



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

UGANDA

1. The Committee considered the initial report of Uganda (CAT/C/5/Add.32) at its 651st and 654th meetings, held on 11 and 12 May 2005 (CAT/C/SR.651 and 654), and adopted, at its 661st meeting (CAT/C/SR.661), the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Uganda, which is in accordance with the Committee's guidelines, but regrets the delay of 16 years in the submission of the report. It commends the frankness of the report, which admits shortcomings in the implementation of the Convention in the State party. The Committee appreciates the constructive dialogue established with a high-level representative delegation and welcomes the candid and comprehensive responses to the questions raised during the dialogue.

B. Positive aspects

3. The Committee notes with satisfaction the following positive developments:

(a) The establishment in 1996 of the Uganda Human Rights Commission under articles 51 to 59 of the Constitution and in accordance with the Paris Principles, which is endowed with powers to address human rights violations, and the human rights desks in the army, police stations and prisons;

(b) The abolition of corporal punishment following Criminal Appeal No. 16 of 1999 (Supreme Court) *Kyamanywa v. Uganda*;

(c) The permission granted to many non-governmental organizations to operate freely in the country;

(d) The generous approach taken by the Government of Uganda in hosting more than 200,000 refugees and in fully respecting the principle of non-refoulement;

(e) The ratification by the State party of most major international human rights conventions;

(f) The ratification by the State party, on 14 June 2002, of the Rome Statute of the International Criminal Court;

(g) The current discussions in the State party with regard to the ratification of the Optional Protocol to the Convention.

C. Factors and difficulties impeding the implementation of the Convention

4. The Committee acknowledges the difficult situation of internal armed conflict in northern Uganda. However, it points out that no exceptional circumstances whatsoever may be invoked as a justification of torture.

D. Subjects of concern

5. The Committee notes with concern that the State party has neither incorporated the Convention into its legislation nor introduced corresponding provisions to implement several articles, in particular:

(a) The lack of a comprehensive definition of torture in the domestic law as set out in article 1 of the Convention;

(b) The lack of an absolute prohibition of torture in accordance with article 2 of the Convention;

(c) The absence of universal jurisdiction for acts of torture in Ugandan law;

(d) The lack of compliance with other articles in the Convention, including articles 6 to 9.

6. The Committee is further concerned about:

(a) The length of pre-trial detention, including detention beyond 48 hours as stipulated by article 23, clause 4, of the Constitution and the possibility of detaining treason and terrorism suspects for 360 days without bail;

(b) The reported limited accessibility and effectiveness of habeas corpus;

(c) The continued allegations of widespread torture and ill-treatment by the State's security forces and agencies, together with the apparent impunity enjoyed by its perpetrators;

(d) The wide array of security forces and agencies in Uganda with the power to arrest, detain and investigate;

(e) The disproportion between the high number of reports of torture and ill-treatment and the very small number of convictions for such offences, as well as the unjustifiable delays in the investigation of cases of torture, both of which contribute to the impunity prevailing in this area;

(f) The pervasive problem of sexual violence, including in places of detention and in camps for internally displaced persons;

(g) Alleged reprisals, intimidation and threats against persons reporting acts of torture and ill-treatment;

(h) The magnitude of the problem of abduction of children by the Lord's Resistance Army, in particular in northern Uganda;

(i) Reports of customary torture in the area of Karamuja.

7. The Committee takes note of the explanation provided by the delegation about the outlawing of "ungazetted" or unauthorized places of detention or "safe houses" where persons have been subjected to torture by military personnel. Nevertheless, it remains concerned about the widespread practice of torture and ill-treatment of persons detained by the military as well as by other law enforcement officials.

8. 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 the frequent lack of implementation by the State party of the Commission's decisions concerning both awards of compensation to victims of torture and the prosecution of human rights offenders in the limited cases in which the Commission had recommended such prosecution.

9. Furthermore, the Committee regrets that the State party has not taken sufficient steps to ensure the protection of persons affected by the armed conflict in northern Uganda, in particular internally displaced persons currently confined in camps.

E. Recommendations

10. The Committee recommends that the State party take all necessary legislative, administrative and judicial measures to prevent acts of torture and ill-treatment in its territory, and in particular that it:

(a) Adopt a definition of torture that covers all the elements contained in article 1 of the Convention, and amend domestic penal law accordingly;

- (b) Adopt domestic legislation to implement the principle of non-refoulement in article 3 of the Convention;
- (c) Ensure that acts of torture become subject to universal jurisdiction in Ugandan law in accordance with article 5 of the Convention;
- (d) Ensure compliance with several articles of the Convention, including articles 6 to 9, for example by setting up a Law Commission;
- (e) Reduce the length of pre-trial detention;
- (f) Enhance the accessibility and effectiveness of habeas corpus;
- (g) Take vigorous steps to eliminate impunity for alleged perpetrators of acts of torture and ill-treatment, carry out prompt, impartial and exhaustive investigations, try and, where appropriate, convict the perpetrators of torture and ill-treatment, impose appropriate sentences on them and properly compensate the victims;
- (h) Minimize the number of security forces and agencies with the power to arrest, detain and investigate and ensure that the police remains the primary law enforcement agency;
- (i) Abolish the use of “ungazetted” or unauthorized places of detention or “safe houses”, and immediately provide information about all places of detention;
- (j) Allow independent human rights monitors, including the Uganda Human Rights Commission, full access to all official and non-official places of detention, without notice;
- (k) Strengthen the Uganda Human Rights Commission and ensure that its decisions are fully implemented, in particular concerning awards of compensation to victims of torture and prosecution of perpetrators;
- (l) Take effective steps to ensure that all persons reporting acts of torture or ill-treatment are protected from intimidation and from any unfavourable consequences of their action in making such a report;
- (m) Establish and promote effective machinery within the prison system to receive and investigate reports of sexual violence and provide protection and psychological and medical assistance to victims;
- (n) Act without delay to protect the civilian population in areas of armed conflict in northern Uganda from violations by the Lord’s Resistance Army and members of the security forces. In particular, the State party should protect internally displaced persons confined in camps, which are constantly exposed to attacks from the Lord’s Resistance Army;
- (o) Take the necessary steps, as a matter of extreme urgency and in a comprehensive manner, to prevent the abduction of children by the Lord’s Resistance Army and to facilitate the reintegration of former child soldiers into society;

- (p) Take effective measures, including judicial measures, to prevent mob justice;
 - (q) Take immediate and effective steps to put an end to customary torture in the area of Karamuja.
11. The Committee further recommends that the State party:
- (a) Establish an effective national legal aid scheme;
 - (b) Enhance its efforts to conclude the legislative process and enact the new refugee bill and subsequently take all measures to ensure its full implementation in practice, in line with international refugee and human rights law;
 - (c) Enact the Prison Bill of 2003 to counter widespread torture in local government prisons;
 - (d) Continue the discussions with regard to the Optional Protocol to the Convention and consider becoming party to it as soon as possible;
 - (e) Consider making the declaration under article 22 of the Convention.
12. The Committee requests the State party to provide in its next periodic report detailed statistical data, disaggregated by crimes, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials and on the related investigations, prosecutions and penal and disciplinary sentences. Information is further requested on any compensation and rehabilitation provided to the victims.
13. The State party is encouraged to disseminate widely the reports submitted by Uganda to the Committee and the conclusions and recommendations, in appropriate languages, through official websites, the media and non-governmental organizations.
14. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 10 (h), (i), (j), (n) and (o) above.
15. The State party is invited to submit its next periodic report, which will be considered as the second, by 25 June 2008.
