

A SHADOW REPORT SUBMITTED TO THE

Office of the High Commissioner for Human Rights
On the occasion of Uganda's 2nd Cycle Universal Peer Review Due October 2016

Emerging Human Rights Concerns in Uganda 2011-2015

PREPARED AND SUBMITTED BY:

CSO NATIONAL STAKEHOLDERS' FORUM FOR THE UPR

Compromising Human Rights Network-Uganda (HURINET-U); Initiative for Social and Economic Rights (ISER); Foundation for Human Rights Initiative (FHRI); Human Rights Centre (HRC); Centre For Conflict Resolution; RICE-WN ARUA; Uganda Law Society (ULS); Uganda Children Center (UCC); NEMACY-Uganda; Uganda Women's Network (UWONET); BUGNET; NGO-FORUM; Center for Constitutional Governance (CCG); Rwenzori Human Rights Forum; HRNJ- UGANDA; ISIS-WICCE; COU- TEDDO; Uganda Prisoners' Aid Foundation (UPAF); Rule of Law; COMMANET-LIRA; Uganda Debt Network (UDN); African Centre for Rehabilitation of Torture Victims (ACTV); RACOBALO-Lyantonde; HEPS UGANDA; Moyo District Ngo Forum; Human Rights Centre-Uganda; NUDIPU; UNASO; WORLD VISION UGANDA; CRIP IGANGA; TEKWIP; CCFU; SEATINI; REFUGEE LAW PROJECT; LWF; KALI – KASESE; DEFORA KYENJOJO; CEHURD KAMPALA; RIDE – AFRICA; CARITAS GULU; CSBAG; BAHAI FAITH; CESCRA; COUPSTA; Northern Uganda Anti-Corruption Coalition; Platform For Community Empowerment; Lango Cultural Institution; Transform Uganda; HRAPF; AGHA- UGANDA; MENARLIP- MOROTO; FOUNDATION PPDR; WORUDET-LAMWO; HURIFO –GULU; Concern For The Girl Child; Namutumba District Ngo Forum; Cobra; National Foundation For Democracy And Human Rights

C/O

Human Rights Network-Uganda (HURINET-U)

P.O.Box 21265 Plot 94 Old Kiira Road Ntinda,

Email: luyombyajames@gmail.com ; rim@hurinet.or.ug;

Website: www.hurinet.or.ug

A Note about the National Stakeholders' Forum on the UPR

- 1.1 This report has been generated as a result of consultation with various actors both individuals and organizations working on human rights in Uganda under the loose umbrella network called CSO NATIONAL STAKEHOLDERS' FORUM ON THE UPR with a membership of over 120 Non-Governmental Organizations Operating in Uganda in the area of Human Rights promotion and protection.

- 1.3 The CSO NATIONAL STAKEHOLDERS' FORUM ON THE UPR was divided up further into 9 clusters to deal with different thematic areas of human rights. For this particular report, after deliberations among the FORUM members, the following issues were agreed upon as emerging concerns for human rights in Uganda. The report recognizes the positive aspects that have been undertaken by the Government of Uganda in the past 5 years to enhance human rights. It further highlights the emerging concerns and proposes recommendations aimed at improvement.

Emerging Human Rights Concerns in Uganda -2011-2015

II. STRUCTURAL ISSUES RELATING TO THE IMPLEMENTATION OF HUMAN RIGHTS IN UGANDA

Scope of International Obligations and compliance

2.1 Uganda has ratified several international and regional instruments as commitment to strengthening human rights promotion and protection. In 2014, Uganda submitted its initial report on the Convention on Economic Social and Cultural rights after 20 years and was reviewed in June 2015 and also the International Convention on Migrant Workers in April 2015. However several other instruments such as; (i) ICCPR Optional protocol II, (ii) Optional Protocol to the Convention against Torture and other Cruel, inhuman or Degrading Treatment or punishment, (iii) Optional Protocol on CEDAW, (iv) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, (v) Optional Protocol to the ICESCR (vi) Convention for the Protection of All Persons from Enforced Disappearance have not been ratified despite several calls to Government to do so in order to strengthen the protection of human rights in Uganda.

Constitutional and Legislative framework

2.2 In line with the 2011 UPR recommendations, during the reporting period, Uganda enacted progressive legislations such as; the Prevention and Prohibition of Torture Act 2012, which broadens the definition of torture to cover acts committed both by state and non-state actors; and places individual criminal liability for perpetrators of torture. The Children's Act Amendment Bill 2015 which seeks to strengthen institutional mechanisms for promotion of children's rights through the establishment of the Uganda National Children's Authority among others. The Government recalled the Anti-Pornography Act that was being used to violate the rights of women and girls.

2.3 The Government also developed policies such as the New-born and Child Health Sharpened Plan 2013 and the National HIV/AIDS Policy and the National HIV Prevention Strategy (2011-2015) are progressive policy instruments in promoting rights protection in the health sector. In addition, there have been several initiatives such as the development of the National Action Plan on human rights, the inclusion of a human rights based approach in the new National Development Plan II, the establishment of the Parliamentary Committee on human rights; the constitution of the Equal Opportunities Commission to comprehensively address issues of non-discrimination; the establishment of human rights

directorates in all government security agencies, and the establishment of the Parliamentary Forum on media among others.

2.4 However, despite the 2011 UPR recommendations, the Government has still failed to pass the Marriage and Divorce Bill leaving many women vulnerable to abuse. The Government has also enacted regressive laws such as the Public Order Management Act 2013, which leaves little room for dissent criticism related to governance and civic space, NGO Registration Act 2016, which widens the scope of government control over the work of NGOs, the Anti-Terrorism (Amendment) Act 2015, provides for death sentence for several offences and can be used to witch hunt human rights defenders (HRDs). The 2014 HIV Prevention and Control Act threatens efforts in the fight against HIV/AIDS and in particular could deter testing. The Anti-Homosexuality Act 2014, although annulled on a technicality, remains a threat to holistic enjoyment of human rights. In 2014 the Minister for Information issued 2 regulations under the Press and Journalist Act. S.I.¹ No. 4 of 2014 specified the types of fees required for active practice of journalism. S.I. No. 5 tightened the code of ethics contained in the law. Elements of the code, particularly one barring persistent questions by reporters, would seriously harm investigative journalism.

Progress on Implementation of 2011 UPR recommendations

Since 2011, the Government has undertaken several initiatives to implement the proposed recommendations. This section highlights some of these successes as well as the challenges met and areas for improvement.

Right to life, liberty and security of person

2.5 The 2011 UPR made several recommendations on right to life such as abolish death penalty, declare a moratorium on executions and investigate extra-judicial killings. With regards to the recommendation to commute all death sentences to life imprisonment for inmates who spend more than three years on death row, the Judiciary undertook mitigation hearings for death row inmates which resulted in a reduction in the number of inmates on death row from 505 (453 men and 34 women) in 2011 to (200 men and 11 women) in 2015. Regarding extra-judicial killings, the Government has to-date instituted 5 investigations into questions of human rights violations by the Uganda Peoples Defence Forces (UPDF) during the Karamoja disarmament process.

2.6 Despite this progress, the period under review, has witnessed several violations of the right to life, liberty and security of person. The Parliament passed the Anti-Terrorism Act, which provided for the death sentence for several offences. The country saw an increase in deaths arising out of mob justice with 266 cases reported in 2012, 426 incidents in 2013 and

¹Statutory Instrument

453 in 2014.² In 2013 two journalists, one a freelance and another from the New Vision where found dead under mysterious circumstances.

2.7 With regards to right to liberty, Human Rights Network for Journalists (HRNJ) recorded 10 cases of journalists arrested and detained over electoral related reporting. On 6th February 2016, police in Abim district, arrested 3 journalists who were filming election campaigns. The journalists were released after 4 hours without preferring any charge against them. Activists involved in the Black Monday campaign against corruption also faced indiscriminate arrests. In mid-December 2015 the head of security for one of the presidential candidates disappeared after police threatened to arrest him. To-date his whereabouts remain unknown.

2.8 Whereas Article 23(4)(b)³ provides that a person arrested or detained should, if not released earlier, be brought to court as soon as possible and not later than 48 hours, 2014 registered the highest number of complaints (381) related to detention beyond 48 hours.⁴ In 2014/2015, the average time spent on remand for capital offenders was 10½ months and 2 months for non-capital offenders.⁵ This unlawful detention is exacerbated by the high prison congestion. There are currently 45,314 inmates against a capacity of 16,517.⁶ Juveniles are also detained with adults due to the shortage of remand homes.

Recommendations:

1. Ratify the Second Optional Protocol to the ICCPR –to abolish the death penalty.
2. Pass into law the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendment Bill, 2013 that seeks to amend sections in the Uganda People Defence Forces Act, Penal Code Act and Anti-Terrorism Act, which still provide for the mandatory death sentence and instead provide for life imprisonment.
3. Investigate and prosecute all security personnel implicated in extra-judicial killings.
4. Promote strict adherence to the 48-hour rule as provided by the Constitution.
5. Review Article 23 of the Constitution to stipulate a definite period of detention after committal to the High Court.
6. Allocate more budgetary resources to the Uganda Prisons Service to improve and expand detention facilities.
7. Construct more remand homes for juveniles and adopt a rehabilitation oriented approach in the management of these homes.

² O. Bitaliwo, Conceptualization of Community Policing in the Uganda Police Force, *International Journal of Peace and Conflict Studies*, Vol 2(3) 2014, pg. 62

³1995 Constitution (as amended)

⁴Uganda Human Rights Commission, 17th Annual Report pg. 19

⁵Justice Law and Order Sector Performance Report 2014/25 pg.23

⁶Uganda Prison Statistics, July 2015

Freedom from torture, cruel, inhuman or degrading treatment or punishment

2.9 In line with the UPR recommendations on freedom from torture, Uganda enacted the Prevention and Prohibition of Torture Act 2012 that provides for liability for both state and non-state actors. However since enactment of the Act, there have not been any prosecutions and the number of incidents of torture cases has only increased. Uganda Human Rights Commission (UHRC) and a few CSOs have access to detention facilities and these have continued to register cases of torture. In 2014, UHRC registered 357 cases mainly by the police, and the African Centre for the Treatment and Rehabilitation of Torture Victims (ACTV)⁷ registered 1,154 victims of torture.⁸ Although the UHRC tribunal hears cases of torture, torture victims are not readily compensated. In 2014 the UHRC awarded UGX 1,495,102,759⁹ to torture victims out of which only UGX. 999,323,093¹⁰ had received their compensation. Failure to readily compensate torture victims further aggravated their suffering.

Recommendations:

1. Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to allow for free and independent inspections in places of detention
2. Adopt the Prevention of and Prohibition of Torture Act Regulations to operationalize the Act.
3. Establish a national prevention mechanism against torture e.g. putting in place mechanisms that make it easier for NGOs to access detention facilities for monitoring purposes.
4. Set up a victim's compensation fund to ensure timely compensation of torture victims.

Freedom of expression, association and assembly

2.10 Despite the UPR recommendations on freedom of expression, assembly and association, the Government enacted the Public Order Management Act 2013, which seeks to regulate the conduct of public meetings. The Act leaves little room for dissent or criticisms related to governance and civic space. With regard to freedom of expression, the period witnessed increased attacks against journalists mainly by police officers. HRNJ reported over 70 cases of physical assault, destruction of equipment, intimidation, arrest, and detention and closure of different media houses. In May 2013 the police shut down the

⁷An indigenous NGO that provides medical treatment and rehabilitation services to torture victims.

⁸*A World Free From Torture*, African Centre for the Treatment and Rehabilitation of Torture Victims, Annual Report, 2014.

⁹Equivalent to USD 453,302

¹⁰Equivalent to USD 302,986

Monitor Publications, the Red Pepper Newspaper, and 2 radio stations under the Nation Media group.

2.11 Political organizations have also faced a lot of restrictions limiting their freedom of association and assembly. Many political leaders and their sympathizers have faced 'preventative arrest' aimed at curtailing their freedom of association and assembly. Organizations critical of the government saw their freedom of expression threatened through various acts of intimidation. Human Rights Defenders (HRDs)¹¹ suffered office break-ins that resulted in theft of computers, institutional documents and money. Police investigations into the break-ins remain inconclusive, which would encourage impunity and further attacks. Organizations engaged in advocacy and monitoring of the electoral process were targeted and labelled partisan, and in some cases ordered to stop advocacy activities. Organizations working on oil and gas suffered sporadic inspections from security agencies; and were often required to comply with numerous compounding reporting obligations from the Resident District Commissioner and other state agencies. These actions evidenced shrinking space for NGOs in Uganda.

Recommendations:

1. Domesticate the 1998 UN Declaration on Human Rights Defenders.
2. Amend section 33-36, 41, 49, 51-52, 53 and 179 of the Penal Code Act; the Press and Journalists Act, the Public Order Management Act, Non-Governmental Organizations Act, the Anti-Terrorism Act to bring them in conformity with the 1995 Constitution and international, regional instruments on civil and political rights on media freedoms and freedom of expression.
3. Prosecute law enforcement and security agents who harass, intimidate, and assault journalists.
4. Extend an invitation to the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.
5. Speed up investigations in office break-ins suffered by HRDs and bring to account those responsible.

The Right to the Highest Attainable Standard of Health

2.12 The 2011 UPR session made a number of recommendations to Government to increase funding to the health sector, undertake measures to tackle maternal and child mortality and fight HIV/AIDS and tuberculosis among others. Despite this, Uganda's health sector remains significantly under-funded, at 9.6 % of total government expenditure and this subsequently impacts on access to quality health care services. Hospitals and health care

¹¹Foundation for Human Rights Initiative (FHRI), Human Rights Network Uganda (HURINET), Action Aid International-Uganda, Environmental Alert, Uganda Land Alliance, Anti-Corruption Coalition, Lira NGO Forum, Human Rights Focus –Gulu and Ecological Christian Organization

centres across the country continue to lack basic supplies such as water and electricity. Center for Health and Human Rights stated that in 2012 over 150 patients had died in the space of a few months at Jinja referral hospital as a result of the unstable power supply.

2.13 Uganda still ranks among the top 10 countries in the world for high maternal, new-born and child mortality rates.¹² Basic Emergency Obstetric and New-born Care services are only available in 15% of health facilities. 30,000 new-borns continue to die before 28 days of life. Premature birth (38%), birth asphyxia (28%) and severe infection (24%) account for 90% of all new-born deaths.¹³

2.14 The Government has made significant progress in ensuring that children are immunized before their first birthday and has greatly reduced HIV infections among young children. Nevertheless, Uganda ranks poorly with regard to immunization coverage in comparison to its regional neighbours. Inadequate nutrition remains a significant concern, with malnutrition responsible for a third of under-five deaths. While commending progressive gains registered in preventing HIV/AIDS infection among children through Prevention of Mother to Child Transmission of HIV/AIDS (PMTCT) services and in improving access to paediatric ART, stigma and discrimination still remain rampant.

2.15 The Government has not made much progress in the establishment of a national health insurance scheme for the poor. The Bill was presented to Parliament in 2014 and is awaiting a certificate of financial implication before it can be tabled for debate.

Recommendations:

1. The Government should increase the budget for health care to 15% in line with the Abuja Declaration.
2. The Government should expedite and fast track the process for the enactment of the National Insurance Bill which should adequately provide insurance cover for all categories of the population including the informal sector without discrimination and pay attention to principles of equity.

Right to education

2.16 In 2011 UPR session, the Government was urged to “increase public expenditure on education.” While the budgetary allocation to the education sector seems to be increasing in nominal terms, when the inflation rate and the incremental enrolment rates due to the high population growth are taken into account, the budgetary allocation to the education sector has actually been declining in real terms from 16.85% to 13.65% over the last four financial

¹² Situation Analysis of Children in Uganda MGLSD 2015

¹³Ministry of Health 2013, 2014

years. Low government investment in education has a retrogressive effect on the right to education and in particular affects the quality of education.

2.17 However, while primary education has been successful in reaching large numbers of children in rural areas, significant inequities remain entrenched. Children in Central and Western regions consistently perform better than children in Eastern and Northern regions. Furthermore, some special interest groups e.g. children with disabilities and from ethnic minorities are missed out. The UWEZO Report of 2014¹⁴ showed that 60% of the deaf population in Uganda is illiterate as enrolment for such special groups is still low. In 2013, out of 27 Batwa children, 8 children sat for UNEB exams at different levels.

2.18 The quality of education in state institutions remains poor and many children continue to drop out of primary school. Enrolment and retention rates at secondary level (for boys and girls) also remain low – just 49% enrolment in government secondary schools in 2014. While commending the efforts of Ministry of Education and Sports in licensing of early childhood development (ECD) centres, the Net Enrolment Ratio (NER) is low at 8% in 2013 and there are wide variations in provision and access between regions. 53% of the enrolled children are in urban areas like Kampala (MoES 2013). The situation has been exacerbated by the unmonitored and unregulated expansion of private sector provision of education. This disproportionately affects the availability and accessibility of education for children from poor families. Over 80% of early childhood development centres are privately owned and financially inaccessible to the majority of Ugandans.

Recommendations

1. The government should prioritize and increase financial investment in the public education sector to the minimum international target of 6% of GDP or allocate 20% of the budget to education, prioritizing funding for basic education.
2. The government should design and implement a plan of action for improving the quality of public education in Uganda including reassessing learning outcomes.
3. The government should take all necessary measures to regulate the private educational sector by monitoring their compliance with education standards and reviewing and amending if necessary its laws and policies governing private education providers.

Right to work

2.19 In 2011 UPR, the Government was urged to amend the laws to include protection for domestic workers. Article 40 protects the right to work by requiring Parliament to enact laws to provide for the right to “work under satisfactory, safe and healthy conditions”; ensure “equal payment and non-discrimination” and reasonable working hours and paid holidays.

¹⁴ UWEZO Report of 2014: Are Children learning? Literacy and Numeracy across East Africa.

The labour force in Uganda is grossly imbalanced with 81.8% of the working population concentrated in the informal sector compared to 18.2% in the formal sector. 3.8%¹⁵ of Uganda's labour force is unemployed. Whereas domestic workers like many workers in the informal sector make up a large percentage of the work force, they remain outside the protection of the law. No major steps have been taken to ensure protection of domestic workers and this is worsened by the lack of a minimum wage.

2.20 The legal minimum wage remains at UGX 6,000 (USD 1.8), which was set in 1984. In 1995, the Minimum Wages Advisory Committee recommended that the economy could support the minimum wage of UGX 75,000 (USD 22.7) per month for unskilled labour, however to date this has not been implemented.

Recommendations:

1. Enact a minimum wage for the labour force.
2. Establish a comprehensive social insurance scheme to provide support to mitigate the impact of income shocks as a result of unemployment, ill health and retirement.
3. Enact a law providing protection to domestic workers.

Rights of Children

2.21 The 2011 UPR recommendations on children's rights centered around their right to education, health, protection from trafficking and hazardous work, sacrifice and ritual killings and juvenile justice. Uganda has one of the youngest populations in the world with 60% of the population under 18 years of age.

2.22 The Government has made some progress to improve the protection of children. On March 2, 2016 the Parliament passed the Children's Act Amendment Bill 2015, which strengthens the institutional mechanism for promotion of children's rights through the establishment of the Uganda National Children's Authority. Despite this, low budget allocation to the key child protection agencies and programmes remains a specific challenge. The Ministry of Gender Labour Social Development has one of the lowest budgets of all government departments (0.3% in 2013/14).

2.23 The Government has undertaken initiative to have all children registered; however, 70% of children under the age of five have not had their births registered. The Government developed the National Action Plan for the Elimination of the Worst Forms of Child Labour in Uganda (2012/13-2016/17), however, child labour remains a serious concern. The UNHS

¹⁵<http://data.worldbank.org/indicator/SL.UEM.TOTL.ZS>

2012/13 reveals that 40% of the children¹⁶aged 5-15 years are part of the working population. In addition, violations against children whether physical, sexual or emotional are still prevalent and continue to undermine children's right to protection. In 2013 alone, 9,598 defilement cases were reported to the Uganda Police Force and approximately 35% of girls drop out of school because of marriage and 23% due to teenage pregnancy. There are at least 10,000 street children-and Kampala leads with 6,000 children. While recognizing government efforts to curb corporal punishment, caning is still experienced by 74% and 75% of the children in primary and secondary school, respectively¹⁷.

2.24 The Government has also made efforts to review its juvenile justice system. In 2014, government was able to construct separate holding facilities for juveniles in 10.3% of detention facilities. However, there are still significant challenges to be addressed.

Recommendations

1. Implement the Children's Act Amendment Bill 2015;
2. Ratifying and domesticate the Hague Convention on Inter Country Adoption;
3. Ratify The Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OP3 CRC);
4. Invest in the economic strengthening of poor households to address risk factors that render children vulnerable to child labour, dropping out of school and all forms of exploitation;
5. Birth registration should be prioritized as a tool for national development;
6. Increase budgetary allocation to child protection services at national and local government level;

Youth rights

2.25 The 2011 UPR session made only one recommendation on the protection of youth. Nonetheless issues of the youth are very significant as 75% of Uganda's population is under 35 years. The youth unemployment rate remains high, estimated at 78%. This is attributed to slow economic growth, the small labour market, lack of sufficient experience and skills, a high population growth rate of 3.5%, insufficient employable skills, a high rate of labour

¹⁶The UNHS uses the concept of working children which is not necessarily the same as child labour. The economic activity and the conditions in which it is done determine if it qualifies to be child labour.

¹⁷ 2012 study by the Ministry of Education and Sports

force growth rate (4.2% per annum), inadequate investment/supply side of jobs,¹⁸ rural-urban migration and limited access to capital and support.¹⁹

2.26 In 2013/14, the Government initiated, the Youth Livelihood Programme in response to the high unemployment rate and poverty among the youth. The Programme provides support in form of revolving funds for skills development projects and income generating activities initiated by youth groups. A total of 32,374 youths (44% are female) accessed support under the Programme and are presently engaged in self-employment in various vocational trades and income generating activities. Nonetheless, a lot more needs to be done to address the challenges of the youth.

Recommendations:

1. Enact youth friendly policies that allow them to access financial services establish businesses and self-employment initiatives.
2. Empower young people through targeted skills development, ICT training, and certification, entrepreneurial development and vocational skills

Women's rights

2.27 The 2011 UPR session made a number of recommendations on the promotion of women's rights as well as their protection from sexual and gender based violence including female genital mutilation. The Government is commended for the enactment of the Domestic Violence Act 2010, National Gender Based Violence policy 2012, the National Action Plan on GBV and the Sexual Offences Bill. However, these have not led to a reduction in gender-based violence. Domestic violence increased by 18.4% and defilements by 15.8%; death through domestic violence increased by 51% of which 49% were female²⁰.

2.28 Whereas the Directorate of Public Prosecution created a department to address gender based violence and there have been a few prosecutions of the perpetrators of female genital mutilation, there is still a long way to go. In addition, the shelters to protect victims from immediate harm are few and not well resourced. Worse still, the Government did not make any progress in enacting the Marriage and Divorce Bill that address marital rape, this has resulted in gaps in protecting women from intimate partner rape and as such violence against women continues being perpetrated with impunity.

¹⁸<http://www.brookings.edu/blogs/africa-in-focus/posts/2014/08/26-youth-unemployment-uganda-ahaibwe-mbowa>

¹⁹ (Population Secretariat, (2012).

²⁰ Uganda Police's Annual Crime and Traffic Road Safety Report 2013

2.29 Women comprise 51.6% of the population and yet comprise 53.5% of the poor in economic terms, and in terms of multi-dimensional poverty. 30% of households are female-headed, of which 12% are headed by widows. Although the national economy continues to grow, women remain among the most impoverished sub populations due to structural barriers at household, societal and national level. Women presently constitute 42% of all the public service positions; however gender disparities in the appointment of women to key positions in public institutions and leadership positions remains pervasive.²¹ Only 15% of the 112 Resident District Commissioners²² and 24% of the 66 Deputy Resident District Commissioners are female. Monetization of politics also continues to disadvantage women's participation.

Recommendations;

1. Implement economic empowerment programmes for women, especially women in the informal and agricultural sectors.
2. Increase women's participation in non-traditional segments of the economy and labour market and trade.
3. Reform the laws to ensure that political parties conform to the constitutional requirements of affirmative action and gender equality, by assigning quotas to women in their internal organizational structures.
4. Build the capacity of women leaders in all public offices to enable them better undertake their leadership roles.

Rights of Persons with Disabilities (PWDs)

2.30 The 2011 UPR session made several recommendations on the right to health, equal opportunities and freedom from non-discrimination by PWDs. PWDs are among the most disadvantaged social-economic groups and 19% of the Ugandan population is estimated to have some form of disability. Although Uganda has ratified instruments at the international and national level that promote the rights of PWDs, a lot more needs to be done practically to advance their rights. The National Union of Persons with Disabilities (NUDIPU) stated that many PWDs face discrimination at health centres. These attitudes manifest through marginalization and in some cases outright disrespect. Many medical workers lack information, knowledge and skills on how to deal with PWDs. Similarly most health centres are inaccessible to PWDs. PWDs don't enjoy the rights to access to education, as most of the schools nationwide are poorly equipped to assess or meet the needs of PWDs. There is low provision of inclusive educational services, lack of trained special needs teachers and lack of accessible buildings. These structural barriers are further hampered by varied stereotypes against PWDs from schoolteachers, students and communities.

²¹ FOWODE 'Women in Leadership Positions in Uganda' 2014

²² Resident District Commissioners are the political heads of districts. Uganda today has 112 districts.

Recommendations:

1. Enforce a mechanism for early identification/assessment of disability, which leads to early rehabilitation of children with disabilities.
2. Ensure all public buildings have facilities to ease mobility and accessibility for PWDs.
3. Provision of accessible information and assistive devices to enhance mobility, especially in health and education programmes to ensure social inclusion of PWDs.
4. Immunization of pregnant mothers against germs measles (rubella) should be strengthened because rubella is a cause of many disabilities in children.

Refugees and migrant workers

2.31 The 2011 UPR session made only one recommendation on improving the life conditions of migrants and refugees in Uganda. Uganda is home to almost 511,000 refugees and asylum seekers from the Democratic Republic of the Congo, South Sudan, Rwanda, Burundi and Somalia, making Uganda the third-largest refugee-hosting country in Africa.²³ The Government of Uganda is widely recognized as having progressive and forward-thinking refugee and asylum policies as well as good policies responsive to conflict- and disaster-induced internal displacement. In spite of the Ugandan government's attempts to make affordable universal primary school education available to all refugees, it is frequently not of adequate quality. Approximately 10,000 refugee children between the ages of 6 and 13 in Kampala are not enrolled in formal primary education, and only *18.7%: refugee youth* are enrolled in Secondary enrolment rate²⁴

2.32 With regards to migrant workers, the Government has failed to offer sufficient protection to Ugandans seeking employment abroad and left them vulnerable to human trafficking. The government estimates that as by 2013 about 628,845 Ugandans were economic migrants, of which 53 percent were women. Approximately 42,000 Ugandans have migrated to Iraq, United Arab Emirates, Qatar, Saudi Arabia, Afghanistan, Somalia and South Sudan in search of work opportunities. However, these women workers in the Middle East continue to face extreme forms of abuse and sexual violence, yet the government has failed to successfully license and regulate the middleman- Ugandan recruitment companies.²⁵

Recommendations:

²³Uganda hosts record 500,000 refugees and asylum-seekers Available at www.unhcr.org/567414b26.html

²⁴David Boze 2015 The Limits of Universal Education: Barriers to Enrolment for Urban Refugees in Kampala

²⁵Human Rights Watch' I Already Bought You: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates' 2014

- 1) The Government of Uganda should consider providing, establishing programs that aim at guaranteeing higher education opportunities to refugee children
- 2) The Government should implement the Trafficking in Persons Act and regulate the recruitment firms responsible for sending labour to the Middle East

Minorities and Indigenous groups

2.33 The 2011 UPR session requested Government to take administrative measures to improve the rights of the Batwa. There are 6,705 Batwa in Uganda and they constitute 0.03% of Uganda's population. The Batwa are not considered indigenous peoples but rather an ethnic minority. Article 36 of the constitution provides for the protection of rights of minorities, however, there is extensive discrimination and marginalization of ethnic minorities in communities where they live and enforcement of rights of ethnic minority groups remains generally lacking. Due to land eviction; the Batwa communities continue to suffer violence and discrimination from neighbouring ethnic groups. On Saturday 7th June 2014, Batwa communities in Ryabitukuru, Kisoro District were burnt out of their homes.²⁶

2.34 In addition, many people continue to be discriminated against on the basis of their sexual orientation. Although the Government recalled the Anti-Homosexuality Act, there have been reported cases of violations of sexual minorities' rights. In 2014, there were 89 cases of violations of LGBT rights, 47 of which were perpetrated by state actors and 42 by non-state actors²⁷.

Recommendations

- 1) Recommend that national legislation and policy be adopted to address the landlessness, marginalization and discrimination caused by the creation of conservation areas.
- 2) Adopt special measures to accelerate equal opportunities between the Batwa and others including affirmative action programs.
- 3) Investigate and prosecute state actors and individuals perpetrating violence against LGBTs.

Transitional Justice

²⁶ Indigenous Peoples in Uganda. A Review of the Human Rights Situation of the Batwa People, the Benet People and Pastoralists Communities: Alternative Report to the Republic of Uganda to be presented at the 5th session of the United Nation Committee on Economic, Social and Cultural Rights, 1st -19th June, 2015, at 21

²⁷ Consortium on Monitoring violations based on sexual determination, gender identity and sexual orientation: Uganda report of violations based in gender identity and sexual orientation July 2015

2.35 During the 2011 UPR, Uganda accepted the recommendation to prevent impunity, by broadening victim participation in court proceedings, as well as ensure witness protection. However to date, the Witness protection Bill is yet to be tabled before parliament and no legislative reforms have been initiated to provide for victim participation in criminal proceedings. Accountability processes are also selectively focused on atrocities committed by the LRA and other insurgent groups, to the exclusion of gross human rights violations committed by State armed forces.²⁸The failure by the government to provide redress to the victims of human rights violations committed during the LRA conflict is in contravention of Uganda's duties under national and international law.

Recommendations:

1. Accelerate the adoption and implementation of the National Transitional Justice Policy and its enabling legislation and allocate for the implementation of the transitional justice measures listed in the policy.
2. Expedite the implementation of the Parliamentary Resolution on the plight of persons affected by the LRA conflict.
3. Urgently develop and implement a comprehensive and gender sensitive reparations program for victims of conflict related human rights violations.
4. Conduct independent investigations into allegations of human rights violations by State armed forces during the LRA conflict and hold the alleged perpetrators accountable.
5. Prioritize the enactment of the witness protection bill, to ensure the safety and security of witnesses.
6. Establish urgent relief measures including livelihood assistance and psycho-social support victims of the LRA conflict.

²⁸ See, for example, Chris Dolan, *Social Torture: The Case of Northern Uganda, 1986–2006* (Oxford: Berghahn Books, 2009); and Human Rights Focus, “Between Two Fires, The Plight of IDPs in Northern Uganda” (2002)