

**A SHADOW REPORT SUBMITTED TO THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**On the occasion of its consideration of the 6th
Periodic Report of the Republic of Uganda.**

**PREPARED AND SUBMITTED BY A CONSORTIUM OF TWENTY TWO (22)
National Non- Government Organizations**

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ACRONYMS

ACTV	African Centre for Treatment and rehabilitation of Torture Victims
CSO	Civil Society Organization/s
CBW	Children Born of War
DGF	Democratic Governance Facility
DMC	District Monitoring Committee
DVA	Domestic Violence Act
GBV	Gender Based Violence
ICCPR	International Covenant on Civil and Political Rights
LRA	Lord's Resistance Army
NDP	National Development Plan
NFA	National Forestry Authority
NGO	Non-Governmental Organizations
NIRA	National Identification Registration Authority
NLAB	National Legal Aid Bill
NODPSP	National Objectives and Directive Principles of State Policy
NRM	National Resistance Movement
NTJP	National Transitional Justice Policy
NUP	National Unity Platform
STEM	Science, Technology, Engineering, and Mathematics
UHRC	Uganda Human Rights Commission
UPDF	Uganda Peoples' Defence Forces
UPF	Uganda Police Force
UPR	Universal Periodic Review
UWA	Uganda Wildlife Authority

EXECUTIVE SUMMARY OF THE SHADOW REPORT

The period 2013-2022 witnessed normative developments regarding various rights as articulated in the government report. This shadow report focuses on the implementation of recommendations awarded to the government in the 5th review of its obligations under the African Charter on Human and Peoples' Rights in respect to promoting, protecting, and observing human rights.

Some of the main points canvassed in this report are as follows;

- a. Despite its prohibition under both international and national law, torture and other cruel, inhuman or degrading treatment and punishment still occur with frequency in Uganda mainly for persons in detention and the governments non-committal in taking steps to eradicate torture and ill-treatment; non-discrimination, among others as these commitments by and large are not realized in practice. We suggest to the African Commission on Human and People's Rights (the Commission) to recommend to the government to ensure that all allegations of torture or other ill-treatment are promptly, impartially, thoroughly, and effectively investigated leading to the identification and prosecution of perpetrators according to international human rights standards.
- b. Children Born of War (CBW)¹ continued to be discriminated against because of a weak and complex registration system. This has limited their access to health care, their ability to enroll in school, or access other social benefits that require birth certificates as well as denied them an identity. We suggest the Commission recommend that the State urgently amends the Registration of Persons Act 2012, and exempt CBW from certain registration requirements.
- c. The right to a fair hearing is greatly impeded by the high cost of legal services in Uganda, thus infringing on the right to access justice for vulnerable persons. We suggest to the Commission to recommend the government to expedite the passing of the Legal Aid Bill, 2022 to enable realization of the right to fair hearing as well as ensuring access to justice for the vulnerable.
- d. Passing of repressive laws such as the Anti-Homosexuality Act 2022 which re-establishes the death penalty.

¹ During the armed conflict in Northern Uganda between Lord's Resistance Army (LRA) and the Government of Uganda, thousands of women and girls were targeted for sexual violence by the LRA and Uganda People's Defense Force (UPDF). As a result, many girls and women gave birth to children commonly referred to as Children Born of War (CBW).

- e. Delay in implementing legislative Policies such as the National Transitional Justice Policy (NTJP).

Whilst these are not the only points discussed, the authors of this report want to highlight several serious concerns emerging under Articles (2,3,4,5,6,7,10,14,17,21,23) as well as provide recommendations for consideration by the Commission.

II. INTRODUCTION

This report is a joint initiative of 22 Non-Governmental Organizations (NGOs) for consideration by the Commission at its 77th Ordinary session to be held in Arusha from 20th October -9th November 2023 during which the sixth periodic report for the Republic of Uganda will be examined. The information detailed in this report has been compiled from primary and secondary sources of information by the contributing organizations that provided data for the report based on their areas of expertise and operation. The efforts leading to compilation of the report were coordinated by the National Coalition of Human Rights Defenders Uganda (NCHRD-U).

This report is drafted in accordance with the Reporting Guidelines set by the African Commission on Human and Peoples' Rights. It does not purport to be a representation of the state of implementation of the African Charter on Human and Peoples' Rights in Uganda. Rather it is restricted to a scrutiny of articles of the Charter and their state of implementation by the government of Uganda. The opinions and recommendations presented in this report solely reflect the views of the respective authors. For a list of contributors, please refer to Annex 1.

The report starts with an executive summary of the main issues of concern and recommendations the consortium considers significant for Uganda to implement the Charter provisions. The submitting consortium welcomes the Commission's efforts to evaluate this shadow report and remains hopeful that it will support the Commission in its assessment of Uganda's efforts at implementation of the Charter provisions.

The shadow report covers concerns related to the rights to non-discrimination, equality before the law, to life and integrity of persons, to protection from torture, inhuman and degrading treatment and slavery to liberty and security of persons, to a fair trial, to freedom of association, to property, to best attainable state of physical and mental health, to education, rights of a family, to dispose of wealth and natural resources; and to national and international peace and security as affirmed by the Charters of

United Nations and the constitutive act of the African Union. The report also includes the necessary recommendations and a list of discussion questions that can inform the engagement between the Commission and the government of Uganda.

III: ISSUES AND RECOMMENDATIONS RELATING TO THE PROTECTION OF RIGHTS AND FREEDOMS UNDER THE CHARTER

ARTICLE 2: RIGHT TO NON-DISCRIMINATION (paras 1-4; Pg.31)

1.1 In its report, the government stated that Article 21 of the Constitution of the Republic of Uganda guarantees the right of all persons to non-discrimination and equal treatment before the law in all spheres of political, economic, social and cultural life. We commend the government for the efforts made in enactment of various legislation to address and end any form of discrimination among vulnerable groups such as the adoption of the Succession Amendment Act, 2021.

1.2 Although there are constitutional and legal provisions that provide for equality and non-discrimination for vulnerable groups such as women, children, among other minorities there are still challenges in making their rights a reality. On the enforcement level, there is minimal effort made to implement the provisions set out in the existing laws and policies which undermines the government efforts in eliminating discrimination.

1.3 The government of Uganda during the second Universal Periodic Review (UPR), 2016 accepted the recommendation to adopt measures to reduce the number of children without birth registration.² The issue regarding CBW's Nationality and Birth Registration is yet to be addressed by the state. They face enormous challenges accessing birth registration documents.

1.4 Despite legal provisions enshrined in the Constitution of the Republic of Uganda and other legislations namely Children's Act, and the Registration of Persons Act 2015, which provides for compulsory registration of any birth in Uganda. According to a 2016 Demographic and Health Survey (DHS), about 32 percent of children under the age 5 had their births registered with the civil authority.³

² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Recommendation 115.22; See Report of the Human Rights Council on its thirty-fourth session, 27 February–24 March 2017, A/HRC/34/2

³ Part 3 section 5 of the submitted report by the Government of Uganda Pg 66

Lack of awareness, fees, and difficulties in accessing registration for rural and remote communities contribute to the issue.⁴ In light of this, we note with concern the weak and complex birth registration system which denies CBW an identity. Also, a lack of birth certificates and civil registration documents presents long-term impacts such as limitation regarding access to health care, ability to enroll in school, or access to other social benefits that require birth certificates. This ultimately jeopardizes the future of CBW.

1.5 Article 21 of the Constitution of Republic of Uganda prohibits gender discrimination. However, women and girls face serious discrimination and negative stereotypes which need to be addressed. A case in point is the gender gap in science disciplines fueled by the stereotype that science courses are too complicated for females with the effect that most females enroll for the humanities. This is acknowledged in the Gender in Education Policy, 2016 which notes that while there is an almost equal number of males and females enrolled in computing, economics, the arts, management and the social sciences, there continues to be a strong male bias in agriculture (81%), forestry (72%), science (69%), veterinary medicine (82%) and education (75%) in tertiary and higher learning institutions.⁵ The few women who begin careers in science, technology, engineering, and mathematics (STEM) face male-dominated workplaces with high rates of discrimination⁶ in recruitment, remuneration and promotion.

Recommendations

- a. Amend the Registration of Persons Act, 2012 to exempt Children Born of War from certain registration requirements which include names of both parents, clan, place of origin, and birth certificates as well as abolish fees associated with birth registration.
- b. Adopt simplified, trauma sensitive administrative procedures that are tailored to avoid stigma and allow flexibility in civil registration requirements to ensure that Children Born of War are not denied registration. For example, National Identification & Registration Authority (NIRA) should

⁴ Article 14(2) (c), International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171; Article 7(1) (a) of the African Charter on Human and Peoples' Rights 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58; and Article 28(1) of the Constitution of the Republic of Uganda

⁵ The Visitation Committee on Makerere University in 2017 reported a 9.2% (3,412) enrolment rate of female students in STEM. Generally, enrolment of female students in non-STEM disciplines was four times more than the enrolment in STEM disciplines at the university.

⁶ The STEM disparity in educational enrolment manifests at the professional level through the corresponding female professional registration numbers, as at June 2018, with the Uganda Medical and Dental Practitioners Council (29%), the Uganda Institution of Professional Engineers (16%), the Pharmaceutical Society of Uganda (31%) and the Registered and Practising Architects (24%), among others.

work with survivor groups and local leaders to identify and confirm the nationality of Children Born of War who do not have birth certificates or other formal identification.

- c. Train registration personnel on child-sensitive and rights-based approaches, which consider specific vulnerabilities of Children Born of War and comply fully with Uganda's obligations under international and regional human rights instruments.
- d. Ratify and domesticate the UN Convention on the Reduction of Statelessness.

ARTICLE 3: THE RIGHT TO EQUALITY BEFORE THE LAW

2.1 We acknowledge progressive steps by the government in realizing equality and equal protection for all through various constitutional and legal provisions as enumerated under Article 21, which provides that all persons are equal before and under the law. Specifically, the enactments of laws and policies with universal application to all persons such as the Human Rights Enforcement Act 2019, efforts made towards development of the Legal Aid Policy and National Legal Aid Bill 2022 as well as development and operationalization of the Bail Application Guidelines launched in July 2022.

2.2 However, we note that the government has not considered the recommendations of the UN Human Rights Council and the Commission to speedily enact the respective policies and bills on legal aid to fulfill the constitutional mandate to provide justice for all".⁷

2.3 At the 3rd periodic review of Uganda, the Commission noted the inadequacy and high costs of legal services⁸ which continue to hamper realization of equality before the law among the vulnerable and marginalized persons. This is exacerbated by the delayed enactment of the National Legal Aid Policy and law. Hence hindering access to justice and defeating the right to a fair trial especially for the most marginalized persons before the Courts. As such, both state and non-state actors continue to provide their services with guidance from a weak legal, policy, institutional and implementation framework.

⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review on Uganda*, A/HRC/34/10, Recommendation 115.22; See Report of the Human Rights Council on its thirty-fourth session, 27 February–24 March 2017, A/HRC/34/2

⁸ Concluding observations of the African Commission on the 3rd periodic report of the republic of Uganda (Presented at the 45th Ordinary Session of the African Commission on Human and Peoples' Rights held in Banjul, the Gambia from 13 to 27 May 2009) Part III, Para 25. P4

2.4 Further, we applaud the government for developing the Bail Application guidelines⁹ aimed at promoting uniformity and consistency by courts while considering bail applications. Whilst this is the position, the bail application guidelines remain unknown to the citizenry who are the intended users of the justice system.

2.5 The right to apply for bail is a constitutional right, however the same right has come under threat through the call for scraping of bail for capital offenders¹⁰ noting that bail is a provocation of victims and their families leading to instances of mob justice. This has seen some detainees continue in prolonged incarceration resulting from denied bail by the State.

Recommendations.

- a. Fast-track the passing of the Legal Aid Bill into law to enable access to justice for all.
- b. Translate the Bail Application Guidelines into local languages and disseminate to the public to create awareness on the guidelines.

ARTICLE 4: THE RIGHT TO LIFE AND INTEGRITY OF PERSON

3.1 We recognize the legislative measures taken by the Government of Uganda regarding safeguarding the right to life and integrity of a person as affirmed under Article 22 of the Constitution of Uganda 1995 which provides that no person shall be deprived of life intentionally except in the execution of a sentence passed in a fair trial by a court of competent jurisdiction. Specifically, pointing out the Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act, 2019 which removes mandatory death penalty in specific legislation and restricts the application of the death penalty to the most serious offences.

3.2 Despite the States' assertions, to the contrary concerns over the death penalty emerge in the recently passed Anti-Homosexuality Act, 2023 that re-establishes death sentences for alleged aggravated homosexuality which are a threat to the right to life. This law is a regressive step that contravenes Article 21 and only serves to further marginalize and violate the human rights of sexual minorities, who are already subjected to discrimination and often violence.

⁹ THE CONSTITUTION (BAIL GUIDELINES FOR COURTS OF JUDICATURE) (PRACTICE) DIRECTIONS, 2022

¹⁰<http://judiciary.go.ug/data/news/1019/President%20Museveni%20Graces%20Benedicto%20Kiwanuka/'s%20Memo%20Lecture.html>

Recommendations

- a. Repeal the Anti-Homosexuality Act, 2023.

ARTICLE 5: RIGHT TO PROTECTION FROM TORTURE, INHUMAN AND DEGRADING TREATMENT AND SLAVERY

4.1 We commend the State for putting in place mechanisms such as the Uganda Human Rights Commission (UHRC) to ensure documentation of human rights issues and accountability of violations including freedom from torture, cruel, inhuman, and degrading treatment. Further, we applaud the government for enactment of Prohibition and Prevention of Torture Act 2012, and subsequent Prevention and Prohibition Torture Regulations 2017.

4.2 We, however, note with concern continued occurrences of violations and complaints of torture by law enforcement agencies against detainees. The African Center for Treatment and Rehabilitation of Torture Victims (ACTV)¹¹ indicates that 1,032 Ugandan victims of torture sought health and legal assistance where the alleged perpetrators include the security agencies such as the Ugandan Peoples' Defence Force (UPDF) and the Uganda Police Force (UPF).

Recommendation

- a. To ensure that all allegations of torture or other ill-treatment are promptly, impartially, thoroughly, and effectively investigated leading to the identification and punishment of those responsible.
- b. Perpetrators must be prosecuted in proceedings, which comply with international fair trial standards and victims must receive reparation, including rehabilitation and compensation.

ARTICLE 6: RIGHT TO LIBERTY AND SECURITY OF PERSONS

5.1 Article 23 of the 1995 Ugandan Constitution provides that no person shall be deprived of personal liberty except in execution of orders of a court of competent jurisdiction, among other provisions. Additionally, the Inspector General of Police and Minister of Internal Affairs have issued guidelines to police officers in relation to the performance of their duties. However, reports indicate existence

¹¹ <https://www.omct.org/site-resources/files/CAT-Alternative-report-Uganda.pdf>

of cases of restrictions and arbitrary arrests and kidnaps and detention beyond the mandatory 48 hours in Uganda.

5.2 One of the political parties in Uganda, National Unity Platform (NUP) has indicated that, while an unspecified number of supporters remain unaccounted for, the security forces continue to detain some supporters without trial. The state has continued to handpick and detain citizens opposed to the ruling National Resistance Movement (NRM) party using unmarked security vans known as “drones,” and suspects are not produced before courts of law. Some citizens have been incarcerated by the state and later dumped along roads after several months.¹²

5.3 On 10th August 2022, the Human Rights Committee of Parliament reported that according to UHRC figures, seven (7) opposition figures remain missing, five of whom the security agency detained in 2020 and two in December 2021. Political detainees continue to be held in ungazetted and unrecognized detention centers. Furthermore, UHRC, reported that, it investigated reports of 9 disappearances and successfully ordered for the release of 64 detainees.¹³

Recommendations:

- a. To bring an immediate end to the practice of detaining suspects in unknown locations or ungazetted detention centers and have them produced before an independent court for trial expeditiously.
- b. Encourage the implementation of alternatives to detention by courts, taking into account the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

ARTICLE 7: RIGHT TO A FAIR TRIAL

6.1 We recognize the legislative and other measures taken by the State in ensuring access to justice through providing a fair and speedy trial is guaranteed under Article 28.

6.2 The States' report mentioned government is the process of developing a National Legal Aid Policy and a National Legal Aid Act to facilitate Government funded delivery of legal aid services to all poor and vulnerable persons. It should be noted that their omissions and delays in enactment of the national

¹² <https://www.theguardian.com/world/2021/jun/06/uganda-bobi-wine-yoweri-museveni-hundred-opposition-activist-detained-without-trial-new-wave-repression>

¹³ <https://observer.ug/news/headlines/77328-army-court-denies-bail-to-28-nup-supporters>

legal aid law and policy despite government accepting the recommendation to speedily enact the legal aid law stemming from the 2016 UPR process.

6.3 The state's report also noted the strengthened independence of the Judiciary by the enactment of the Administration of the Judiciary Act, 2020 making it a self-accounting institution and providing for its effective and efficient administration. This is a positive step, however following establishment of the International Crimes Division (ICD) of The High Court, there are continued delays in hearing and completing cases which results into delayed access to justice.

6.4 A case in point is the trial of Thomas Kwoyelo charged with 93 counts of war crimes and crimes against humanity at the ICD. There is minimal progress in the trial, and Kwoyelo has been in detention since his capture in 2009. Relatedly, in 2018, the African Commission held that the Uganda government violated Kwoyelo's right to a fair trial and ordered the government to pay Kwoyelo adequate compensation for breaching his rights under the African Charter.¹⁴ Despite the Commission's ruling in 2018, the prosecution is yet to make progress and the government has not awarded Kwoyelo compensation as ordered.

6.5 The Commission was also concerned by the trial of civilians by military courts and recommended that the government of Uganda should introduce legal measures that prohibit the trial of civilians by military courts. However, aware of this, the government has continued to curtail the right of Ugandans to fair trials/hearing through trial of civilians in court martial evidenced in the case of Attorney General Vs Kabaziguruka (CoA NO.5, 2021 Attorney General Vs Kabaziguruka).

Recommendations

- a. Provide full political support and adequate resources to the International Crimes Division to enable it to fulfill its mandate, while respecting its independence.
- b. Enact the Witness Protection Bill to, among others, establish mechanisms and procedures for providing protection and assistance to witnesses.
- c. Expedite the trial of Thomas Kwoyelo at the International Crimes Division and uphold his right to a fair trial by affording him adequate time and facilities to prepare his defense.

¹⁴ African Commission on Human and People's Rights, Communication 431/12 – Thomas Kwoyelo v. Uganda

- d. Adhere to the constitutional ruling that outlaws the trial of civilians in the Court Martial and withdraw all political cases involving civilians in the General Court Martial.

ARTICLE 10: RIGHT TO FREEDOM OF ASSOCIATION (Para 2, Pg.38)

- 7.1 Positive steps have been taken by enacting the Non-Government Organizations Act, 2016 and its operational Regulations, 2017 to provide a conducive and enabling environment for the NGO sector. Despite the legislations and constitutional provisions, there are deliberate constraints on the operating environment for civil society organizations which stifles freedom of association among organizations. This is evident through the repressive legislations enacted such as Anti-Money Laundering Act, NGO Act, 2016 specifically section 44 which prohibits NGOs from carrying out activities in any part of the country unless they have received certification/authorization from the District NGO Monitoring Committee; Sections 20 and 21, provide for a district and sub county layer of surveillance thereby creating more burdensome measures that restrict the work of civil society organizations (CSOs) in Uganda.
- 7.2 On Friday 20th August 2021, the National Bureau for NGOs, suspended operations of 54 NGOs over alleged non-compliance issues related to operating with expired permits, failure to file annual returns and account audits and non-registration with the NGO Bureau. The decision by the Bureau impinged on the ability of NGOs to operate freely and conduct their work. It can be asserted that the suspension of the NGOs was part of an ongoing, widespread repression of civil society actors. Some of the CSOs that were suspended are yet to resume work.
- 7.3 The curtailment of this right was extended to development partners who have since been suspended and later closed in Uganda, this includes Democratic Governance Facility (DGF)¹⁵ and Office of the High Commissioner for Human Rights (OHCHR).¹⁶

Recommendations:

- a. Urgently review and amend existing restrictive laws such as the NGO Act (2016) and the Anti Money Laundering Act to ensure that the laws are in line with the African Charter and international human rights treaties.

¹⁵ https://www.newvision.co.ug/category/politics/dgf-exit-will-affect-democracy-development-in-NV_161861.

¹⁶ <https://news.un.org/en/story/2023/08/1139432>.

- b. The Government to put in place Regulations for the effective implementation and enforcement of the Human Rights (Enforcement Act), 2019 as this will go a long way in ensuring that human rights and fundamental freedoms for all are promoted, protected and realized.

ARTICLE 14: THE RIGHT TO PROPERTY

8.1 Article 26 of the Constitution of Uganda recognizes payment for fair and adequate compensation prior to taking of possession or acquisition of the land by the government. We recognize the efforts by the government in implementation of this provision. Nevertheless, most of the minority and indigenous peoples were evicted from their ancestral land without being compensated. This has resulted into persistent landlessness, extreme poverty conditions, isolation, exclusion, and discrimination affecting their economic livelihoods and social cultural lifestyles. For example, some Batwa in Kisoro and Kabale, Banyabindi in Kasese and Benet on land belonging to Mt Elgon National Park.

8.2 In areas where natural and mineral resources have been discovered such as oil and gas and gold in Albertine region and Karamoja respectively, rights of all landowners remain unprotected. Further, the extraction process has left locals greatly disadvantaged especially due to evictions from specific spots. For instance, the Bagungu in Buliisa district continue to lose land to the oil and gas sector, hence affecting their livelihoods that heavily depend on land.

Recommendations

- a. Government to ensure payment of prompt, adequate and fair compensation to ethnic minority groups that have been displaced from their ancestral lands which meets international standards for land acquisition and compensation, including International Finance Corporation (IFC) Performance Standard #5 on Land Acquisition and Involuntary Resettlement and the Equator Principles.
- b. Fast-track the resettlement process of all indigenous communities who were evicted from their ancestral lands so that they can fully engage themselves in income generating activities.

ARTICLE 15: THE RIGHT TO WORK UNDER EQUITABLE AND SATISFACTORY CONDITIONS (pg.44-45)

9.1 We recognize the legislative efforts and institutional measures, undertaken by the government in implementing the right to work through establishing institutional mechanisms such as establishment of labour office registries at regional level in the districts of Jinja, Lira, Hoima to facilitate and guide the implementation of national labour laws. This has enabled litigants to file their cases across the country. This has further bridged the access to justice gaps within the justice system.

9.2 Despite the progress, there is a large number of cases filed at the industrial court at national level resulting into a huge case backlog. This indicates that the current efforts are insufficient in addressing labour disputes.

9.3 Relatedly, the Labour offices are highly underfunded and understaffed, thus limiting them from conducting workplace inspections and monitoring and resolving labour disputes-which would otherwise limit the large number of cases filed at the Industrial court.

Recommendations

- a. Government should decentralize the industrial court to regional levels and increase the number of judges in the industrial court to ably expedite labour disputes and eliminate delays in accessing justice.
- b. Increase budget allocations to the district labour offices to empower them to function effectively and create awareness among the masses on the mandate of these labour offices.

ARTICLE 18: THE RIGHTS OF THE FAMILY

10.1 While the enactment of the Domestic Violence Act (DVA) 2010 has been instrumental in informing programming and design of interventions for prevention and response to gender based violence (GBV,) the Act remains largely unimplemented due to limited knowledge by state actors in the justice, law and order sector and GBV pathways. Thus, implementation continues to be slow, with adverse consequences for women accessing justice.

Recommendations

- a. To build stakeholder knowledge and application of the Act to various government ministries, agencies and departments.
- b. Increase funding to the justice Law and order sector and other GBV actors to ensure that institutions can actually play their mandated role as prescribed by the Act.

c. Ratify the African Charter on Democracy, Elections and Governance, 2007 to meet the 50% representation target.

d. Increase the number of shelters to enhance GBV management; and deliberate budgetary allocations to boost the provision of shelter services.

ARTICLE 21: THE RIGHT TO DISPOSE OF WEALTH AND NATURAL RESOURCES

11.1 We applaud the efforts taken by the government to promote the right to dispose of wealth and natural resources as reported. On the other hand, the government report is silent on the regulation of the extraction and use of other natural resources beyond minerals and oil and gas, such as timber, water, and wildlife.

11.2 Documented incidents including illegal logging and trade of timber, illegal wildlife trade, and pollution and depletion of water resources¹⁷ caused by natural resource exploitation infringe upon the right to dispose of natural wealth and resources in a manner that ensures the well-being of present and future generations. Yet upholding the principles of sustainable development, environmental protection, and community participation in decision- making processes related to natural resource management is essential to prevent these violations and ensure the protection of natural resources and the well-being of local communities.

Recommendations

a. Strengthen law enforcement efforts to combat illegal wildlife trade, illegal logging and trade in timber, by increasing penalties for offenders and improving coordination among law enforcement agencies.

b. The government should also promote sustainable forestry practices and wildlife management practices and provide alternative livelihoods for communities that depend on timber and the wildlife for their livelihoods.

¹⁷ Illegal logging and trade in timber:- Environmental Investigation Agency (2021): "Timber Trafficking: How Corruption and Collusion Fuel Illegal Logging in Uganda" - <https://eia-global.org/reports/timber-trafficking-uganda> - TRAFFIC (2020): "Illegal Timber Trade in East Africa" - <https://www.traffic.org/site/assets/files/13074/illegal-timber-trade-in-east-africa.pdf>

ARTICLE 23: RIGHT TO NATIONAL AND INTERNATIONAL PEACE

- 12.1 The report presented by the government of Uganda to the Commission omitted the issue concerning non-implementation of the National Transitional Justice Policy 2019. In June 2019 the Government passed the NTJP to address the Country's legacy of conflict and related peace, justice, reconciliation, accountability, and social reintegration concerns. We welcome the government's approval of the transitional justice policy, which constitutes a milestone in the Country's efforts to provide justice for victims of armed conflict and address the legacies of conflict.
- 12.2 There is delay in implementing the NTJP which deprives victims of conflict-related atrocities of access to an adequate, prompt, and effective remedy and reparations. Uganda is a state party to several international treaties and covenants that provide the right to an effective remedy. Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) requires states to ensure that persons whose rights or freedoms have been violated have access to an effective remedy.
- 12.3 Further, there is limited civil society participation in the development of the transitional justice legislation, which is inconsistent with the NTJP objective to “promote the participation of intended beneficiaries, outreach programs and matters of access.” Civil society and victims have minimal information of discussions and processes within Parliament and Government. The meaningful participation of victims in transitional justice processes and criminal proceedings helps to determine whether these processes contribute to overall change and acknowledgement for victims in the places where the atrocities occurred, while advancing the fundamental goal of ensuring equal access to justice for all.

Recommendations

- a. Urgently enact the Transitional Justice Law and establish measures that provide truth, justice, and reparations to victims of mass atrocities.
- b. Widely consult victims, war affected communities, and civil society to inform the enactment of the Transitional Justice Act. It should prioritize the views, interests, and the participation of victims during the consultation, implementation, and monitoring of transitional justice processes.

Conclusion

Civil society organizations call upon African Commission on Human and Peoples' Rights to urge the government to implement the recommendations contained in this report for greater protection and promotion of the rights of the people of Uganda. We are available to provide any clarification on the information or issues raised in this report where necessary.

Annex

Annex 1: List of Contributing Organizations

About the submitting organizations.

- a. **The East and Horn of Africa Human Rights Defenders Project (DefendDefenders)** is a regional CSO registered and based in Uganda. Established in 2005, Defend Defenders seeks to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to defend human rights effectively. DefendDefenders focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.
- b. **National Coalition of Human Rights Defenders (NHRDU)** created in 2013, is a network of individuals and organizations working to promote the protection of Human Rights Defenders (HRDs) in Uganda by facilitating synergy, cooperation and sharing of best practices among HRD community. With a membership of 160 individual Human RightsDefenders and organizations its work is focused in all regions in Uganda. It plays an integralrole in harnessing a transparent and accountable working environment for HRDs in Uganda.Contact: Mr. Robert R Kirenga, info@hrdcoalition.ug
- c. **The International Center for Transitional Justice (ICTJ) (Article 2, 7 &23)**. ICTJ is a nonprofit human rights organization that works across society and borders to challenge the causes and address the consequences of massive human rights violations. Founded in 2001, ICTJ aims to affirm victims' dignity, fight impunity, and promote responsive institutions in societies emerging from repressive rule or armed conflict as well as in established democracies where historical injustices or systemic abuse remain unresolved. ICTJ has been working in Uganda since 2009 to advance truth, justice, and acknowledgment for victims of mass atrocities.

- d. **Kolir Women Development Organization [KOWDO] (Article 2,18)**. KOWDO is an indigenous Non-Governmental Organization since 2012. Working on women land and property rights using conflict sensitivity, human rights based approach, peace building and conflict resolution mechanism in partnership with; community structures, clan leaders, women groups and duty bearers in the districts of Bukedea, Ngora, Katakwi and Kaberamaido in Teso Sub region and Mbale, Bududa and Tororo districts in Bugisu and Bukedi sub regions.
- e. **Dreams Rescue Foundation (DREF) Uganda (Article 2, 18) www.drefug.org**. DREF UGANDA is a non-governmental organization started in 2018 and registered in Uganda as a Non-governmental organization in 2022. The organization works with children, adolescent, youth and with women as our indirect beneficiary. We inspire young people to fight negative norms, come out of poverty and self-pity with the main aim of transforming the mindset of young people, tackling harmful norms, increasing access to SRHR information and services, skilling the youth and employment creation, climate change adaptation, HIV/AIDS and SGBV prevention in Lango sub region.
- f. **ADYER HUMAN RIGHTS REHABILITATION CENTRES (HURREC) (Article 2,18)**. HURREC is a community-based organization in Tororo district of Eastern Uganda That started in 2018 to contribute to the effective work of human rights protection and promotion with major focus on women rights as embedded in the constitution of the Republic of Uganda. Through human rights based approach, peace and conflict resolution mechanisms. The organization conducts community dialogues and mediation in partnership with community structures, women groups and duty bearers within the district.
- g. **The Environment Shield (Article 14, 21) **eld**** is a civic organization (nonprofit) working for people and planet/nature. We use the law, media/advocacy, strategic litigation, community engagement, research, collaborations, monitoring and documentation to battle the climate emergency, biodiversity loss and pollution while centering social justice, rule of law, human right, and ecological justice. SDGs, sustainable development, climate justice and the right to a clean and health environment are key pillars of our work
- h. **Real Ecosystems Solutions (RESO)** was incorporated under the laws of Uganda on the 11th December, 2017. We seek to contribute to the work Human Rights Defenders (HRDs) in Environmental Governance and Climate Justice in Uganda through: awareness raising, training, education and capacity building, climate knowledge management and advocacy, research and agricultural value chain development for livelihoods and sustainable development.
- i. **Resource Rights Africa (Article 15, Article 14, Article 21)**
Resource Rights Africa (RRA) is a research and development organization that advocates for the promotion and protection of people's rights in Uganda. RRA mandate lies in ending discrimination, inequality, abuse of power especially by business entities and advocating for the sustainable use of natural resources including oil and gas, minerals, land, forests, water bodies as well as flora and fauna. We undertake community-driven advocacy for responsible business conduct and respect for human rights especially in vulnerable communities, undertake public policy research and analysis on contemporary and emerging public policy

and governance issues that have a significant impact on national development; issues such as business and human rights, extractive governance, land, climate change, taxation, gender budgeting and development finance.

j. **Minority Rights Group International (MRG) (Articles 14,17)**

Minority Rights Group International is an international human rights non-governmental organization working to secure rights for ethnic, religious and linguistic minorities and indigenous peoples around the world. It has a consultative status with the United Nations Economic and Social Council (ECOSOC) and observer status with the African Commission for Human and Peoples' Rights (ACHPR). MRG's head office is in London, United Kingdom with Africa Regional Offices in Kampala, Uganda. It operates in Africa, Asia and Europe (non-European Union countries). Through training and education, legal cases, publications and the media, MRG supports minority and indigenous peoples as they strive to maintain their rights to the land they live on, the languages they speak, to equal opportunities in education and employment, and to full participation in public life. Website: www.minorityrights.org

k. **Feminature Uganda** is a women-led, not-for-profit, non-partisan organisation founded in 2016 to spearhead the socio-economic, political transformation of women, youth and children through initiatives that provide a platform of self-help for participatory advancement of households with them making informed decisions geared towards their own transformation. Feminature looks forward to a community where women, youth and children enjoy equal and equitable rights and opportunities regardless of their religious profession, race, social-economic standing or sex. We work along four major thematic areas including Environment and Climate Change putting communities at the forefront of the locally driven environment and climate change actions, Human Rights & Governance which empowers women and youth as effective and action oriented leaders in the spheres they belong to, Sexual Reproductive Health Rights advocacy and Livelihood development.

l. **PROFILE OF MY STORY INITIATIVE (MSI)** is a nonprofit organisation, founded by people with psychosocial disabilities, who have a mental health lived experience, in 2016. Its secretariat is located in Mukono at Combra. It empowers and advocates for people with psychosocial disabilities and also gives mental health a human face. We are part of the Disability Cluster under the National Coalition Human Rights Defenders and the Mental Health Coalition under Mental Health. Website: mystoryinitiative.org

m. **Youth Concern on environment and development (YCED)** is registered Non-for profit Organisation working in Ntungamo district. YCED has been in existence since 2013 and has had several accomplishments and achievement in the area of environment protection, extractive governances, youth emancipation and community mobilization among others. YCED realizes this through several programmes embedded in our work plans first through 1). Human rights advocacy 2). Community empowerment 3). Research and documentation. Our Vision is a guaranteed sustainable and safe environment and prosperity for the future generation

- n. **Karamoja Rights Advocates Network (KRANET)** is a non-profit indigenous, Grassroots Human Rights Defenders Network Organization operating in Karamoja to advance the realization of human rights, promote good governance and accountability, leverage community efforts in protecting the environment and enhance the credibility of Grassroots Human Rights Defenders in advocating for Human Rights Accountability, protection and awareness promotion across [Karamoja, Uganda](#) for a developed and sustainable society that observes social justice and respects rule of law.
- o. **Inspire Africa** Masindi works to improve service delivery through a network of accountability champions in Bunyoro sub region, we are a community-based organization in Masindi district formed in 2017 by fresh graduates with the desire to bridge the gap between duty bearers and right holders through coordinated monitoring of service delivery and increasing access to information on government performance through Community Based Approaches.
- p. **Platform for Labour Action (PLA) Articles 2,3 40 and 42 of the Constitution.** PLA is a dully registered and certified non-government organization founded in 2000 to promote and protect the rights of vulnerable and marginalized workers in Uganda. It envisions a society where economic rights and social justice are respected, promoted and observed in the world of work through empowerment of communities and individuals. PLA undertake strategic interventions including fostering legal and policy reforms, implementation and accountability, provision of legal aid and increased access to rights, information for the vulnerable and marginalized workers in Uganda. PLA also undertakes strategic interventions inclusive of Rehabilitation and Reintegration, Provision of children education initiatives, vocational Skills Development; School to work transition programmes; safe and productive migration for women and youth; Livelihood programmes for vulnerable households; advocacy and lobbying for enhanced social protection coverage; promotion of gender equality and access to sexual rights and services for women, young people and adolescent. <http://www.pla-uganda.org>
- q. **Recreation for Development and Peace Uganda (RDP Uganda)** is a youth focused NGO engaged in civil rights advocacy, youth leadership development and mainstreaming young people participation in governance, policy and development processes. RDP Uganda has since 1999 been at the centre of empowering youths through creating sustainable empowerment platforms for youth to influence decision making and national development through enhancing their effective participation, meaningful and constructive engagement and dialogue. RDP Uganda focuses youth's civil and political rights as well as social accountability.
- r. **LANGO YOUTH DEVELOPMENT NETWORK (LAYDNET-Uganda)** is a national non-governmental organization that focuses primarily on the youth of the Lango SUB-REGION. LAYDNET focuses on thematic areas of health promotion and disease prevention, environmental conservation and sustainability, human rights, good governance, agribusiness and livelihoods.
- s. **Navigators of Development Association (NAVODA)** is an independent, non-Governmental organization, non-partisan and not –for-profit Environmental and Human

Rights Advocacy organisation registered in 2018. Whose goal was and still is to promote Conservation and Good Governance, Mainstream Environment and Natural Resources in Development; promoting Transparency and Accountability Advocacy Campaigns; Partnerships and Networking. The vision is: - Socio-economically transformed communities through the Wise and Sustainable use of the Environment and the Natural Resources for Sustainable Development. Website: www.navoda.org

- t. **EDUCATION ADVOCACY NETWORK** is a registered leading national advocacy platform on education and sports sector focusing efforts at all levels. EAN is registered by the National Bureau for NGOs in Uganda under number **INDP0005259NB** and Certificate number **INDR160725259NB**, the network undertakes continuous engagement within Network members as a remedy for their growth, support and Continuous Professional Development. The network supports efforts geared towards addressing human capital development interventions narrowing space and weakening partnerships as well as collaboration among non-state actors at all levels including early childhood development, primary, secondary, Technical vocational education and training, post primary and post - secondary as well as higher education.
- u. **ANTI-CORRUPTION COALITION UGANDA (ACCU)** was formed in January 1999 and formally registered as an NGO under the NGO Statute in 2004. ACCU brings together like-minded entities and individual actors whose pre-occupation is publicizing, exposing and advocating for curbing corruption in Uganda. ACCU with support from different Development Partners has been implementing interventions since 1999, with the aim of creating an accountable and corruption free society. At the national level, ACCU works with Civil Society Organizations (CSOs) engaged in the accountability sector. At the local level, ACCU works with and through Regional Anti-Corruption Coalitions (RACCs) that are spread out in the various parts of the country and of recent grass root member organisations¹⁸. This approach ensures that the citizens' voices are reflected into the national agenda.
- v. **Human Rights Centre Uganda (HRCU)** is a nongovernmental organization established in 2008 with the aim of contributing to a conducive environment for the promotion and protection of the rights and work of human rights defenders in Uganda. It does this through capacity building; research and documentation; legal aid and advocacy and networking for human rights defenders in Uganda. Over the years, the organization has been very intentional about scanning and reporting on the situation of human rights defenders in Uganda. It has built the skills and knowledge base of over 2,000 human rights defenders in all the five regions of Uganda and has created platforms for discussion, networking and lasting collaboration amongst State and non-state human rights defenders.

¹⁸These include: TESO Anti-Corruption Coalition (TAC), Anti-Corruption Coalition of Busoga (ACCOB), Kick Corruption out of Uganda (KICK-U), Rwenzori Anti-Corruption Coalition (RAC), Midwestern Anti-Corruption Coalition (MIRAC), The APAC Anti-Corruption Coalition (TAAC), MAYANK Anti-Corruption Coalition (MACCO) and Karamoja Anti-Corruption Coalition (KACC).