



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eightieth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

UGANDA

1. The Committee considered the initial report of Uganda (CCPR/C/UGA/2003/1) at its 2177th, 2178th and 2179th meetings (CCPR/C/SR.2177-2179), held on 22 and 23 March 2004 and adopted the following concluding observations at its 2191st meeting (CCPR/C/SR.2191), held on 31 March 2004.

A. Introduction

2. The Committee welcomes the detailed and comprehensive initial report of Uganda. It commends the frankness of the report, which admits shortcomings in the implementation of the Covenant in the State party, and the fact that the report was prepared after consultation with civil society. However, the Committee regrets the delay of over seven years in the submission of the report.

B. Positive aspects

3. The Committee welcomes the ratification by the State party of the Optional Protocol to the Covenant in November 1995.

4. The Committee also welcomes the establishment in 1996 of the Uganda Human Rights Commission, which is endowed with powers to address human rights violations and seeks to adhere to the Paris Principles.

5. The Committee welcomes the ruling of the Supreme Court in *Kyawanywa v. the Attorney-General*, declaring corporal punishment as unconstitutional.

C. Principal subjects of concern and recommendations

6. The Committee is concerned about the uncertain status of the Covenant in domestic law (art. 2).

The State party should clarify the status of the Covenant in domestic law.

7. While acknowledging the important role of the Uganda Human Rights Commission in the promotion and protection of human rights in Uganda, the Committee is concerned about recent attempts to undermine the independence of the Commission. It is also concerned about the frequent lack of implementation by the State party of the Commission's decisions concerning both awards of compensation to victims of human rights violations and the prosecution of human rights offenders in the limited number of cases in which the Commission had recommended such prosecution (art. 2).

The State party should ensure that decisions of the Uganda Human Rights Commission are fully implemented, in particular concerning awards of compensation to victims of human rights violations and prosecution of human rights offenders. It should ensure the full independence of the Commission.

8. The Committee notes the adoption of the Anti-Terrorism Act of June 2002, pursuant to Security Council resolution 1373 (2001). It is concerned that section 10 of the Act criminalizes a "terrorist organization" without any reference to a particular criminal offence committed by or through such an organization. It is also concerned that section 11 of the Act does not establish objective criteria for determining membership in a "terrorist organization" (arts. 2 and 15).

The State party should review the Anti-Terrorist Act with a view to ensuring that the provisions set out in sections 10 and 11 are in full conformity with the Covenant.

9. The Committee notes with concern the continued existence of customs and traditions in the State party that affect the principle of equality of men and women and that may impede the full implementation of many provisions of the Covenant. In particular, the Committee deplors the fact that polygamy is still recognized by law in Uganda; in this context, it refers to its general comment No. 28, which states that polygamy is incompatible with equality of treatment with regard to the right to marry. The provisions in the proposed Domestic Relations Bill which would discourage the practice of polygamy are not sufficient (arts. 3 and 26).

The State party should take legislative measures to outlaw polygamy in addition to strengthening its ongoing awareness-raising campaigns.

10. The Committee takes note that the State party has acknowledged the persistence of female genital mutilation in some areas of the country, despite article 33, paragraph 6, of the Constitution which prohibits cultures, customs and traditions which are against the dignity, welfare or interest of women. The Committee regrets that the State party has not taken all the necessary measures to eradicate this practice (arts. 3, 7 and 26).

The State party should take appropriate measures, as a matter of priority, to outlaw and penalize female genital mutilation and to effectively eradicate it in practice.

11. The Committee is concerned about the persistence of domestic violence and the lack of investigation, prosecution and punishment of perpetrators (arts. 3, 7 and 26).

The State party should adopt effective measures to prevent domestic violence, punish offenders and provide material and psychological relief to the victims. It should also train law enforcement officials, in particular police officers, to deal with cases of domestic violence.

12. The Committee regrets that the State party has not taken sufficient steps to ensure the right to life and the right to liberty and security of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined to camps (arts. 6 and 9).

The State party should take immediate and effective measures to protect the right to life and liberty of the civilian population in areas of armed conflict in northern Uganda from violations by members of the security forces. In particular, it should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord's Resistance Army.

13. The Committee is concerned about the broad array of crimes for which the death penalty may be imposed. It finds incompatible with the Covenant that the death penalty is mandatory for the crimes of murder, aggravated robbery, treason and terrorism resulting in the death of a person, and the imposition of death sentences by field courts-martial without the possibility of appeal or to seek pardon or commutation of the sentence. The Committee also expresses its concern about the long periods of time which convicted prisoners spend on death row (almost 20 years in one case) (arts. 6 and 14).

The State party is urged to limit the number of offences for which the death penalty is provided and to ensure that it is not imposed except for the most serious crimes. The State party should also abolish mandatory death sentences and ensure the possibility of full appeal in all cases, as well as the right to seek pardon or commutation of the sentence.

14. While the Committee takes note of the measures taken by the State party to deal with the widespread problem of HIV/AIDS, it remains concerned about the effectiveness of these measures and the extent to which they guarantee access to medical services, including antiretroviral treatment, to persons infected with HIV (art. 6).

The State party is urged to adopt comprehensive measures to allow a greater number of persons suffering from HIV/AIDS to obtain adequate antiretroviral treatment.

15. The Committee is concerned about the magnitude of the problem of abduction of children, in particular in northern Uganda. While acknowledging the measures taken by the State party to mitigate it, the Committee is concerned that available data do not show a decrease in the number of abductions. It is also concerned about the fate of former child soldiers (arts. 6, 8 and 24).

The State party should take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to face the abduction of children, and to reintegrate former child soldiers into society.

16. While the Committee notes that several measures have been taken to prevent the excessive use of force by law enforcement officials, it remains concerned about situations in which they have allegedly extrajudicially executed civilians, such as the September 2002 incident in Gulu, or the one that took place during operation “Wembley” in June 2002 (art. 6).

The State party should ensure that law enforcement officials are prosecuted for any disproportionate use of firearms against civilians. Additionally, it should continue its efforts to train police agents, members of the military and prison officers to scrupulously respect applicable international standards.

17. The Committee takes note of the explanation provided by the delegation about the outlawing of “safe houses”, places of unacknowledged detention where persons have been subjected to torture by military personnel. Nevertheless it remains concerned that State agents continue arbitrarily to deprive persons of their liberty, including in unacknowledged places of detention, in particular in northern Uganda. It is also concerned about the widespread practice of torture and ill-treatment of persons detained by the military as well as by other law enforcement officials (arts. 7 and 9).

The State party should take urgent and effective measures to prevent arbitrary detention and torture by State agents. It should thoroughly investigate any alleged case of arbitrary detention and torture, prosecute those held responsible and ensure that full reparation is granted, including fair and adequate compensation.

18. The State party has acknowledged the deplorable prison conditions in Uganda. The most common problems are overcrowding, scarcity of food, poor sanitary conditions and inadequate material, human and financial resources. The treatment of prisoners continues to be a matter of concern to the Committee. There are reported incidents of corporal punishment for disciplinary offences. Solitary confinement and deprivation of food are also used as disciplinary measures. Juveniles and women are often not kept separate from adults and males. The Committee has taken note of the measures implemented by the State party to counteract these shortcomings, including the introduction of community service as an alternative to imprisonment. However, it notes that they are inadequate to overcome the problems. It is also concerned about the high percentage of persons detained on remand (almost 70 per cent of inmates) (arts. 7 and 10).

The State party should terminate practices contrary to article 7 and bring prison conditions into line with article 10 of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners. It should also take immediate action to reduce overcrowding in prisons as well as the number of persons detained on remand.

19. The Committee is concerned at the practice of imprisoning persons for contractual debts, which is incompatible with article 11 of the Covenant.

The State party should abolish imprisonment for debt.

20. The Committee has observed with concern the forced employment of children in activities harmful to their health and well-being, as well as the ineffectiveness of the measures adopted to deal with this problem (arts. 8 and 24).

The State party should adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with article 24 of the Covenant. It should also provide for effective sanctions against those involved in such practices.

21. The Committee is concerned about shortcomings in the administration of justice, such as delays in the proceedings and in pre-trial detention, the lack of legal assistance provided to non-capital offenders and the conditions in which a confession may be secured. Despite the measures taken by the State party to address these situations, the Committee regrets that their continued existence contributes to a widespread sense of impunity as well as impairing the full enjoyment of guarantees (art. 14).

The State party should take steps to remedy shortcomings in the administration of justice in order to ensure full respect for the judicial guarantees enshrined in the Covenant. It should revise its legislation and practices, in particular with regard to the above-mentioned concerns.

22. The Committee is concerned that peaceful demonstrations organized by opposition political parties have been forcibly dispersed by the police and that freedom of movement of political opponents has also been restricted in certain cases. It remains concerned at the constraints which limit the right of political parties to participate in periodic elections, to criticize the Government and to take part in the decision-making process. Notwithstanding the fact that the delegation referred to the State party's wish to organize multiparty elections in 2006, the Committee remains concerned that no specific information has been provided about the practical measures envisaged to attain this goal (arts. 22 and 25).

The State party should ensure the full enjoyment of the right to freedom of association, in particular in its political dimension. The Committee considers that the State party should ensure that the general elections scheduled for 2006 effectively allow for multiparty participation.

23. The Committee is concerned at the practice of early and forced marriage in the State party, despite the minimum age for marriage of 18 years (art. 23).

The State party should take effective steps to do away with this practice and to sanction those involved in its occurrence.

24. The State party should widely publicize the present examination of its initial report by the Committee and, in particular, these concluding observations.

25. The State party is requested, pursuant to rule 70, paragraph 5, of the Committee's rules of procedure, to provide, within one year, information on the implementation of the Committee's recommendations regarding paragraphs 10, 12 and 17 above. The Committee also requests the State party to provide in its next periodic report, to be presented by 1 April 2008, information on the other recommendations made on the implementation of the Covenant as a whole.
