



REPUBLIC OF UGANDA

**STATEMENT BY HON. KIRYOWA KIWANUKA**

**ATTORNEY GENERAL  
OF THE REPUBLIC OF UGANDA**

**ON**

**THE CONSIDERATION OF THE 2<sup>ND</sup> PERIODIC REPORT TO  
THE 75<sup>TH</sup> SESSION OF THE COMMITTEE AGAINST TORTURE**

**9<sup>TH</sup> TO 10<sup>TH</sup> NOVEMBER 2022**

**GENEVA, SWITZERLAND**

*Please check Against Delivery*

**Chairperson of the United Nations Committee against Torture,  
Distinguished Independent Experts,  
Ladies and Gentlemen!**

1. I bring you warm greetings from the Government and the people of the Republic of Uganda.
2. I also want to take this opportunity to congratulate us all for staying alive through the tough Covid-19 Pandemic, which negatively impacted the work of this Committee in the last two years.
3. Chair, my delegation is delighted to see you resume the work of this Committee, which my government considers important and key in the prohibition and prevention of any form of torture, inhuman or degrading treatment.

**Chairperson,**

4. Uganda's participation in this dialogue is informed by our historical, constitutional, and political realities. Our struggle for the liberties of the people and restoration of basic human rights dates to our anti-colonial struggles and the days of resistance against the unconstitutional and fascist rule, that was largely categorized by gross human rights abuses like extrajudicial killings, torture, and inhuman treatment of our people.
5. Against the backdrop of our dark history, the current government was determined and committed to ending the glaring human rights violations, and indeed, immediately after it came into administration in 1986, Uganda was among the first countries to sign and ratify the International Convention Against Torture (UNCAT) on 3rd November, 1986.
6. The Commitment of the Government of Uganda to ensure the protection of her people against any form of torture has remained resolute, amidst the growing challenges that we all operate in as States.
7. To reaffirm our determination, the protection of our people against any form of torture, cruel, inhuman, or degrading treatment or punishment was provided for and is protected as a non-derogable right under Articles 24 and 44 of the 1995 Constitution of the Republic of Uganda.

## **Chairperson,**

8. In the implementation of our international and national obligations on the right against torture, we employ a multi-sectoral approach that involves all relevant state organs and authorities to ensure meaningful implementation of the laws against torture. Following the submission of our second periodic report, these sectors and authorities have remained steadfast in promoting the right for all against torture and inhuman treatment.
9. I would therefore like to take this opportunity to highlight some of the updates to the information contained in our second periodic report to this Committee.
10. Uganda enacted the Prevention and Prohibition of Torture, Act, 2012 (PPTA), which domesticates the definition of torture in Article 1 of the Convention Against Torture. It is important to note that in accordance with Article 1(2) of the UNCAT, Uganda widened the application of the definition of torture under that Convention, to include private individuals. Uganda was also the first country in Africa and second in the world to enact a law against torture, and we have been exemplary to other countries in the region in the enactment of laws criminalizing torture as they continue to benchmark with us.
11. The Prevention and Prohibition of Torture Regulations, 2017 that operationalized the PPTA, provide for a complaints procedure which has facilitated the lodging of complaints against perpetrators of torture. Courts of law in Uganda have also vehemently upheld the none derogation of the right to the freedom against torture and ill treatment. Several orders have been made including compensation awards to victims of torture, discontinuation of criminal proceedings on account of torture of suspects, as well holding perpetrators of torture personally liable and accountable.
12. The security agencies in the country are a product of our history. At the center of their work is the recognition of the sanctity of life and respect for human rights. Therefore, the government continues to invest in training security personnel to ensure adherence to the Prevention and Prohibition of Torture Act in their course of duty. This training is a continuous and an integral part of our security

forces that include the Uganda Peoples Defense Forces (UPDF), the Uganda Police Force and the Uganda Prisons Services.

13. To briefly share the progress made thus far; the Government has operationalized the Cabinet Standing Committee on Human Rights intended to provide an institutional framework at a strategic level to spearhead a coordinated and holistic approach to human rights. The Committee is mandated to provide a national response to human rights concerns, periodically report to Parliament on actions taken in regard to human rights, and advise Cabinet on measures to redress cases of human rights abuses, among others.
14. The Uganda Peoples' Defense Forces has developed a Human Rights Training Manual that incorporates the PPTA into the military training curriculum. The Uganda Police Force passed a Human Rights Policy to improve the operating framework and strengthen the police officers' observance of human rights and the Uganda Prisons Service Standing Orders have incorporated the Prevention and Prohibition of Torture provisions.

#### **Chairperson,**

15. The Constitution of the Republic of Uganda establishes and mandates the Uganda Human Rights Commission (UHRC), an independent body which plays a key oversight role in the promotion and protection of human rights. The government fully supports the UHRC in the execution of its roles, which includes offering training to the respective bodies on the promotion and protection of human rights. It is important to note that, the UHRC has maintained its 'A' status accreditation by the Global Alliance of National Human Rights Institutions, for its compliance with the Paris Principles.
16. Through its training efforts and manuals, the Uganda Human Rights Commission developed an Interpretative Guide to the PPTA as a tool to facilitate the understanding and use of the Act in line with the UNCAT. The Guide is used by judges, magistrates, prosecutors, CSO and other stakeholders in the criminal justice system. The Guide clarifies the provisions of the PPTA and some international law concepts on human rights. The UHRC has continued to create sensitise communities and create awareness on matters of human rights. This initiative has reinforced public awareness of the PPTA through community dialogues, the media, IEC materials, and other outreach engagements.

17. I am delighted to inform this Committee that the government of Uganda has deliberately invested in the use of technology to facilitate investigations and interviews to ensure that the same are carried out in a manner that is compliant with international human rights standards. We have deployed modern equipment and surveillance tools among security agencies to monitor the actions of security personnel. This has made analysis procedures easier and also enabled close supervision of security personnel as they interview and interrogate suspects, to ensure that neither evidence nor information is obtained under any form of coercion or ill-treatment.
18. In re-enforcement of the supervisory role over the security forces, various directives and guidelines are regularly issued by the heads of the security forces and organs that re-emphasize the government's zero tolerance to torture during their course of duties.
19. The government's commitment to the promotion and protection of human rights is also reflected in the enactment of the Human Rights Enforcement Act, which has raised the bar for public officials as concerns their actions with the public.
20. The Act introduced personal liability for public officers, in criminal, civil, and administrative remedies in case of culpability for violation of human rights in the course of their duties. This development has contributed to a more accountable human rights-centered public sector work office, a development that government is keen to promote and maintain.

**Chairperson,**

21. Turning to refugees, Uganda is currently home to over a 1.5 million refugees, making us the largest refugee-hosting country in Africa and among the top five in the world. It is Important to note that, matters of refugees are an internationally shared responsibility, and we are proud that the government of Uganda continues to fulfill its international obligation, over and above the minimum.
22. Refugees feel safe and secure in Uganda. We firmly believe that it is a difficult choice for any person to flee their home and or country, and if they do so, *they must, and I repeat, they must be* treated with dignity and kindness in their time of need.

23. Therefore, the Government of Uganda continues to accord all refugees in Uganda full enjoyment of all human rights as guaranteed in the Constitution save for political participation including but not limited to protection against any form of abuse, violence, or ill-treatment.

### **Chairperson**

24. Another area I would like to highlight relates to children in conflict with the law. Government has prioritized the protection and safety of children by ensuring that children are treated as children amidst any circumstances. For instance, the Children Diversion Guidelines for Police Officers were issued by the Inspector General of Police with the aim of ensuring that children in conflict with the law receive child-friendly justice services to ensure expeditious disposal of offenses committed by children.

25. According to the Guidelines, children who commit petty crimes which are not capital in nature are no longer incarcerated. As a way of diverting them from the formal criminal justice system, children are instead subjected to verbal or written warnings, cautions, victim and offender family conferencing, apology, reconciliation, and restitution among other punishments. Incarceration of children is only done as punishment of last resort, and even when it is done, children are incarcerated in children remand homes.

26. As a result of alternative judicial programs for children, Uganda has registered 3,585 divertible child-related cases in the system between July 2020 and June 2021, out of which 2,587 cases were diverted from the formal judicial proceedings.

27. Furthermore, Uganda has specialized courts for children at all regional levels and in particular, magistrates are responsible for handling cases of children. The Local councils have also been established to handle matters relating to juvenile offenders at the community level so as to instill law and order, without any trauma being visited on children.

**Finally, Chairperson,**

28. Like any other country, Uganda has challenges in ensuring the full enjoyment of some human rights. In this regard, the Government of Uganda will continue to sensitise and create national awareness on human rights.

29. Knowing our past we are proud of the progress we continue to make in the respect, promotion and protection of the human rights of our people. This we do, not because of any pressure, but because we firmly believe that it is good for our people and informed by our turbulent history.

That is what our liberation struggle is all about.

I Thank you!

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