and 34 of the Police Act are still law in light of the Constitutional decision in *Muwanga Kivumbi V Attorney General*, Constitutional Petition No.9 of 2005, court gave the test of limitation of this derogable freedom to be that which is demonstrably justified in a free and democratic country. As earlier noted On 26th March, 2020, the Constitutional Court, in its judgement in the case of *Human Rights Network Uganda v. Attorney General*, annulled section 8 of the Public Order Management Act that had provided for Police regulation and restriction of public gatherings and assemblies.

⁸² *Muwanga Kivumbi v Attorney General* (Constitutional Petition No. 9 of 2005) [2008] UGCC 34 (27 May 2008).

⁸³ Police Act Cap. 303, Laws of Uganda.

⁸⁴ The 1995 Constitution of the Republic of Uganda as amended.

⁸⁵ *Mwandha v Attorney General* (Constitutional Petition No. 5 of 2007) [2019] UGCC 5 (30 May 2019).

However, the government in 2020 passed a range of statutory instruments intended to limit the spread of Covid-19 but were also directly used to limit the right to assemble. In 2020 and 2021, the government relied on regulations passed under the Public Health Act. These included the Public Health (Control of COVID-19) Rules S.I 52/2020 and S.I 38/2021. During campaigns for the 2021 general elections and subsequent to that, these were regularly cited by the police in prohibiting assemblies. The Rules were intended to expire upon notification of the Minister.

The government is yet to table any amendments in regard to management and regulation of peaceful assembly. Although there is no evidence of police relying on health regulations in 2023, they now claim to rely on the other provisions of POMA, penal Code sections 65 (unlawful assembly), 68, 69, 70 & 71 (rioters) and sections 63, 64, 67 of the Road Safety Act. These however do not grant the power to prohibit assembly like the case was for sections 5, 8 and 10 of POMA. Most public gatherings for political activities and public accountability remain subject to heavy restriction and police high-handedness whether they are organized by politicians or civil society organizations.

Freedom of association (art. 22)

25. With reference to the previous concluding observations (para.22) and the information provided in the State party's report (para. 155), please respond to reports of restricted freedom of association for NGOs, including in relation to: (a) the burdensome legal and administrative requirements for the registration and reporting of non-governmental organizations contained in the NGO Act (2016), and the Anti-Money Laundering Act (2013), which have led to the suspension of multiple NGOs; (b) provisions in the NGO Act (2016) which refer to vague obligations in regard to acts prejudicial to the interest and dignity of the people of Uganda, which appear to contravene the principle of legality, and provisions introducing criminal sanctions of imprisonment for NGO officers found to be in breach of administrative obligations. (c) the freezing of the bank accounts of several prominent NGOs involved in election monitoring and good governance, in the period prior to and after the elections of 2021, for alleged involvement in terrorism financing activities.

The NGO Act, 2016 regulates the process of registration, renewal of permits, revocation of permits, and suspension of operations of NGOs in Uganda. In terms of Article 43 of the Constitution of Uganda, the NGO Act, 2016 provides 3

for the permissible grounds on the limitation of freedom of association which is provided for under Article 29(1)(e) of the Constitution. The NGO Act, 2016 provides for various multiple registration processes which stifle freedom of association. For instance, the NGO Act, 2016 requires a prior incorporation of an NGO as a company limited by guarantee before applying for registration with the NGO Bureau; sign memorandum of understandings with local governments before being registered with the Bureau to obtain operation permits. Furthermore, the law creates penal sanctions on the staff and officers of the NGOs for non-compliance with the law. The law establishes the NGO Bureau with powers to register, suspend, revoke, inspect and provide a 360-degree regulation of the NGO sector.

Since 2016, the NGO Bureau has enforced NGO Act, 2016 in a restrictive manner as In October 2020, the NGO Bureau ordered for the closure of National Election Watch, a loose coalition of various NGOs that was formed to observe and monitor the 2021 general elections in Uganda.⁸⁶ In June 2021 the NGO Bureau announced the revocation and suspension of the operations of six organisations – namely; Comforter of the Afflicted Formation Home (CAFH), Agape Sanctuaries Ministries International, Christ Alive Glorious Ministries International, Equal Opportunities for Women and Children in Uganda, Dankind Academy and Global Health Community Empowerment.⁸⁷ These were closed on allegations of fraud, misrepresentation and poor accountabilities to donors.⁸⁸

In August 2021, the NGO Bureau indefinitely halted with immediate effect the operations of 54 NGOs in Uganda on grounds of non-compliance with the NGO Act, 2016.⁸⁹ Chapter Four Uganda challenged the actions of the NGO Bureau and the High Court of Uganda declared the indefinite suspension of Chapter Four Uganda (and other NGOs) unlawful and unreasonable since it did not provide timelines within which the Bureau would finalise the investigations and hear the NGOs' cases.⁹⁰

⁸⁶ The Independent, 'NGO Bureau suspends operations of National Election Watch Uganda,' 29th October 2020 available at : <https://www.independent.co.ug/ngo-bureau-suspends-operations-of-national-election-watch-uganda/> (accessed 15th May 2023).

⁸⁷ NBS TV, 'NGO Bureau revokes licences, suspends operations of six NGO's' available at : <https://www.youtube.com/watch?v=EhB6RFGtgA4> (accessed on 15th May 2023).

⁸⁸ As above.

⁸⁹ National Bureau for NGOs, '*Operations of 54 NGOs halted*,' available at : <https://ngobureau.go.ug/en/news-and-notice/operations-of-54-ngos-halted> (accessed 15th May 2023).

⁹⁰ Misc. Cause No. 292 of 2021.

In 2020, during the 2021 general elections, the Financial Intelligence Authority (FIA) ordered for the freezing of the bank accounts of NGO Forum and Uganda Women's Network.

Under the Anti-Money Laundering Act, NGOs are still on the list of accountable persons with a range of legal obligations to under the said act. Currently, the NGO Bureau does not renew permits for NGOs unless there is prior certificate by the FIA. In 2020, during the 2021 general elections, the FIA ordered for the freezing of the bank accounts of NGO Forum and Uganda Women's Network.

The government of Uganda should:

- NGOs and non-profits are removed from the list of accountable persons under the Anti-Money Laundering Act to avoid them being selectively targeted due to their criticism of the government policies.