



UGANDA HUMAN RIGHTS COMMISSION: HIGHLIGHTS OF THE 13TH ANNUAL REPORT (2011)

The Uganda Human Rights Commission has today (Tuesday, June 28th 2011) launched its 13th Annual Report about the state of human rights and freedoms in the country.

The official launching of the Annual Report took place at The Imperial Royal Hotel, Kampala at function which was attended by government officials, stakeholders and development partners.

The Commission which has the constitutional mandate of publishing periodic reports has a tradition of handing over its reports to the Speaker of parliament.

Earlier in the day, the Chairperson of the Commission Mr. Med S.K. Kaggwa led a team of members and staff of the Commission to parliament where he handed over the maiden copy of the 13th Annual Report to the Speaker of parliament Hon.Rebecca Kadaga.

The 209-page Report which has 11 chapters addresses a number of human rights issues which were of concern during the year 2010 and these include among others; condition in places of detention, the disasters (Bududa landslides and Kasubi Tombs inferno) and terror attacks, Karamoja disarmament and the Internally Displaced Persons (IDPs) in the Acholi Sub-region.

The Report also discusses issues about the accountability of security agencies, the human rights education, the right to health and the HIV/AIDS Bill 2011. The reports by the Committee on the Convention on the Elimination of all forms of Discriminations against Women (CEDAW) are also discussed, among others.

The Commission which also has constitutional mandate to investigate and resolve complaints, examines in the Report, the trend of the human rights complaints received,

those that have been mediated or referred and those which were resolved by the Commission during the reporting period.

According to this Report, there was an increase of complaints (1.5%) received in 2010 compared to those received in 2009. The Commission registered 797 complaints compared to 785 of 2009 and this increase was attributed to several factors including; the mobile complaints handling system, increased detentions following the Buganda riots and the terrorist attacks of 10th July 2010.

Of the 848 newly registered complainants, 531 were male complainants while 306 were females. However, there was a 3% increase of complaints reported by females from 297 in 2009 to 307 in 2010. Of the complaints registered with the UHRC, 98 % were by adults while 2% were reported by minors.

The top five complaints received over the last five years which have persisted include: violation from the freedom from torture or, cruel, inhuman and degrading treatment or punishment; child maintenance; the right to personal liberty; property and the right to life.

In comparison to 2009, there was a general decline in the top five complaints received with the exception of denial of maintenance and the right to life.

Freedom from torture or, cruel, inhuman or degrading treatment decreased by 12% from 314 in 2009 to 276 in 2010 while the violation of the right to personal liberty decreased by 8% from 196 in 2009 to 181 in 2010 as well as the violation of the right to property which decreased by 0.4% from 105 in 2009 to 97 in 2010.

This decrease was also reflected in other complaints received and is attributed to several trainings for security agencies and regular meetings between security agencies among others. The violation of denial of child maintenance increased by 14% from 173 in 2009 to 197 in 2010 while the violation of the right to life increased by 86% from 28 in 2009 to 52 in 2010.

In 2010 reporting period, the Uganda Police Force (UPF) comprised the highest number of respondents (36%), followed by private individuals (27%), Uganda People's Defence Forces (UPDF) (10%) and the Rapid Response Unit (6%). Since 2005 these institutions have remained the top four respondents.

A total of 530 complaints were conclusively investigated from a backlog of 973 complaints reflecting a 50.2% increase from 478 in 2009 to 718 in 2010. A total of 888 complaints were partially investigated comprising of 443 complaints from backlog and 445 complaints registered in 2010. At its own initiative the UHRC investigated 11 complaints of which 1 was concluded and 10 are ongoing investigations. The UHRC referred 1711 complaints to other institutions which did not fall within its jurisdiction.

The UHRC resolved 172 complaints through mediation which increased by 15.4% from 149 in 2009 to 172 in 2010. The UHRC tribunal heard and concluded 94 complaints in comparison to 47 cases in 2009. This reflected a 50% increase in disposal of cases which has been the highest since 2004. Of the 94 cases disposed of, 32 were dismissed, 43 were decided against the respondents and 19 were amicably settled. A total of UGX.1,125,515,500 (one billion, one hundred and twenty five million, five hundred and fifteen thousand) was awarded by the UHRC tribunal of which the Attorney General scheduled to pay UGX.90,421,468.

Challenges faced by the Commission tribunal included: the resignation of two members of the Commission which affected the disposal rate; lack of a comprehensive witness protection law; tracing complaints; and witnesses as well as ensuring attendance of respondents among others

As a measure to address various human rights issues mentioned above, the Commission makes some recommendations to parliament to enact the Bill on the Prohibition and prevention of Torture, and turn it into law so that individual perpetrators of torture can be criminally liable. The Commission also urges the government to promptly compensate or expedite the process of paying the victims of human rights violations.

The Commission which has a constitutional mandate of visiting places of detention reports that it carried out an inspection of 707 places of detention which included 135 prisons, 86 police stations, 478 police posts, 4 military detention centres and 4 remand homes were visited.

It is reported that while the inspections noted some marked improvements, a number of challenges regarding respect for the rights of inmates is concerned. The problems of long detention, persistence of torture, inadequate clothing, congestion, detention of children with adults and subjection of prisoners to hard labour were noted.

As an effort to address these problems, the Commission makes several recommendations which include among others; a call on the government to renovate all the dilapidated structures used as detention facilities/centres and the increase in funding and facilitation for the UPS and UPF especially in the areas of logistics and transport.

The Report also highlights the Commission's recommendation to the ministry of Justice and Constitutional Affairs to increase staff in the Directorate of Public Prosecution and Judiciary for expeditious handling of matters, to reduce backlog of cases and congestion of detention facilities/centres.

On disasters and terror attacks that plagued the country last year, the Report discusses their human rights implications in regard to the Bududa landslides, the burning of the Kasubi tombs and the terror attacks.

These events are analyzed in light of international regional and national human rights standards. The human rights concerns that arose from these major events include violation of the right to life, liberty, fair trial, health, loss of cultural heritage and use of excessive force.

The Report also mentions the recommendations made by the Commission and these include the need by parliament to enact a comprehensive law on disaster preparedness and management that is compliant with international, regional and national human rights standards and which establishes the Disaster Preparedness and Management Commission.

The other recommendation made about the disasters and terrorism is directed to the relevant government ministries and departments like the OPM, MoJCA, MoES, MoGLCD to adopt a rights-based-approach which emphasises the following principles: participation; accountability; rule of law; transparency; respect for human rights; and equality and non-discrimination with special attention to vulnerable groups such as women, children, Persons with Disabilities (PWDs) and the elderly;

The Karamoja Disarmament which has been going on for sometime is also discussed especially its human rights implications.

A brief background and the current status of the disarmament in Karamoja is given and an assessment is made within international, regional and national framework that guides the disarmament process.

The Commission notes the achievement of the disarmament process such as; the restoration of relative peace and security, re-establishment of the justice, law and order institutions, strengthening institutional accountability in the UPDF, and efforts to realize economic , social and cultural rights.

Other issues discussed regarding the disarmament exercise are the various interventions by the UHRC which included; monitoring, seeking the views of the ordinary Karimojong, condemning the extra judicial killings and the alleged human rights violations/abuses such as deprivation of life, violation of the right to fair and speedy hearing and deprivation of property.

The recommendations mentioned in that regard include the call on the government especially the OPM, Ministry of Agriculture, the IOM and the UPDF to intensify their activities in the region.

The Internally Displaced Persons (IDPs) return, resettlement and reintegration in the Acholi sub-region is also discussed by the Report which says that the exercise should be done within the international, regional and national legal framework providing for displacement.

According to the Report, the assessment was based on the following criteria: long term safety, security and freedom of movement; enjoyment of an adequate standard of living; access to employment and livelihood; effective and accessible mechanisms to restore housing, land and property; access to personal and other documentation without discrimination; family reunification; participation in public affairs without discrimination and access to effective redress mechanisms of displacement related violations.

It is noted by the UHRC that there is progress in freedom of movement and security, food security, access to personal documents and participation in public affairs without discrimination.

However, the Report mentions concerns by the Commission regarding the inadequate access to water, health facilities and services, shelter and quality education.

The Report makes recommendations which are addressed to the OPM, MoJCA, MoES to strengthen they operations in the region.

Another area that is highlighted in the Report is right to health and mental health. Special emphasis is placed on: the determinants of health; and mental health which has been

neglected due to negative perception about mental illnesses, the expense associated with it treatment and focus on diseases with high mortality rates.

It is noted that there was marked progress in the areas regarding; the National Health Policy II and Health Sector Strategic Investment Plan; development of the National Food Safety Strategic Plan; launching of the Patients' Charter; scaling up of HIV/AIDS in both public and private health facilities; increase in the availability of health services; and containment of the wild polio virus.

It is however reported that the health sector faced challenges including: poor service delivery, inadequate budget allocations, lack of accountability, limited availability of health facilities and services.

The Report recommends that the government should increase the budget allocation to the health sector in line with the Abuja Declaration in order to address concerns of remuneration and the quality of health services and facilities while the Ministry of Health (MOH) should prioritise Neglected Tropical Diseases (NTDs) control as a development program.

Another intervention recommended in this respect is the need for the government to pass the Draft Food and Nutrition Bill into law and review the Mental Health Act and Procurement Act.

Relatedly, the Report has highlighted the Commission's position on the prevention and control of the HIV/AIDS Bill 2010. It is reported that The HIV/AIDS Bill has been analyzed from a human rights perspective to ensure that it complied with the international, regional and national human rights standards.

The Commission commends the Bill for addressing inadequacies in the law regarding protection from discrimination and provision of care and treatment for persons living with HIV and AIDS (PLWHA).

It is however several concerns were noted by the Commission concerning provisions in the Bill that infringe on human rights standards including the mandatory testing , disclosure of results without consent, criminalization of attempted and intentional transmission, lack of gender sensitive counseling and lack of protection of vulnerable groups among others.

The Bill according to the UHRC should be reviewed in consideration of the human rights concerns identified in order for Parliament to pass a law that complies with the Constitution and human rights treaty obligations undertaken.

In the same Report, discrimination against women is highlighted. Uganda ratified the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) on 22 July 1985. The initial and second reports had been submitted as a combined report on 23 January 1995.

On 13th October, the Committee on the Elimination of All Forms of Discriminations Against Women considered a combined report of the fourth, fifth, sixth and seventh periodic reports.

It is reported that the Committee commended Government for the adoption of a wide range of legislation including; the Refugee Act (2006), the Employment Act (2006) , The Prohibition of Female Genital Act 5/2010 , the Domestic Act 3/2010 and the International Criminal Act (2010) .

Furthermore, it said that The Committee noted principal areas of concern, made recommendations to address them and requested Uganda to report on these areas in the next periodic report.

According to this Report, the principle areas of concern pointed out by the Committee included: the implementation of the Convention and dissemination of concluding observations; discriminatory laws, stereotypes and harmful practices; violence against women; trafficking and exploitation of prostitutes and female genital mutilation.

Uganda was urged to: ratify the Optional Protocol to CEDAW; ensure the wide participation of all ministries and public bodies in the preparation of the next report; fully implement the obligations under the Convention; and widely disseminate the concluding observations and general recommendations.

The Annual Report also analyses the sources of the UHRC's funding and highlights the implementation of its strategic objectives. In the Report, it is mentioned that there was an increase in funding from the Government of Uganda the Justice Law and Order Sector (JLOS) and the Development Partners.

It is however reported that the Commission is appealing to the Ministry of Finance, Planning and Economic Development (MoFPED) to allocate more funds to enable implement its proposed salary structure and recruit more staff.

On the other hand, the UHRC has since its establishment, 12 years ago, been making various recommendations (in its Annual Reports) to the government for implementation.

In this Report, efforts have been made to analyze and categorize the government's compliance in regard to the implementation of these recommendations as follows; fully, partially and not complied with at all. In 2010, 72% of the Commission's recommendations had been fully or partially complied while 28% had not been complied with at all.

Recommendations that have been fully complied with include the enactment of the International Criminal Court (2010), Prohibition of Female Genital Mutilation Act 5/2010, Prevention in Trafficking of Persons Act (2010) and ratification of the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, among others.

Those that have been partially complied with are: enactment of a law regulating cultural leaders; funding to the Commission ; rights of PWDs; access to justice ; prompt payment of tribunal awards; enhancement of peace efforts; operationalisation of the industrial Court amending; and repealing out dated media laws.

Recommendations that have not been implemented include establishing a Minimum Wages Advisory Board, setting the minimum wage, regulation of Investors, establishing a Disaster Management Commission, establish Food Silos to ensure food security and passing the Uganda Anti Narcotics Drug and Psychotropic Substance Bill.

The Report mentions an appeal by the Commission to the government in respect of ensuring full compliance with its recommendations.

Full Report available on www.uhrc.ug