



**THE REPUBLIC OF UGANDA**

**PERIODIC REPORT BY THE GOVERNMENT OF UGANDA  
TO THE AFRICAN COMMISSION ON HUMAN AND  
PEOPLES' RIGHTS**

**PRESENTED AT THE 49<sup>th</sup> ORDINARY SESSION  
BANJUL, THE GAMBIA**

**28<sup>th</sup> April to 12<sup>th</sup> May 2011**

## **INTRODUCTION**

Distinguished Commissioners,

On behalf of the Government and people of the Republic of Uganda as well as the Government delegation present, I wish to thank the esteemed Commission for this opportunity given to us once again to present this periodic report running from the year 2008 to 2010 at this 49<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR).

The Republic of Uganda is privileged to present this fourth periodic report in line with Article 62 of the African Charter on Human and Peoples' Rights and in compliance with the reporting guidelines contained in sheet number five issued by this esteemed Commission. I wish to mention that this report was prepared by the Government in close cooperation with the Uganda Human Rights Commission and some Non Governmental Organizations operating in Uganda.

This report has four parts namely:

- I. General information and basic data on the country and includes the legal and institutional framework;
- II. The second part covers the legal, judicial and practical measures undertaken by government in implementing the requirements in the Charter since its last reporting period.; The third part highlights a number of measures taken by government in ensuring implementation of the Charter; and
- III. The fourth and last part addresses the challenges government faces in its efforts to provide and ensure the provision and protection of human rights in the country.

We hope that this report will enhance and enrich our continental approach to the observation of human rights in Africa through a shared experience.

## **PART 1: GENERAL INFORMATION-BASIC DATA**

The General information remains mostly the same with notable increase in the population from 27.4 million to 31.6million.

### **a. Population Distribution in Uganda:**

- 0 – 14 years 50.2% (male 7,646,619, female 7,538,137). This represents more than half of Uganda's total population.
  - 15 – 64 years 47.6% (male 7,231,196, female 7,185,058). This constitutes the working population.
  - 65 years and above 2.2% (male 281,317 and female 380,283). This constitutes the elderly population.
2. **Languages:** English and Kiswahili are the official national languages. However, the Kiswahili language is yet to be rendered operational by an Act of Parliament even though it is provided for in the Constitution.
  3. Agriculture contributes approximately 28.9% of the GDP, Industry 19.1% and services 42.7%. Uganda labour force stands at 14.05 million. Industrial production growth rate is at 5.8%.
  4. Uganda has put in place the National Development Plan with an emphasis on wealth creation rather than poverty eradication. She has also embraced the Millennium Development Goals in the poverty eradication campaign. Further, she has developed the Peace, Recovery and Development Plan for Northern Uganda to deal with post war development and reconstruction in the area. Poverty levels fell from 31.1% in 2005/2006 to the current level of 24.5 % in 2009/2010. This was mainly due to resettlement of people formerly displaced by the war in northern Uganda and increased economic activities in other parts of the countries due to a favorable macroeconomic environment.
  5. In addition the Government is guided by its long term development vision: 2025 project. The National Planning Authority is in the process of reviewing and revising it to Vision 2035. This entire process is spear-headed by H.E the President and the National Resistance Movement (NRM) Government. The vision is to transform Uganda from a peasant economy to an industrialized one within a regional cooperation of the East African Community.
  6. Uganda's donor dependence dropped from 30.4% of the budget to 25.9% in the financial year 2009/10 on account of Government policy to consolidate fiscal operations and enhancing our revenue while reducing donor influence.

Under this section the following issues will also be addressed:

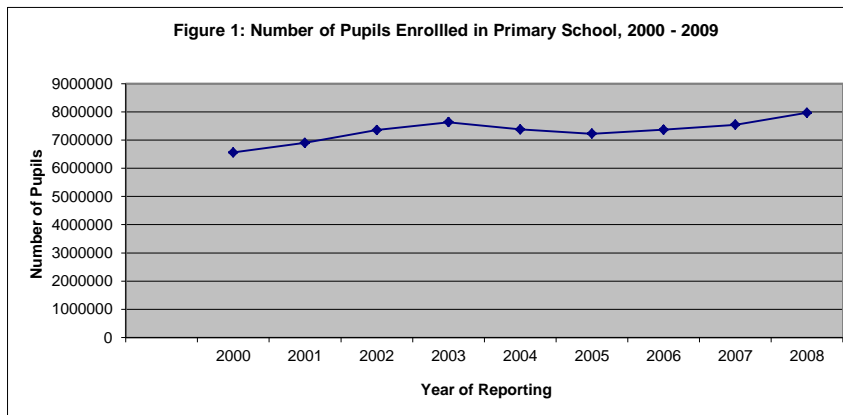
- 1) School enrolment;

- 2) Health indicators
- 3) Social indicators, for the reporting period

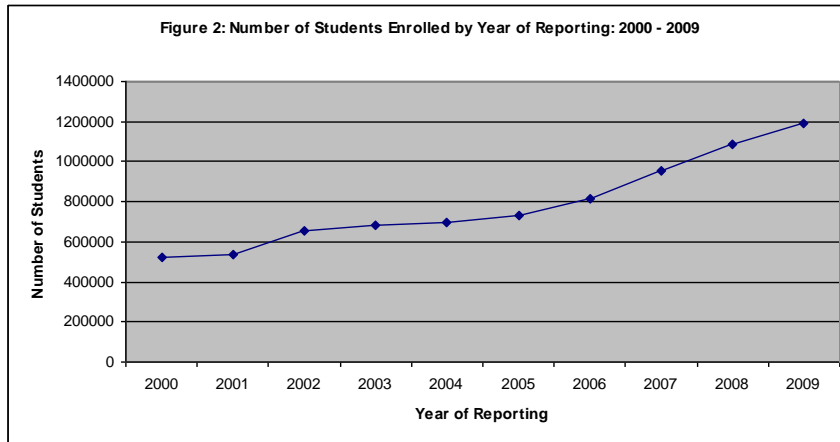
The above pillars represent the basic foundation for the attainment and enjoyment of human rights.

## SCHOOL ENROLMENT

Every year the Ministry responsible for education collects information on school enrolment. Figures 1 and 2 present information on school enrolment at primary and secondary level for the period 2000 to 2009 (current data available). Generally, the enrolment has been on the increase irrespective of the level of education. The increased school enrolment led to an increase in the number of schools and teachers as shown in figure 1 and figure 2. The realized introduction of Universal Primary and Secondary Education contributed a lot to the significant progress in education. The pupil-teacher ratio remained at one teacher for every 50 pupils at primary school level. On the other hand the number of primary school pupils per classroom reduced from 74 in the year 2005 to 68 in 2009, leading to better quality participation by school going children.



Source: Ministry of Education and Sports



*Source: Ministry of Education and Sports*

## HEALTH INDICATORS

The population of Uganda has continued to grow. According to the 2002 Population and Housing Census carried out by the Uganda Bureau of Statistics (UBOS), the population was 24.2 million having increased by 7.5 million people when compared to the Census conducted in the year 1991. As per the year 2010, the population was projected at 31.8 million people. More than half of the population is constituted by females. The population is increasingly becoming younger with the proportion of the population aged less than 18 years having increased from 53.8 percent in 1991 to 56.1 in 2002(it should be noted that in Uganda the census is done every after 10 years). Principally, Uganda provides health care to its citizens through health care facilities classified as health centres II, III, IV and hospitals. Over 75 percent of the health centres are owned by Government. The hospitals are categorized as referral, and regional. According to the ministry responsible for health, in 2009 there were two National, 11 Regional and 109 health centres owned by Government. Table 1 below presents information on the health centres according to the 2006 Health Facility Inventory.

Table 1: Ownership of Health Facilities in the Country

Year	2004				2006				2010			
	GOVT	PNFP	PRIVATE	TOTAL	GOVT	PNFP	PRIVATE	TOTAL	GOVT	PNFP	PRIVATE	TOTAL
Hospitals	55	42	4	101	59	46	8	114	64	56	9	129
Health centre IV	151	12	2	165	148	12	1	161	164	12	1	177
Health centre III	718	164	22	904	762	186	7	955	832	226	24	1082
Health centre II	1055	388	830	2273	1332	415	261	2008	1562	480	964	3006
Total	1979	606	858	3443	2301	659	277	3237	2622	774	998	4394

Source: AHSPR (2009)

Table 2 presents the percentage distribution of the population by distance from home to the health facility according to the 2005/2006 Uganda National Household Survey. The findings indicate that clinics and health centres were more accessible within 5 kilometers more than the hospitals.

Table 2: Population by Distance to Health Facility (%)

Health Facility	2002/03		2005/06	
	Within 5km	Over 5km	Within 5km	Over 5km
Pharmacy/Drug Shop	17.5	8.8	14.8	4.2
Clinic	48.7	32	48.1	34.7
Health Center	23.1	23.7	25.2	32.3
Hospital	10.7	35.6	5.4	26.4
Others	-	-	4.0	2,1
Total	100	100	100	100

Source: Uganda Bureau of Statistics, National Household Survey 2005/06

Immunization of children against diseases is essential for reducing infant and child mortality. Generally, the immunization rates have been high which have been reflected in the reduced child mortality.

Table 2: Immunization Percentage Coverage Rate (2006 to 2009)

Immunization(rates)	2006	2007	2008	2009
BCG (against tuberculosis)	85	90	86	90
Measles	89	87	77	80
OPV3 (against polio)	81	85	79	84
DPT3 (against diphtheria, pertusis and tetanus)	80	86	79	84

Source: (Uganda Bureau of Statistics) National Statistical Abstract 2010

The reduction of infant and child mortality is one of the key priorities documented in the National Health Policy. The child mortality rate is measured using three rates namely, infant, child and under-five mortality. Infant mortality is the probability of dying between birth and the first birthday. Child mortality is the probability of dying between exact age one and the fifth birthday. On the other hand, under-five mortality is the probability of dying between birth and the fifth birthday.

Table 3 presents the early childhood mortality statistics for the period 1991 to 2005. Generally a reduction in childhood mortality was registered during that period.

**Table 3: Early Childhood Mortality by Reporting period**

Period	Infant Mortality Rate (per 1,000 live births)	Child Mortality Rate (per 1,000 live births)	Under-Five Mortality Rate (per 1,000 live births)
2001 – 2005	76	67	137
1996 – 2000	98	71	162
1991 – 1995	95	74	162

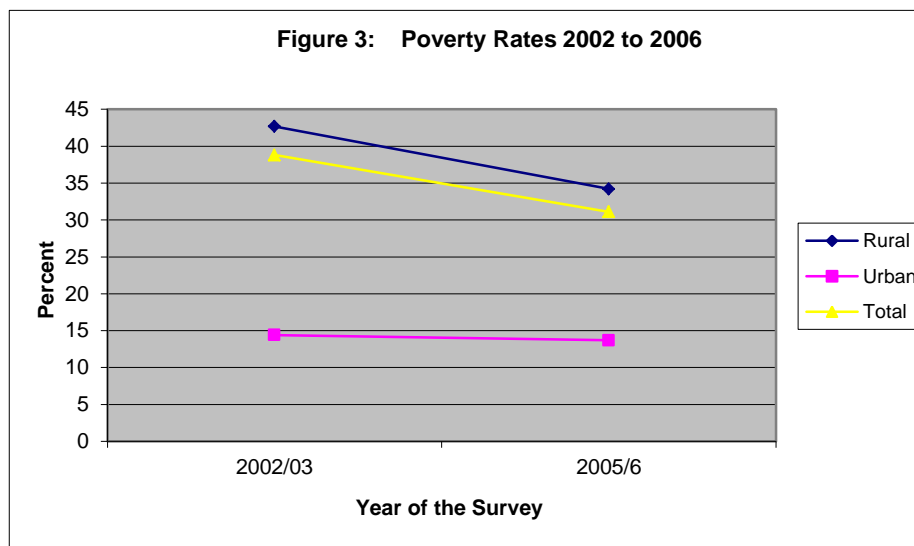
Source: Uganda Demographic and Health Survey (UDHS), 2006

From 2006 to date, there has not been a significant change in the child mortality rate.

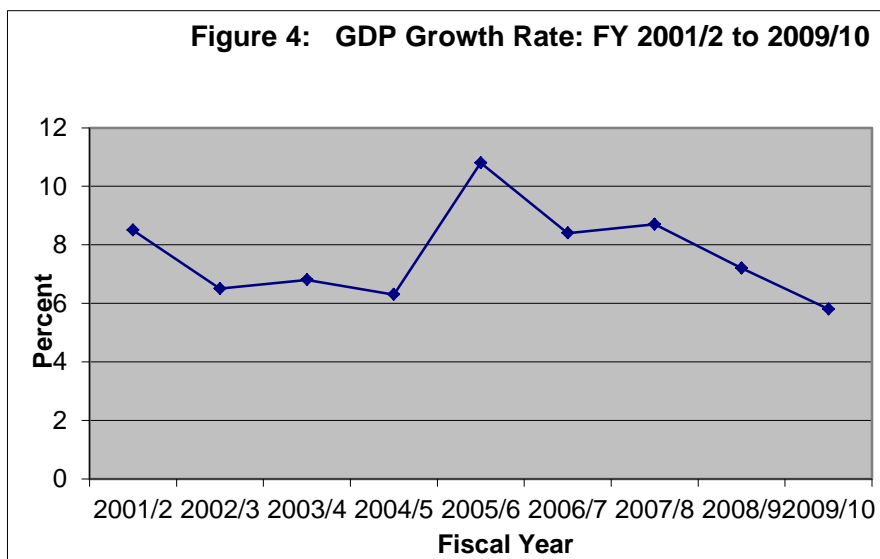
## Socio-Economic Indicators

Income and expenditure statistics are used for the monitoring of the standards of living of the population of Uganda. The proportion of the Ugandan population below the poverty line reduced from 38.8 percent in 2002/3 to 31.1 in 2005/6 and 23.3% in 2009/10 according to the Uganda National Household survey 2009/10. The trend in poverty levels is in line with other key socio-economic indicators.

Figure 3 presents the poverty head count registered from the two Uganda National Household Surveys.



The overall economic performance of the Country is measured by the Gross Domestic Product (GDP). The GDP of Uganda has been growing at a high rate with the peak registered for the Fiscal Year (FY) 2005/6 (figure 4).





### **Other Selected Socio-Economic Indicators:**

Below is a summary of Uganda's social-economic indicators;

- The Population of Uganda according to the 2002 Population and Housing Census was 24.2 million persons. The projected 2010 mid-year population is 31.8 million people.
- Annual population growth rate between 1991 and 2002 censuses was 3.2 percent.
- The 2002 population density was 123 persons per square kilometer.
- Total Fertility Rate was 6.7 births per woman according to the Uganda Demographic and Health Survey (UDHS) of the year 2006.
- Overall, the literacy rate according to the Uganda National Household Survey of 2005/06 was 69 percent for persons aged 10 years and above.
- 70 percent of the working population is in the agricultural sector.
- Latrine coverage improved from 63 percent in 2008 to 68 percent in 2009.
- Agriculture contributed approximately 21 percent to GDP in 2009 at current prices and 90 percent of the total export earnings.

### **B. LEGAL AND INSTITUTIONAL FRAMEWORK**

As reported earlier, the 1995 Constitution as amended is the supreme law of the Republic of Uganda. It provides for the separation of powers of the executive, judicial and the legislative arms of the Government. The President is the head of the Executive and is elected under universal adult suffrage. The majority of Members of Parliament are directly elected except for special interest groups which include; representatives for the youth, persons with disabilities, women, workers and the army who are elected through electoral colleges (except district women representatives who are elected under universal adult suffrage).

### **PART II: MEASURES TAKEN BY UGANDA SINCE THE LAST REPORTING PERIOD**

## **ARTICLE 1 – Legislative Measures Adopted to give effect to the Charter**

The Republic of Uganda recognizes the rights enshrined in the African Charter on Human and Peoples' Rights (ACHPR). These rights are also enshrined in our laws especially the 1995 Constitution as amended. Uganda is also party to various international and regional human rights instruments, treaties, conventions, etc including;

### **1. The Rome Statute;**

Uganda was one of the first sixty states to ratify the Rome Statute of the International Criminal Court in 2002. This was in recognition of the important role that the Court was going to play in the promotion and enforcement of human rights around the globe in general and in Africa in particular. In 2010 Uganda registered another major milestone by being the fourth country in Africa to domesticate the Rome Statute by passing the international Criminal Court Act, 2010. This means that the Rome Statute is now part of Uganda's jurisprudence. Pursuant to article 17 of the Rome Statute which emphasizes the principle of complementarity, the Government of Uganda has set up the War Crimes Division within the High Court with jurisdiction to try war crimes and crimes against humanity. The War Crimes Division was operationalised in 2010 and is scheduled to begin operations. It comprises of three judges, one of whom is female.

The first suspect scheduled to be tried under the War Crimes Division is a former Lord's Resistance Army Commander Thomas Kwoyelo who will be arraigned in Court and charged with 12 counts of willful killing, taking hostages, extensive destruction of property and causing serious injury to people.

### **2. The Maputo Protocol**

The Protocol to the African Charter on Human and Peoples Rights of Women in Africa (Commonly referred to as the Maputo Protocol) is a significant tool in realizing the object of the African Charter in relation to the special needs of women. Uganda ratified this historic instrument on 22<sup>nd</sup> July 2010. This reflects Uganda's unwavering commitment to fulfilling its obligations as prescribed in the said Protocol, given that it has been a signatory since 2004. Uganda has now embarked on a process of domesticating this Protocol and will report on progress achieved in this endeavor in the future. It should be noted that civil society has undertaken to play a major role in achieving the objectives of the Protocol in conjunction with Government.

## **ARTICLE 2: Non Discrimination**

Article 21 of the Constitution of Uganda provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

A number of legislation that were thought to be discriminative were challenged before the Constitutional Court as provided for under Article 21 of the Constitution. These include:

- a) The Divorce Act Cap. 249 which provided for different grounds for divorce for men and women,
- b) Section 154 of the Penal Code Act Cap. 120 which provides for compensation to a husband in case of adultery by his wife but no similar provision for women.
- c) The Succession Act Cap. 162 Section 27 which provides only for male intestacy, grants a widow 15% of the Estate; whereas a widower enjoys 100%. The right of occupancy in a residential holding by a widow as provided for under S.26 the widow (s) terminates upon re-marriage, while that of a man terminates upon death.

In April 2007, these laws were declared unconstitutional.

In July 2010, the Constitutional Court- Law & Advocacy for Women in Uganda V Attorney General constitutional petition 8/2007 declared the practice of female genital mutilation unconstitutional and against human rights. This was reinforced in December 2009, when Parliament passed a law, the Prevention of Female Genital Mutilation Act banning the practice and providing stiff punishment for practitioners.

## **ARTICLE 3: Equality before the law**

Article 21 of the Constitution provides that all persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

In line with Article 21, the Equal Opportunities Commission Act No. 2/2007 was enacted by Parliament in 2007. The Act provides for the formation of the Equal Opportunities Commission whose mandate is, among other things to prevent imbalances in appointments to public offices.

#### **ARTICLE 4: Right to life and integrity of persons**

Article 22 of the Constitution of Uganda provides that no person shall be deprived of the right to life except in the execution of a sentence passed in a fair trial in a court of competent jurisdiction, in respect of a criminal offence under the laws of Uganda, and the conviction and sentence has been confirmed by the highest appellate court. The Supreme Court has upheld the sanctity of life in Uganda as guaranteed under article 22 of the Constitution. In January 2009, the Supreme Court of Uganda in a landmark case- Attorney General **Vs Susan Kigula & 416 ors Constitutional Appeal 3/2006** held that it was unreasonable to keep an inmate on death row for more than three years, after which time their sentence must be commuted to life imprisonment.

Death sentences are handed down in both civil and military courts. The military courts are subordinate to civilian courts, and therefore soldiers convicted in the military court have the right to appeal the decision in civilian courts.

#### **ARTICLE 5: Protection from torture, inhuman and degrading treatment and slavery**

Uganda ratified the United Nations Convention Against Torture (CAT) in 1986 and the convention is in the process of being domesticated.

A coalition of civil society organizations have proposed and come up with a draft Prevention of Torture Bill which it is expected to be debated by Parliament.

In addition as part of her activities as Chairperson of the Follow Up Committee on The **Robben Island Guidelines** on the prevention of torture, **Commissioner Catherine Dupe Atoki** visited Uganda from 25<sup>th</sup> to 27<sup>th</sup> October 2009 and had discussions with high ranking government officials, politicians and law enforcement officials to whom presentations were made on prevention and prohibition of torture, its effects on the victims and their rehabilitation. During the mission, the distinguished Commissioner emphasized the need to expedite the adoption of the Anti -Torture Bill.

A one day sensitization workshop to promote the *Robben Island Guidelines* was held with participants who included representatives the Army, the Police, the Ministry of Justice and Constitutional Affairs, Ministry of Internal Affairs, Uganda Human Rights Commission, Amnesty Commission, the Law Reform Commission, the Ministry of Foreign Affairs and members of Civil Society. She also had the opportunity to visit the maximum security prison in Kampala.

Following this successful mission, the Uganda Peoples Defence Forces (UPDF) has included in its training manual the provisions prohibiting torture or any other acts that may be described as cruel and inhuman. .

## **ARTICLE 6: Right to Liberty and Security of Persons**

Uganda continues to be guided by the Ruling of the Constitutional Court in the case of **Foundation for Human Rights Initiative Vs Attorney General constitutional petition No. 20 of 2006** in which it was held inter alia that bail is not an automatic right and is conditional.

Article 23 of the Constitution provides for the protection of the personal liberty except in certain circumstances specified in the Constitution. This has ensured accountability on the part of the state and security agencies. Indeed, Article 221 of the Constitution enjoins the UPDF and any other security forces established in Uganda, the Uganda Police Force, the Uganda Prisons Service and the Intelligence Agencies and the National Security Council to observe and respect human rights and freedoms in the performance of their functions. These provisions of the Constitution are strictly adhered to. The Police has internal accountability mechanisms such as the Code of Conduct, police disciplinary courts, police complaint systems and the Professional Standards Unit. Its external accountability mechanisms include the judiciary, UHRC, the Inspectorate of Government, Parliament, civil society, media, the United Nations Committee Against Torture, UN Human Rights Committee which monitors the implementation of the International Covenant on Civil and Political Rights and the regional mechanisms of the African Union, the African Commission on Human and Peoples' Rights and the African Court of Human and Peoples' Rights.

Accountability of prison authorities is dealt with in Sections 14, 71 and 72 of the Prisons Act Cap. 304. Section 14 (1) (b) provides that the functions of the Prisons Council include the exercise of 'disciplinary control over all prison officers of and below the rank of Principal Officer through the established procedure.' The above section illustrates that prison officers are accountable but lacks detail about the nature of the acts or omissions that will draw the Prisons Council to act or the penalties a Prisons Officer will face when they violate prisoners rights.

Section 71 and Section 72 of the Prisons Act provides for further internal accountability mechanisms for prison authorities. Section 71 grants prisoners the right to make complaints to prison authorities, namely the officer in charge of the prison or an officer authorized to represent the prisoner, the Inspector of Prisons, the Commissioner

General, 'the judicial authority or other proper authorities through approved channels.' Section 72 allows prisoners to make petitions to President.

However, there are external mechanisms that can also bring Prison authorities to account such as the judiciary, the UHRC, the Inspectorate of Government, Parliament, Civil society, media, the United Nations Committee Against Torture and the UN Human Rights Committee which monitors the implementation of the ICCPR and the regional mechanisms of the African Union, the African Commission and the African Court.

The Internal Security Organization (ISO) is established and governed by the Security Organizations Act Cap 305. This is the first time in the history of Uganda for the Internal Security Organization to be regulated by law.

The aim of the Act is to among other things provide for the functions of ISO which relate to intelligence information about the security of Uganda. The Director General of ISO is accountable to the President under the Act.

Like the other security agencies, ISO can be subject to external mechanisms in terms of accountability such as the judiciary, the Uganda Human Rights Commission, the Inspectorate of Government, Parliament, civil society, media, the UN Committee Against Torture, the UN Human Rights Committee which monitors the implementation of the International Covenant on Civil and Political Rights and the regional mechanisms of the African Union, the African Commission and the African Court.

## **ARTICLE 7: Right to fair trial**

The Constitution of Uganda guarantees uniform access to justice for all Uganda citizens. This includes and is not only limited to access to all courts for all individuals on matters touching their rights as enshrined under the Constitution. Article 28 provides that in the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.

The determination of these rights has been put to the test in various petitions heard in the Constitutional court of Uganda. In Constitutional Petition No.22 of 2006 Rtd. Col. Dr. Kiiza Besigye and others Vs. Attorney General, Court held *inter alia* that an accused person must be provided with the evidence adduced against him to enable him prepare his defence adequately.

Apart from the entrenchment of the right to a fair hearing guaranteed by the Constitution, various other laws like the Judicature Act, Civil Procedure Act, Criminal Procedure Act and institutions like the Uganda Human Rights Commission entrench the enforcement of the right to a fair Hearing.

#### **ARTICLE 8: Freedom of Conscience**

Article 29 of the Constitution of Uganda provides that every person shall have the right to freedom of speech and expression which shall include the press and other media, freedom of thought, conscience and belief, freedom of practice of any religion, freedom to assemble.

#### **ARTICLE 9: Right to information**

Article 41 of the Constitution of Uganda provides that every citizen has a right to access information of the State or any other organ or agency of the State except where the release of information is not likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any person.

The right to access to information has been put to the test in our courts, in **Mis Cause No. 751 of 2009**, it was found that keeping certain class of documents secret is necessary for the proper functioning of Government.

#### **ARTICLE 10: Right to freedom of association**

Article 29 (1) (d) of the Constitution of Uganda provides that every person shall the right to freedom of association or unions, including trade unions and political and other civic organizations. Uganda continues to abide by these constitutional provisions.

#### **ARTICLE 11: Right to freedom of Assembly**

Article 29 (1) (d) of the Constitution provides that every person shall have the freedom to assemble and to demonstrate together with others peaceful and unarmed and to petition.

In Constitutional **Petition No.9 of 2005 Muwanga Kivumbi Vs Attorney General**, the power of the police under section 32 of the Police Act on the Power to regulate assemblies and processions by requesting for permission to hold such assemblies was found to be an infringement of Articles 20(1), (2) and 29(b) (c) of the Constitution.

It should therefore be stated that the Government of Uganda is bound to implement the findings of the Court on these provisions of the Constitution.

### **ARTICLE 12: Right to freedom of movement and residence within the borders of the State**

Uganda continues to abide by its constitutional obligations. The Constitution of Uganda in Article 29 provides that every Ugandan shall have the right to move freely throughout Uganda and to reside and settle in any part of Uganda, to enter, leave and return to Uganda and to possess a passport or other travel documents.

Under the East African Community, Uganda together with the other East African Community Partner States has completed the process of negotiating the East African Common Market Protocol which allows the free movement of labour, capital and right of abode and is working closely with the other Partner states to implement the provisions of the Protocol.

### **ARTICLE 13: Freedom of Participation in Governance**

Uganda was honored and successfully hosted The New Partnership for Africa's Development (NEPAD) Summit on the side lines of the July 2010 African Union Summit in Kampala, Uganda. This new partnership is a pledge by African leaders based on the common vision and a firm and shared conviction that they have a pressing duty to eradicate poverty and to place their countries both individually and collectively on a path of sustainable growth and development and at the same time to participate actively in the world economy and body politic.

Uganda has continued to implement the African Peer Review Mechanism (APRM) Programme of Action 2008/09-2010/11, which was drawn out of the Country Self-Assessment involving citizens at all levels. A National Governing Council composed of Civil Society, private sector and government is charged with monitoring of the implementation of this commitment by government. The first progress report on the implementation of the APRM Programme of Action 2008/9 was produced in consultation with civil society and private sector indicating marked progress and a financial commitment by government of over 18% of what was pledged for the period.



This report was presented by H.E the President to his Peers in the APRM Summit which took place in January 2010, in Addis Ababa, Ethiopia.

In preparation for the general elections (presidential, parliamentary and local government levels) which took place in February and March 2011, the Electoral Commission embarked on the exercise of updating, cleaning and displaying the voters register in a country wide exercise in order to ensure that persons who had turned eighteen years since the last general election exercised their right to vote. This is in tandem with article 59 of the Constitution which states that every citizen of Uganda of eighteen years and above has a right to vote.

In a bid to ensure access to public services by all citizens, government is strengthening and deepening decentralization to enhance service delivery.

#### **ARTICLE 14: Right to property**

Article 26 of the Constitution of Uganda provides that every person has a right to own property either individually or in association with others and that no person shall be compulsorily deprived of property or any interest in or right over property of any description. This however, is, subject to the right of Government to acquire land for public interest after providing adequate compensation, payable upfront and other considerations as may be deemed necessary for such resettlement. One of the most recent cases is **Francis Bwengye Vs Attorney General, Miscellaneous Application 137 of 2003** through which the Government of Uganda made prompt payment of fair and adequate compensation for the taking of possession and or acquisition of Mr. Bwengye's property as per the Constitution.

#### **ARTICLE 15: Right to work under equitable and satisfactory conditions**

Uganda's Constitution does not explicitly provide for a right to work under certain conditions or to receive equal pay. However, Article. 25 of the Constitution does guarantee minimum satisfactory conditions of work in that it protects all people from slavery, servitude and forced labour (equitable and satisfactory conditions). Similarly, the Constitution does not guarantee explicitly a right to equal pay for work. However, all persons are guaranteed the right to equality and freedom from discrimination on grounds such as race, sex etc in Article 21.

## **ARTICLE 16: Right to best attainable state of physical and mental health**

Under the Health Sector Strategic and Investment Plan (HSSIP) six regional health centres units have been constructed in Masaka, Mbale, Lira, Mubende, Jinja and Moroto. All these regional health centres have mental health units which are functional although only four have resident psychiatrists.

Stakeholders meetings for consultation on the principles for the Mental Health Bill were held and the views generated were presented to the First Parliamentary Counsel for input in the drafting of the Bill.

The following documents have been drafted: the revised Mental Health policy, National Alcohol policy, Tobacco control policy, and the Tobacco Control Bill, Several Media programmes were held for educating the public on Mental Health, and Epilepsy and substance abuse control. Information Education and Communication materials were developed and disseminated on World Mental Health Day, World No Tobacco Day, National Epilepsy Advocacy Day and the UN Day against substance abuse and illicit trafficking.

To build capacity for management of mental health, neurological and substance abuse problems, sensitization of District political leaders, District Health Management Teams and other relevant sectors was conducted and Primary Health Care workers trained in community Mental Health to cover 19 Districts in the Regional referral areas of Fort Portal, Hoima, Soroti and Kabale. Training of Psychiatrists, Psychiatric Social workers and Psychiatric Clinical officers was supported by the Health Sector Strategic and Investment Plan (HSSIP) II. Most Districts have recruited Mental Health Professionals for integration of Mental Health into Primary Health Care.

## **ARTICLE 17: Right to education**

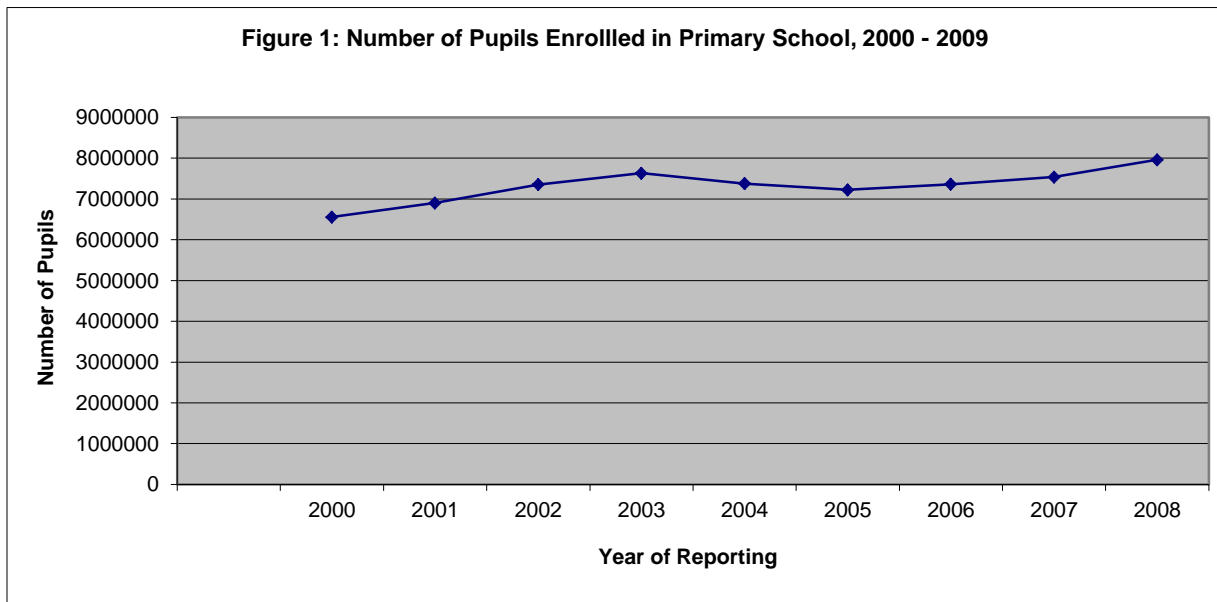
Article 30 of the Constitution stipulates that all persons have a right to education. Government policy is putting more emphasis on mass education through Universal Primary Education/Universal Secondary Education programmes to improve literacy levels among Ugandans as opposed to education for a few elite.

Government will continue increasing teachers' salaries as long as the economy improves. Government announced a 30 per cent increment in salaries of scientists, primary school teachers, lower cadre health workers and security forces in this year's budget as part of

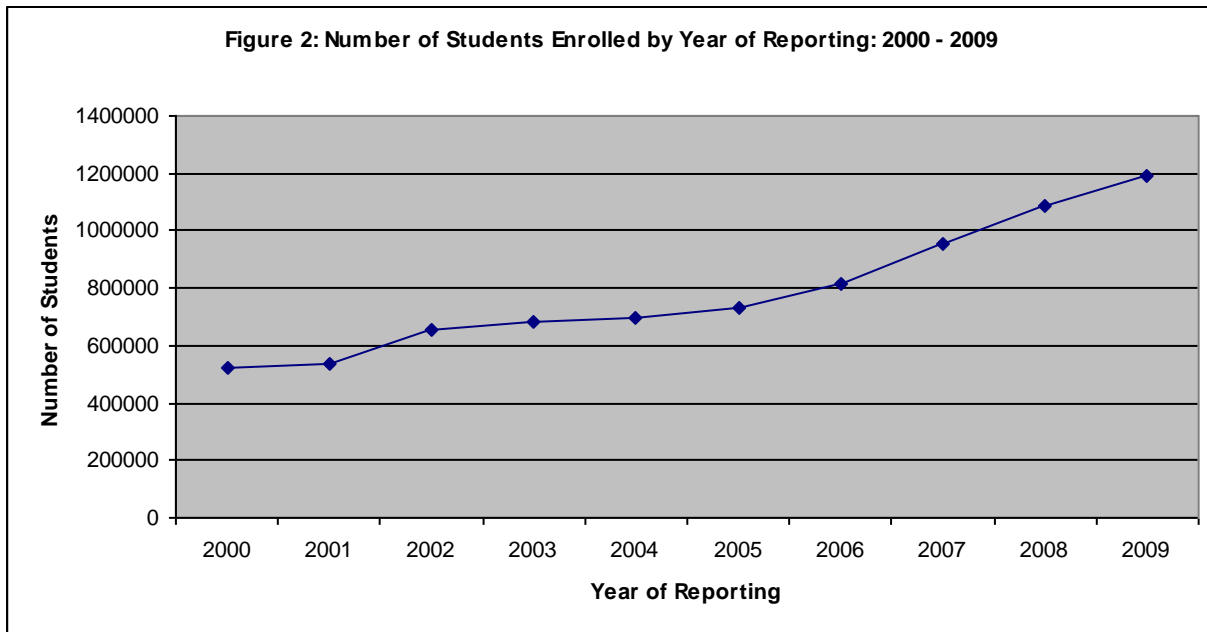
improving service delivery. Further, Government intends to increase financial allocations to the Education sector to enable the construction of Teachers' houses as part of its efforts to enhance service delivery on UPE and USE programmes.

## SCHOOL ENROLMENT

Every year the Ministry responsible for education collects information on school enrolment. Figures 1 and 2 present information on school enrolment at primary and secondary level for the period 2000 to 2009. Generally, the enrolment has been on the increase irrespective of the Level of education. The increased school enrolment led to an increase in the number of schools and teachers as shown in Figure 1.1 and 1.2. The introduction of Universal Primary and Secondary Education contributed to the good progress in education. The pupil-teacher ratio has been stagnating at one teacher for every 50 pupils at primary school level. On the other hand the number of primary school pupils per classroom reduced from 74 in the year 2005 to 68 in 2009.



Source: Ministry of Education and Sports



Source: Ministry of Education and Sports

## FIGURE 1

Figure 1.1

### Primary School Enrolment by Year of Reporting

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
P1	Male	828,345	855,571	920,053	960,606	923,180	859,343	883,827	918,399	951,501	976,078
	Female	809,306	849,195	927,127	954,287	914,097	853,077	879,457	913,730	945,613	970,240
	<b>Total</b>	<b>1,637,651</b>	<b>1,704,766</b>	<b>1,847,180</b>	<b>1,914,893</b>	<b>1,837,277</b>	<b>1,712,420</b>	<b>1,763,284</b>	<b>1,832,129</b>	<b>1,897,114</b>	<b>1,946,318</b>
P2	Male	589,184	586,537	606,611	626,974	603,356	592,955	601,545	610,262	660,991	675,731
	Female	568,363	571,445	597,372	617,827	591,121	582,077	597,780	603,224	657,247	673,625
	<b>Total</b>	<b>1,157,547</b>	<b>1,157,982</b>	<b>1,203,983</b>	<b>1,244,801</b>	<b>1,194,477</b>	<b>1,175,032</b>	<b>1,199,325</b>	<b>1,213,486</b>	<b>1,318,238</b>	<b>1,349,356</b>
P3	Male	572,070	569,712	582,406	596,125	580,411	583,126	602,708	614,896	644,365	686,897
	Female	553,215	559,058	577,465	582,765	570,114	579,336	597,267	609,916	635,535	680,462
	<b>Total</b>	<b>1,125,285</b>	<b>1,128,770</b>	<b>1,159,871</b>	<b>1,178,890</b>	<b>1,150,525</b>	<b>1,162,462</b>	<b>1,199,975</b>	<b>1,224,812</b>	<b>1,279,900</b>	<b>1,367,359</b>
P4	Male	495,954	515,412	535,935	548,893	524,935	511,321	523,429	544,928	580,015	604,523
	Female	466,098	503,950	534,184	540,991	520,879	507,969	530,859	551,328	584,625	607,659
	<b>Total</b>	<b>962,052</b>	<b>1,019,362</b>	<b>1,070,119</b>	<b>1,089,884</b>	<b>1,045,814</b>	<b>1,019,290</b>	<b>1,054,288</b>	<b>1,096,256</b>	<b>1,164,640</b>	<b>1,212,182</b>
P5	Male	381,107	429,142	460,098	483,356	462,529	457,249	452,566	466,769	491,947	515,663
	Female	342,025	403,713	450,592	475,102	461,180	458,255	461,809	473,035	501,390	526,838
	<b>Total</b>	<b>723,132</b>	<b>832,855</b>	<b>910,690</b>	<b>958,458</b>	<b>923,709</b>	<b>915,504</b>	<b>914,375</b>	<b>939,804</b>	<b>993,337</b>	<b>1,042,501</b>
P6	Male	308,451	332,320	363,918	391,423	382,609	381,975	380,432	379,288	394,135	413,376
	Female	260,492	296,857	338,283	369,262	369,399	377,245	382,821	381,924	400,886	420,183
	<b>Total</b>	<b>568,943</b>	<b>629,177</b>	<b>702,201</b>	<b>760,685</b>	<b>752,008</b>	<b>759,220</b>	<b>763,253</b>	<b>761,212</b>	<b>795,021</b>	<b>833,559</b>
P7	Male	220,443	239,341	252,114	265,212	255,908	256,599	247,735	244,796	264,206	277,769
	Female	163,960	188,663	207,995	220,491	217,574	223,352	220,703	225,476	251,523	268,736
	<b>Total</b>	<b>384,403</b>	<b>428,004</b>	<b>460,109</b>	<b>485,703</b>	<b>473,482</b>	<b>479,951</b>	<b>468,438</b>	<b>470,272</b>	<b>515,729</b>	<b>546,505</b>

Total	Male	3,395,554	3,528,035	3,721,135	3,872,589	3,732,928	3,642,568	3,692,242	3,779,338	3,987,160	4,150,037
	Female	3,163,459	3,372,881	3,633,018	3,760,725	3,644,364	3,581,311	3,670,696	3,758,633	3,976,819	4,147,743
	<b>Total</b>	<b>6,559,013</b>	<b>6,900,916</b>	<b>7,354,153</b>	<b>7,633,314</b>	<b>7,377,292</b>	<b>7,223,879</b>	<b>7,362,938</b>	<b>7,537,971</b>	<b>7,963,979</b>	<b>8,297,780</b>
Total Schools that Responded		11,578	12,280	13,332	13,353	13,371	13,576	14,385	14,728	15,962	17,127
Total Schools in Database		12,480	13,219	14,281	14,816	15,339	15,828	17,807	18,583	19,185	19,877
Total Teachers		110,366	127,038	139,484	145,587	147,242	143,247	150,135	152,086	159,516	168,376

**Figure 1.2: Secondary School Enrolment by Year of Reporting**

		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
S1	Male	84,546	84,490	98,788	96,988	97,573	95,904	110,469	149,327	154,923	155,822
	Female	69,915	71,447	84,469	82,317	82,494	82,902	98,392	128,623	136,874	140,578
	<b>Total</b>	<b>154,461</b>	<b>155,937</b>	<b>183,257</b>	<b>179,305</b>	<b>180,067</b>	<b>178,806</b>	<b>208,861</b>	<b>277,950</b>	<b>291,797</b>	<b>296,400</b>
S2	Male	71,221	72,530	83,837	85,366	85,421	89,033	96,168	106,114	146,477	149,681
	Female	59,599	59,817	72,517	73,106	71,835	76,034	84,302	95,640	125,339	130,345
	<b>Total</b>	<b>130,820</b>	<b>132,347</b>	<b>156,354</b>	<b>158,472</b>	<b>157,256</b>	<b>165,067</b>	<b>180,470</b>	<b>201,754</b>	<b>271,816</b>	<b>280,026</b>
S3	Male	57,416	60,136	70,841	73,894	75,712	80,808	90,573	96,611	104,910	140,143
	Female	44,860	48,181	59,418	63,547	64,549	67,428	77,669	83,775	93,887	117,987
	<b>Total</b>	<b>102,276</b>	<b>108,317</b>	<b>130,259</b>	<b>137,441</b>	<b>140,261</b>	<b>148,236</b>	<b>168,242</b>	<b>180,386</b>	<b>198,797</b>	<b>258,130</b>
S4	Male	46,221	50,036	58,857	65,047	67,125	72,690	79,016	88,139	96,228	103,983
	Female	34,969	37,167	48,602	53,038	54,468	58,687	63,356	73,472	80,608	89,175
	<b>Total</b>	<b>81,190</b>	<b>87,203</b>	<b>107,459</b>	<b>118,085</b>	<b>121,593</b>	<b>131,377</b>	<b>142,372</b>	<b>161,611</b>	<b>176,836</b>	<b>193,158</b>
S5	Male	12,332	15,581	21,398	26,648	30,711	31,657	36,466	40,113	44,842	51,172
	Female	8,374	9,889	14,473	18,976	21,879	21,816	25,600	29,144	32,904	35,842
	<b>Total</b>	<b>20,706</b>	<b>25,470</b>	<b>35,871</b>	<b>45,624</b>	<b>52,590</b>	<b>53,473</b>	<b>62,066</b>	<b>69,257</b>	<b>77,746</b>	<b>87,014</b>
S6	Male	18,440	19,041	25,773	26,716	27,110	30,722	31,024	36,950	41,978	47,213
	Female	11,038	11,471	16,978	17,966	18,630	20,881	21,052	26,420	29,774	32,513
	<b>Total</b>	<b>29,478</b>	<b>30,512</b>	<b>42,751</b>	<b>44,682</b>	<b>45,740</b>	<b>51,603</b>	<b>52,076</b>	<b>63,370</b>	<b>71,752</b>	<b>79,726</b>
Total	Male	290,176	301,814	359,494	374,659	383,652	400,814	443,716	517,254	589,358	648,014
	Female	228,755	237,972	296,457	308,950	313,855	327,748	370,371	437,074	499,386	546,440
	<b>Total</b>	<b>518,931</b>	<b>539,786</b>	<b>655,951</b>	<b>683,609</b>	<b>697,507</b>	<b>728,562</b>	<b>814,087</b>	<b>954,328</b>	<b>1,088,744</b>	<b>1,194,454</b>
Total Schools that Responded		1,892	1,850	2,198	2,055	1,969	1,961	2,286	2,644	2,908	3,149
Total Schools in Database		N/A	2,400	2,723	2,899	3,645	3,726	3,730	4,458	4,636	4,666
Total Teachers		30,384	30,425	37,227	38,549	37,313	37,607	42,673	50,767	57,158	65,045

## ARTICLE 18: Rights of the family

In the past two decades, Uganda has undertaken measures to address the rights of women and to combat gender based discrimination. Most of these have involved legislative reforms, whereby important laws like Domestic Violence Act, the Employment Act, 2006 and the Trafficking in Persons Act, 2009 have been enacted. These important laws draw on the Constitutional provisions that recognize the rights of women and their equality to men, as well as the right not to be discriminated against. In

addition to important human rights of women that reflect several international human rights standards and commitments, the Constitution recognizes the important maternal functions of women and the right to start a family.

The affirmative action provisions in the Constitutions have been adhered to in this regard, leading to at least 30% representation of women councillors, and 30% composition of women in Parliament.

Affirmative action in the education system at Primary and university level has significantly resulted in increased enrolment of girls in the education system. Girl child education increased from 44.2% in 1990 to 49.9% in 2008, although their retention rates are still challenged by cultural, social and perception factors.

The Directorate of Ethics & Integrity in Uganda has continued to be the custodian of morals and traditional values recognized by the community, and to prevent discrimination against women, the aged and the disabled.

### **Progress includes;**

Passing of laws to support the family and community values. These include;

- ✚ The **Domestic Violence Act, 2010**. The law seeks to protect victims of domestic violence and to punish perpetrators. It is not only limited to physical harm, but also economic, emotional, verbal and psychological abuse which has previously gone unnoticed.
- ✚ The Prevention of Female **Genital Mutilation (FGM) Act**. The Act criminalizes the practice of FGM, prosecution of offenders and protection of victims.
- ✚ **Land (Amendment) Act**. Following this, drafting of a national Land Policy and national consultations are ongoing.

As earlier mentioned, on the 22<sup>nd</sup> July 2010 - Uganda became the 28<sup>th</sup> Country to ratify the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), an early milestone in the 2010-2020 African Women's Decade.

There are however other critical laws that are still pending which would enable the majority of people in Uganda to attain family justice. These include;

- ✚ The **Marriage and Divorce Bill** (formerly the Domestic Relations Bill -DRB)
- ✚ The **Sexual Offences (Amendment) Bill**

- ✚ The **Penal Code (Amendment) Act** - to take into consideration the issue of criminal adultery
- ✚ The **Succession (Amendment) Act** – to take into consideration aspects of equal inheritance between men and women.
- ✚ The **Community Mobilization and Empowerment Bill**
- ✚ **It is expected that these laws will be debated and passed before the close of the 8<sup>th</sup> Parliament in May this year (2011).**

Following the passing of the Equal Opportunities Act in 2007, the President appointed members to the Equal Opportunities Commission.

The Ministry of Gender, Labour and Social Development has created a Family Affairs department and is in process of recruiting staff.

#### **ARTICLE 19: Non domination of a people by another**

Uganda continues to abide by its constitutional obligations.

The Constitutional Court of Uganda has pronounced itself on the issue of nondiscrimination for all individuals in Uganda. In the **Constitutional Petition No.2/2003 Fida and others Vs Attorney General**, the Constitutional Court found that the grounds for divorce relating to men should stand equal as those relating to women. Constitutional matters of this nature have entrenched the equal rights of men and women in our society.

#### **ARTICLE 20: Right to existence and self determination**

Article 1 of the Constitution of Uganda entrenches the sovereignty of the people of Uganda. It provides that all power belongs to the people who shall express their will and consent on who shall govern them and how they should be governed, through regular, free and fair elections of their representative or through referenda.

Further, the Constitution of Uganda provides for the right of every person to exercise freedom of thought, conscience, and belief which shall include; academic freedom in institutions of learning”. It also guarantees the right to freedom to practice any religion and manifest such practices which shall include: the right to belong to and participate in the practices of any religious body or organization in a manner consistent with the Constitution.

The Constitution also provides for the right of every person as applicable, to belong to, enjoy, practice, profess, maintain and promote any culture, cultural institution, language, tradition, creed or religion in community with others.

### **ARTICLE 21: Right to dispose of wealth and natural resources**

The Constitution of Uganda (Chapter 4 Article 26) provides that every person has a right to own property either individually or in association with others.

It also provides that no person shall be compulsorily deprived of property or any interest in or right over property of any description.

The Constitution of Uganda (Chapter 4 Article 27) provides that no person shall be subjected to interference with the privacy of that person's home, correspondence, communication or other property.

This right too however, is subject to the right of Government to acquire land/property due to public interest after providing adequate compensation and other considerations as may be deemed necessary. However article 244 of the Constitution provides that subject to article 26, the entire property in and control of, all minerals and petroleum in, and on or under, any land or waters in Uganda is vested in the Government on behalf of the Republic of Uganda.

### **ARTICLE 22: Right to economic, social and cultural development**

Uganda was honored and successfully hosted The New Partnership for Africa's Development (NEPAD) Summit on the side lines of the July 2010 African Union Summit in Kampala, Uganda. This new partnership is a pledge by African leaders based on the common vision and a firm and shared conviction that they have a pressing duty to eradicate poverty and to place their countries both individually and collectively on a path of sustainable growth and development and at the same time to participate actively in the world economy and body politic. Uganda has continued to implement the African Peer Review Mechanism (APRM) Programme of Action 2008/09-2010/11, which was drawn out of the Country Self-Assessment involving citizens at all levels. A National Governing Council composed of Civil Society, private sector and government is charged with monitoring of the implementation of this commitment by government. The first progress report on the implementation of the APRM Programme of Action 2008/9 was



produced in consultation with civil society and private sector indicating marked progress and a financial commitment by government of over 18% of what was pledged for the period (attached is the report). This report was presented by H.E the President to his Peers in the APRM Summit of January 2010, Addis Ababa, Ethiopia.

In order to ensure prosperity for all citizens, government prepared and launched in April 2010 the 5-Year National Development Plan (NDP) 2010/11-2014/15, a successor to the Poverty Eradication Action Plan (PEAP), with the theme: “Growth, Employment and Socio-economic Transformation for prosperity”. This National Development Plan, one of the six to be designed, contributes to Uganda’s Vision of “a transformed Ugandan society from a peasant to a modern and prosperous country within 30 years”. In order to achieve this vision, the National Development Plan has been designed to significantly improve specific development indicators associated with transformation.

These include: raising average per capita income levels; improving the labor force distribution in line with sectoral GDP shares; raising the country human development indicators; and improving the country’s competitiveness to levels associated with middle income countries. The NDP maintains the poverty eradication vision, but with a major focus on economic growth and wealth creation.

The Constitution of Uganda, in Articles 32 (3), (4) provides for the establishment of an Equal Opportunities Commission (EOC) to safeguard the rights of the marginalized groups on the basis of gender, age, disability or any other reason created by history, tradition or custom, social or economic standing and political opinion. The marginalized groups of people are voiceless, powerless and cannot influence decisions that affect their lives. To address these issues, the Equal Opportunities Commission Act was passed by the 8th Parliament and the Equal Opportunities Commission, has been established.

The government has employed new measures to cater for its citizens including, the poorest, elderly, disabled and orphans. This is after receiving a grant of 40 million pounds. Under the project, this select group will receive a minimum monthly wage.

**ARTICLE 23: Right to national and international peace and security as affirmed by the Charter of the United Nations & African Union**

Uganda was honored to chair the United Nations Security Council (UNSC) from January 2009 to November 2010.

Uganda has also continued to play an important role in Peace and Security in the Great Lakes Region and the Horn of Africa through contributions of peace keeping troops to AMISOM.

#### **ARTICLE 24: Right to a general satisfactory environment**

Article 39 of the Constitution provides that every Ugandan has a right to a clean and healthy environment. The Government of Uganda has continued to ensure that the environment is not degraded. The Government has setup a specialized unit within the Uganda Police Force to enforce the provisions of the National Environmental Management Authority (NEMA). In this direction Government, through the NEMA continues to take measures to prevent environmental degradation around the country. .

#### **ARTICLE 25: States duty to educate the masses**

The Government of Uganda has yet to design a comprehensive national programme to promote the African Charter on Human and Peoples Rights

#### **ARTICLE 26: Courts and National Human Rights Institution**

The Uganda Human Rights Commission submits to Parliament annual Reports on the status of human rights in the country.

In the 12<sup>th</sup> Annual Report to the Parliament of the Republic of Uganda, the Uganda Human Rights Commission has noted that the Government of Uganda has responded to its recommendations.

### **PART III: OTHER MEASURES THAT HAVE BEEN TAKEN BY GOVERNMENT IN IMPLEMENTING THE CHARTER**

In further fulfillment of the obligation of the implementation of the charter the Ugandan Parliament has passed into Acts the under listed Bills which strengthen the enjoyment of the social, economic, political and cultural rights of its citizens.

The Bills passed by Parliament are as follows:

17/09/09: The Domestic Violence Bill, 2009.  
17/09/09: The Land Amendment Bill, 2007.  
21/09/09: The Prevention of Female Genital Mutilation Act, 2009.  
21/09/09: The Political Parties and Organization (Amendment) Bill, 2008.  
22/09/09: The Political Planning Bill, 2008.  
23/09/09: The Whistle Blowers Protection Act, 2008.  
13/10/09: The International Criminal Court Act, 2006.  
11/11/09: The Trademarks Bill, 2008.  
26/11/09: The Political Parties and Organizations (Amendment) Bill, 2009.  
10/12/09: The Electoral Commission (Amendment) Bill, 2009.  
22/12/09: The Parliamentary Elections (Amendment) Bill, 2009.  
04/02/10: The Presidential Elections (Amendment) Bill, 2009.  
02/03/10: The National Youth Council (Amendment) Bill, 2008.  
10/03/10: The National Women's Council (Amendment) Bill, 2008.

#### **PART IV: CHALLENGES FACED BY UGANDA IN IMPLEMENTING THE CHARTER**

- Cases of mob justice are particularly challenging for the Police to investigate and prosecute because they often involve entire communities or villages.
- Funding of activities to implement the Charter is limited.
- Uganda continues to face the problem of population pressures due high birth rate which is the second highest in Africa.
- Maternal and infant mortality rates are still high.
- Civic education of the masses before, during and after elections remains a challenge.
- The worldwide economic downturn affected Uganda's efforts for growth in social, cultural and economic spheres.
- School enrolment and drop-out rates have remained a challenge due to social, economic and cultural pressures.

- There are still challenges of unemployment.
- There remains a challenge in getting the civil society to fully participate in compiling periodic reports.

## **CONCLUSION**

In conclusion the Government of the Republic of Uganda wishes to humbly request the distinguished Commission to consider extending the period of reporting from two years to three years, as the period of two years provided for in the Charter has proved to be a short reporting period.

Your Excellencies,

Distinguished Commissioners,

State delegates,

Civil Society,

National Human Rights Institutions,

Ladies and Gentlemen

On behalf of The Government of Uganda, my delegation and on my own behalf I wish to assure you of my country's commitment and high regard for the Commission and its mandate. I further wish to extend our gratitude to His Excellency the President, the Government and people of the Republic of Gambia for your warm hospitality since we arrived in your beautiful country.

I thank you.