

UNIVERSAL PERIODIC REVIEW OF UGANDA

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Franciscans International (*NGO with ECOSOC Status*), John Paul II Justice and Peace Center, The Bright Doves of St. Francis, Caritas Kampala and Uganda Joint Christian Council present a UPR alternative submission on the Human Rights Situation in Uganda on following themes:

TRAFFICKING IN PERSONS

RIGHT TO PEACEFUL
ASSEMBLY AND FREEDOM OF
EXPRESSION

GENDER-BASED VIOLENCE
AND
FEMALE GENITAL MUTILATION

CHILDREN WITH DISABILITIES

Human Rights Situation

TRAFFICKING IN PERSONS

The past five years have been marked by the persistence of trafficking in persons in Uganda. The country remains the place of origin, transit and destination for women and men subject to trafficking.

Root-causes

- The poor quality of educational and social structures along with the lack of employment opportunities are factors fostering trafficking in the country.
- The role played by national labor externalization companies indirectly contributes to trafficking outside of the country, by sending Ugandans to the Middle East region breaching provisions to labor recruitment.

Consequences

- 665 cases of persons trafficked registered in 2016 and 2,384 identified in 2019 considering that 2019 recorded the lowest number of investigations procedures for the past 5 years.
- Complex return and difficult reintegration into society for trafficked people to Uganda with no medical, financial, or legal support.
- The lack of comprehensive legal protection for victims of trafficking (e.g., the principle of non-punishment of victims).

UPR Follow-up - 2016, second UPR session

- 6 accepted recommendations to counter human trafficking.
- No ratification of the relevant international treaties that could help the State to better implement its national anti-trafficking policies.

FREEDOM OF EXPRESSION AND RIGHT TO PEACEFUL ASSEMBLY

Uganda demonstrated a regular disregard of the constitutional provisions and its international commitments, avoiding the full respect, promotion, and guarantee of freedom of expression and right to peaceful assembly.

Root-causes

- Section 3 of the Law on the Management of Public Order (POMA) *de facto* gives a too broad power to the Inspector General of Police, and thus the possibility of denying authorization for peaceful gatherings.
- The large margin of decision and interpretation of POMA's Section 8.1 by authorized officers is the main source of human rights abuses.

Consequences

- Such extensive interpretation of the law leads to human rights abuses and violations of the Constitution (art. 29/212/43).
- Prohibition of public gatherings when authorities feel that their legitimacy or decisions are criticized and questioned.
- Police and military violence to repress peaceful assemblies, questioning the functioning of a democratic society in Uganda.

Recommendations

1) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to ensure optimal protection of victims of trafficking through a comprehensive implementation of the non-punishment of victims principle.

2) Continue efforts to implement the 2009 Prevention of Trafficking in Person Act, through a significant increase of the Coordination Office for Prevention of Trafficking in Persons' annual budget.

3) Ensure the compliance with Human Rights of labour externalization companies through control and sanction measures in case of violation with the legislative and regulatory provisions related to labour recruitment.

4) Provide victims of trafficking with temporary shelter, counseling, legal and psycho-social assistance, as well as financial support to ensure their reintegration into society, once they are back in Uganda.

1) Ensure the implementation of the Public Order Management Act of 2013 in accordance with the Constitution and the International Covenant on Civil and Political Rights.

2) Take measures to guarantee the freedoms of association and peaceful assembly that limit the role of the police to providing security for public meetings in line with the constitutional police functions.

Human Rights Situation

- Recurrent arrests and repression of political opponents during the 2021 general elections.

UPR Follow-up - 2016, second UPR session

- 3 accepted recommendations to ensure the freedom of expression and rights to peaceful assembly.
- 2 recommendations aiming at reducing police brutality and arbitrary arrests.

GENDER-BASED VIOLENCE AND FEMALE GENITAL MUTILATION

In 2021, Uganda still faces serious challenges to combat violence against women, especially domestic violence and harmful traditional practices which remain urgent priority for the country.

Root-causes

- Strong discriminatory cultural patterns prevail within the Ugandan society, excluding women from decision-making processes and equal inheritance rights.
- Blatant lack of systematic prosecution of perpetrators which sends a message of impunity to victims who do not feel empowered and safe to speak out.

Consequences

- Following the strict lockdown measures forcing victims to live together with their abusers, the rate of gender-based violence increased (3,280 cases estimated in Kampala, April 2020).
- As a harmful traditional practice, female genital mutilation is still prevalent in the eastern part of the country (0.3% of Ugandan women in 2020).
- Victims face obstacles in their access to justice due to court fees and other related costs.

UPR Follow-up - 2016, second UPR session

- 14 accepted recommendations aiming to tackle violence against women.
- 5 accepted recommendations to eliminate harmful traditional practices against women, in particular female genital mutilation.

CHILDREN WITH DISABILITIES

Despite notable legislative progress, education enrolment remains low for children with disabilities in Uganda.

Root-causes

- Public financing for special needs education is insufficient. Severe underfunding provokes poor infrastructures and limits the promotion of inclusive education. The lack of budget prevents teachers from obtaining adequate training to meet disabled children's needs.
- Head-teachers face corruption whereby local education officials do not allocate the total amount of the foreseen funds to the school for children with disabilities.

Consequences

- Head-teachers are forced to charge extra money from parents to attend to the different needs of children with disabilities.
- Low enrolment rate of children with disabilities (only 15%): among which 5% are in inclusive schools and 10% in specialized institutions in 2020.
- Difficulties to implement a sustainable policy to promote the rights of children with disabilities.

UPR Follow-up - 2016, second UPR session

- 5 accepted recommendations to improve the enjoyment of the rights of children with disabilities. It includes commitments towards legal reforms for the protection of persons with disabilities; the promotion of the rights of people with disabilities; the alignment of its national legislation with international obligations.

Recommendations

3) Guarantee the right to freedom of expression and right to peaceful assembly to political and civil society leaders through measures aiming to end police brutality, arbitrary arrests, and impunity for violations of these rights.

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1) End all laws and traditional practices that are contrary to the constitution and place women in situation of discrimination and vulnerability towards men.

2) Improve access to justice for victims of domestic violence through better training of the police about the issue and systematic coverage of the costs linked to the court procedure.

3) Take all necessary measures to tackle down gender-based violence and Female Genital Mutilations in areas where practice is still prevalent.

4) Ensure the systematic prosecution of persons committing or aiding and abetting the criminal offence of female genital mutilation (FGM).

5) Carry out awareness-raising campaigns and other measures to combat the socio-economic and cultural factors underlying the prevalence of FGM in the country.

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1) Conduct investigations to determine the patterns of corruption preventing certain public schools from receiving funds dedicated to the inclusion of children with disabilities and prosecute the perpetrators of corruption.

2) Encourage the full implementation of the Persons with Disabilities Act 2020 and related policies, in accordance with SDG4, by allocating an appropriate national budget to achieve the development of adequate infrastructure to accommodate children with disabilities.

3) Ensure appropriate training of schoolteachers to enable them to effectively and adequately include children with disabilities in their class.