



United Nations Human Rights Committee (CCPR)

**Written contribution for the eighth and ninth periodic review of Uganda
during the 138th Session**

Joint Stakeholders' Submission from

Franciscans International (FI)
(General Consultative Status with UN ECOSOC)

**John Paul II Justice and Peace Centre
Caritas Kampala
The Bright Doves of St. Francis**

Geneva and Kampala, 25 May, 2023

INTRODUCTION

A. Submitting organizations

- a. The organizations listed below present this joint submission concerning the situation of civil and political rights in Uganda for the consideration by the Human Rights Committee (hereafter the Committee) of the second periodic report of Uganda.¹
- b. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) in General Consultative Status with the United Nations Economic and Social Council (ECOSOC). It was founded in 1982 to bring the concerns of the most vulnerable to the United Nations. FI relies on the expertise and first-hand information of Franciscans and other partners working at the local level around the world to advocate at the United Nations for structural changes addressing the root causes of social and environmental injustice.
- c. John Paul II Justice and Peace Centre was established in 2006, by a consortium of five religious missionary congregations: Comboni, Holy Cross, Mill Hill, Missionaries of Africa and Society of Jesuits. The founders intended to create an institution to facilitate collective action against social injustice, through research, advocacy, and training. They were compelled by the wanton violation of human rights, rising economic inequalities and poverty, prevalence of violence, as well as abuse of workers.
- d. Caritas Kampala is the social services and economic development Department of the Catholic Church in Kampala Archdiocese, mandated to carry out socio-pastoral activities within the administrative districts of: Mpigi, Kampala, Wakiso and Butambala. Caritas Kampala's initiatives focus on community development, good governance and civil society enhancement, orphans and vulnerable children, support to marginalized groups, and women's empowerment.
- e. The Bright Doves of Saint Francis is a faith-based Ugandan Youth organization established in 2006 and based in Kamwokya – Kampala. It is a registered Community Based Organization under Kampala Capital City Authority and works through the Young Franciscans (YouFra) network to reinforce cultural values which emphasize freedom, democracy, and non-violence by propagating peace and helping the young discover and utilize their potential.

¹ See UNITED NATIONS HUMAN RIGHTS COMMITTEE, *State report: second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*. 19 November 2020. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUGA%2F2&Lang=en (Last accessed 8 May, 2023).

B. Methodology

- f. This submission is based on the evaluation of the commitments made by the Government of Uganda to implement the International Covenant on Civil and Political Rights, as well as the list of issues and questions presented in relation to the State report.² The data and information obtained for this submission were gathered from the first-hand information from the above-mentioned field organizations serving individuals and groups affected by human rights abuses in Uganda as well as other complimentary sources.
- g. The first-hand information was gathered through thematic groups' case studies using personal and group interviews with victims, some informants, and experts as well as through desk research. Note that, in the present submission, investigators who carried out the case studies are mentioned as "observers or investigators". Investigations took place between June 2021 and May 2023.
- h. The present submission will address the following issues of concern in relation to the implementation of the Convention in Uganda:
- A - The situation of human rights defenders, journalists and political opponents (articles 9, 19, 21 and 21)
 - B - The situation of women and girls who are victims of domestic violence (articles 2, 3, 6, 7, 23 and 26)
 - C - The situation of persons who are victims of trafficking (articles 2, 7, 8 and 26).

² See UNITED NATIONS UNITED NATIONS INTERNATIONAL CONVENANT ON CIVIL AND POLITICAL RIGHTS, *List of issues in relation to the second periodic report of Uganda*. 13 April 2023, Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUGA%2FQ%2F2&Lang=en (Last accessed 8 May, 2023).

C. THE SITUATION OF HUMAN RIGHTS DEFENDERS, JOURNALISTS AND POLITICAL OPPONENTS

[Right to liberty and security of the person (art. 9), to freedom of expression (art 19-20), to peaceful assembly (art 21)]

Introduction

1. In the list of issues (LoI), the Committee raises its concern on the situation of human rights defenders, journalists and political opponents. Indeed, their right to liberty and security, as well as their right to freedom of expression and peaceful assembly are constantly under severe threat and blatant violation by the authorities.
2. This section will provide information and analysis in response to the following questions asked by the Committee:
 - The incompatibility between Section 8 of the Public Order Management Act of 26 March 2013³ (POMA) and de Constitution which was ruled illegal and unconstitutional by the Constitutional Court on 26 March 2020; the Committee also asked the State to respond to allegations regarding the prohibition of public assemblies during the COVID-19 pandemic,⁴
 - The persistent report of cases of arbitrary detention and forced disappearances by police and security forces, coupled with the increase in cases of torture and ill-treatments of political opponents and journalists.⁵
3. In addition, during the 3rd Cycle of the Universal Periodic Review (UPR) in 2022, there were 11 recommendations to Uganda regarding violations of the above-mentioned rights, including from Norway which recommends the government to *“Take concrete steps to protect the rights to freedom of expression, association and peaceful assembly, and ensure that human rights defenders, civil society actors, political parties, journalists and the media can operate freely and independently without fear of reprisals.”* Uganda noted (rejected) all the recommendations related to the issue.⁶

³ Public Order Management Act, 2013 (No. 9 of 2013) The act is to *“provide for the regulation of public meetings, to provide for the duties and responsibilities of the police, organisers and participants in relation to public meetings, to prescribe measures for the safeguarding public order, and for related matters”*.

⁴ See para 26 of the LoI, *op.cit.* footnote n°2.

⁵ See para 14 and 25 of the LoI, *op. cit.* footnote n°2.

⁶ HUMAN RIGHTS COUNCIL, *Report of the Working Group on the Universal Periodic Review, Uganda*, 4 April 2022, A/HRC/50/11, see recommendations 125.141 to 125.151. Available at: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F11&Language=E&DeviceType=Desktop&LangRequeste d=False> (Last accessed 25 May 2023).

4. This position taken at the international level by the Ugandan government during the UPR shows the level of contempt it has for the expression of rights resulting from national and international obligations. The 2021 election period, coupled with the Covid-19 pandemic and its restrictive measures on freedom, blatantly illustrate the authoritarian drift of the government and the urgent need for implementation of the above-mentioned rights.⁷

1) The unconstitutionality of the Public Order Management Act and its consequences on the right to freedom of expression and peaceful assembly

5. As stated in the Lol, the Law on the Management of Public Order (POMA) of 2013 is at odds with the protection of the right to peaceful assembly. Indeed, in Section 3 of POMA, the Inspector General of Police can “*regulate public meetings*”. While the formal purpose of the word ‘regulate’ is to “*ensure that conduct or behaviour conforms to the requirements of the Constitution*”,⁸ it gives, in practice, the Inspector General of Police the possibility to deny authorization for a peaceful gathering misusing the limitations foreseen by the Constitution.
6. An interpretation of the text giving too much power to the authority can thus lead to a violation of articles 29⁹ and 212¹⁰ of the Constitution (functions of the police), as well as to the general limitations of human rights and freedoms (article 43 of the Constitution). In the latter, it is interesting to highlight the underlying principle of proportionality to limit freedoms, as expressed in article 43.C stating that authorities can limit these freedoms to the extent of “*what is acceptable and demonstrably justifiable in a free and democratic society*”.
7. According to the UN Human Rights Committee General Comment 37, applying for “*permission from the authorities undercuts the idea that peaceful assembly is a basic right*”; [the notification system is here to] *assist the authorities in facilitating the smooth conduct of peaceful assemblies and protecting the rights of others*.¹¹ Moreover, the Committee states that the role of authorities to regulate public gatherings “*must not be*

⁷ See MONITOR, *Why has Uganda become more authoritarian?* November 22, 2019, updated January 29 2021, available at: <https://www.monitor.co.ug/uganda/oped/commentary/why-has-uganda-become-more-authoritarian--1860692> (Last accessed 24 May 2023).

⁸ Public Order Management Act, 2013. *Op. cit.* footnote n°3.

⁹ Constitution of the Republic of Uganda – 22 September 1995, Constitution (amendment) Act, Act 11/2005 article 25: Accessible at: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/44038/90491/F206329993/UGA44038.pdf> (Last accessed 25 May 2023).

¹⁰ Article 212 of Uganda Constitution: “*The functions of the Uganda Police Force shall include the following- (a) to protect life and property; (b) to preserve law and order; (c) to prevent and detect crime; and (d) to co-operate with the civilian authority and other security organs established under this Constitution and with the population general.*” *Ibid.*

¹¹ UNITED NATIONS HUMAN RIGHTS COMMITTEE, *General comment No37 (2020) on the right to peaceful assembly (article 21)*, 17 September 2020 para 70-73. Accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f37&Lang=en (Last accessed on 25 May 2023).

misused to stifle peaceful assemblies [...] and must be justifiable on the grounds listed in article 21". This is not the case in Uganda where the authorities use their power to prohibit public gatherings when they feel that their legitimacy or decisions are criticized and questioned.

8. Despite the obvious violation to both the Constitution and the ICCPR, we note that since the ruling of the Constitutional Court, the government has not taken concrete action to remove the above-mentioned provision. In contrary, the government appealed the ruling before the Supreme Court, the latter having not ruled on the decision yet.
9. The Institutional Court in its decision on 17 March 2023 found that Sections 5 and 10 POMA are unconstitutional as it imposes penal sanctions on organizers and participants in peaceful public meetings.¹² The government's position toward the Constitutional Court ruling appeared to be consistent with its reaction following the unconstitutionality of Section 8, insofar as the day after the decision, the Police officially declared that Section 5 of POMA was still applicable despite its annulment by the Constitutional Court.¹³
10. Yet there is ample evidence that the use of POMA leads to a restriction of civic space. On 24 October 2019, Makerere University students organized peaceful protests against the Fees Increment Policy¹⁴ under the theme "*Fees Must Fall*" despite the police denied permission to protest. The Police and military forces entered the university and, beat the students and arrested 15 student-leaders. Furthermore, they entered their residences causing injuries and damages.¹⁵ This example illustrates how the Ugandan government regularly uses limitations of the right to peaceful assembly disproportionately and in ways that may no longer be justifiable in a free and democratic society.
11. The COVID-19 pandemic and its restrictive measures could have served as a pretext for undermining the right to freedom of expression and the right to peaceful assembly. It further confirms the Ugandan Government's lack of political will to take concrete steps to put an end to "*police brutality, arbitrary arrests and politically motivated prosecution*

¹² See THE OBSERVER, *Constitutional court nullifies sections of POMA that criminalize public assemblies*, 20 March 2023, available at: <https://observer.ug/news/headlines/77185-constitutional-court-nullifies-sections-of-poma-that-criminalize-public-assemblies> (Last accessed 24 May 2023).

¹³ See NTV, *Police insists POMA is still law despite court decision*, 20 March 2023, available at: <https://www.ntv.co.ug/ug/news/national/police-insists-poma-is-still-law-despite-court-decision--4165658> (Last accessed 24 May 2023).

¹⁴ THE INDEPENDENT UGANDA, *Education Committee approves 15% Makerere University fees increment*, 05 July 2019. Accessible at: <https://www.independent.co.ug/education-committee-approves-15-makerere-university-fees-increment/> (Last accessed 25 May 2023).

¹⁵ DAILY MONITOR, *Three nights of terror at Makerere*, 26 October 2019. Accessible at: <https://www.monitor.co.ug/uganda/news/national/three-nights-of-terror-at-makerere-1855716> (Last accessed 25 May 2023).

of opposition leaders”,¹⁶ despite the Uganda’s commitment in the 2nd Cycle of UPR in 2016.¹⁷

12. As of today, many peaceful demonstrations are subject to denial and intervention by the authorities, as can be seen through the subsequent arrests of the protestors by police forces in violation of both constitutional provisions and international obligations. For example, our partners reported the arrest of 9 students on 4 October 2022, who were protesting against the construction of the East Africa Crude Oil Pipeline (EACOP). They were charged with 'common nuisance' and released on bail on 10 October 2022¹⁸.

2) Arbitrary detention and unlawful procedures against political opponents and journalists

a) Political opponents

13. The deliberate use of unconstitutional legislative tools to narrow civic space results in the blatant violation of citizens' civil rights, with political opponents and human rights defenders bearing the brunt. The partners report numerous arbitrary arrests that they have witnessed and that have been documented by several non-governmental organisations and journalists.

14. Political opponents are regularly subjected to arbitrary arrests if they express a dissenting opinion to that of the President Museveni government. This was particularly the case during the 2021 general elections period¹⁹, with the Presidential candidate Robert Kyagulanyi²⁰ (Bobi Wine) on 18 November 2020.²¹ Kyagulanyi was arrested by the Uganda Police for allegedly violating Covid-19 guidelines during the election period.

¹⁶ See recommendation of Australia (115.102) - UNITED NATIONS HUMAN RIGHTS COUNCIL, *Report of the Working Group on The Universal periodic Review, Uganda*, 27 December 2016. Accessible at: <https://www.ohchr.org/en/hr-bodies/upr/ug-index> (Last accessed 24 May 2023).

¹⁷ The use of COVID-19 restrictions to tackle freedoms of expression and right to peaceful assembly was denounced by the OHCHR on January 2021 “*However, we have increasingly observed that the COVID-19 restrictions have been enforced more strictly to curtail opposition electoral campaign activities in a discriminatory fashion*”. OHCHR, *Presse briefing notes on Uganda*, 8 January 2021. Accessible at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26645&LangID=E> (Last accessed 24 May 2023).

¹⁸ BUSINESS AND HUMAN RIGHTS RESOURCE CENTRE, *Uganda: 9 university students arrested for supporting EU resolution on halting controversial EACOP project over human rights and environmental concerns*, 24 October 2022, available at: <https://www.business-humanrights.org/en/latest-news/uganda-9-students-arrested-for-supporting-eu-resolution-on-halting-controversial-eacop-project-over-human-rights-environmental-concerns/> (Last accessed 25 May 2023).

¹⁹ On 29 December 2020, a group of independent UN human rights experts declared: “*We are gravely concerned by the election-related violence, the excessive use of force by security personnel, as well as the increasing crackdown on peaceful protesters, political and civil society leaders and human rights defenders*”. UNITED NATIONS NEWS, *End arrests of political opponents in Uganda: UN independent experts*, 29 December 2020. Accessible at: <https://news.un.org/en/story/2020/12/1081072>. (Last accessed 24 May 2023).

²⁰ CNN, *Bobi Wine escapes house arrest in daring motorbike stunt*, 9 October 2019. Accessible at: <https://edition.cnn.com/2019/10/09/africa/bobi-wine-concert-ban-intl/index.html> (Last accessed 24 May 2023).

²¹ ALJAZEERA, *Deadly Protests in Uganda after Bobi Wine arrested again*, 18 November 2020. Accessible at: <https://www.aljazeera.com/news/2020/11/18/bobi-wine-uganda-opposition-presidential-candidate-arrested> (Last accessed 24 May 2023).

This was followed by protests that ended with the deaths of 45 people and 28 protesters injured.

15. On May 2022, the opposition leader Kizza Besigye was placed under arrest after he attempted a protest walk in Kampala against the increase of cost of living. Kizza Besigye leads the Forum for Democratic Change (FDC) and the People's Front for Transition (political lobby group). He was particularly vocal on the consequences of inflation and attempted to organize several protests. He was arrested on 23 May 2022 for several hours by the Police to "prevent him from carrying out an offense".²²
16. On 25 May 2022, the offices of the FDC were raided by the security forces who confiscated documents and arrested two of the staff present there after assaulting them. On 26 May 2022, security officers arrested other supporters of the FDC. On 6 June 2022, Kizza Besigye was released on bail and re-arrested on 14 June 2022 for protesting against the economic situation in downtown Kampala. He was released on 1 July 2022 on bail of UGX 2.5 million (about USD 650) after spending two weeks in pre-trial detention on charges of inciting violence.²³
17. The situation of Member of Parliament Anna Adeke and Deputy Lord Mayor of Kampala, Doreen Nyanjura, alongside four other women activists, should also be highlighted as they were arrested by the police on 30 May 2022 for protesting against the Kizza Besigye's detention and the rise in the cost of living. Authorities charged them with inciting violence and holding an illegal protest. They were released on bail on 7 June 2022 and all charges against them were eventually dropped on 5 December 2022.²⁴

b) Journalists

18. Journalists are particularly targeted by arbitrary detentions. Indeed, there is a tendency for the government to crack down on journalists with too much of a dissenting voice.²⁵ The deliberate control of the right to freedom of expression leads to situations similar to those experienced by political opponents. Indeed, journalists are subjected to harassment, assault, intimidation and illegal arrests.
19. On 20 February 2022, freelance journalist Lawrence Kitatta was beaten by a police

²² See REUTERS, *Uganda arrests opposition's Besigye again, breaks up prince protests*, 24 May 2022, available at: <https://www.reuters.com/world/africa/uganda-arrests-oppositions-besigye-again-breaks-up-price-protests-2022-05-24/> (Last accessed 26 May 2023).

²³ See HUMAN RIGHTS WATCH, *Uganda Events of 2022*, 2023, available at: <https://www.hrw.org/world-report/2023/country-chapters/uganda> (Last accessed 24 May 2023).

²⁴ See AMNESTY INTERNATIONAL, *Uganda: authorities must stop criminalizing activists for protesting high cost of living*, 6 June 2022, available at: <https://www.amnesty.org/en/latest/news/2022/06/uganda-authorities-must-stop-criminalizing-activists/> (Last accessed 25 May 2023).

²⁵ INTERNATIONAL PRESS INSTITUTE, *Journalist critically injured in Uganda riots*, 23 November 2021. Accessible at: <https://ipi.media/journalist-critically-injured-in-uganda-riots/> (Last accessed 24 May 2023).

officer, while covering an opposition demonstration in Kampala. Kitatta told the Committee to Protect Journalists that after the incident he went into hiding and was followed by plainclothes security officers. He was forced to interrupt his career and leave the country to ensure his safety.

20. Another high-profile case is the arrest of novelist Norman Tumuhimbise by security forces on 10 March 2022 after raiding the offices of Digitalk TV in Kampala. Journalist Farida Bikobere and seven other staff members who helped launch Norman Tumuhimbise's novel on social media were also arrested and detained; seven of them were released on 16 March 2022. On the same day, Norman Tumuhimbise and Farida Bikobere were charged with offensive communication and cyber harassment of President Museveni under Sections 25 and 26 of the Computer Misuse Act 2011 and remanded in Luzira Maximum Security Prison. They were released on 21 March 2022 on bail of UGX 500,000 (approximately US\$130) each. They claimed that they and their seven colleagues had been tortured in detention.²⁶

Recommendations:

- a) 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.**
- b) 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.**
- c) Guarantee the right to freedom of expression and right to peaceful assembly to political and civil society leaders through taking concrete measures aiming to end police brutality, arbitrary arrests, and impunity for violations of these rights.**
- d) Conduct impartial and effective investigations and prosecutions regarding the use of excessive force and arbitrary arrests by security forces against journalists, political opponents and human rights defenders.**

²⁶ See COMMITTEE TO PROTECT JOURNALISTS, *Two Ugandan journalists charged with cyberstalking the president remanded to prison*, 17 March 2022, available at: <https://cpi.org/2022/03/two-ugandan-journalists-charged-with-cyberstalking-the-president-remanded-to-prison/> (Last accessed 24 May 2023).

D. SITUATION OF WOMEN AND GIRLS WHO ARE VICTIMS OF DOMESTIC VIOLENCE

[Violence against women, domestic violence (arts. 2-3, 6-7 and 26)]

21. In the Lol, the Committee raises its concern regarding the discrimination against women. The following section will provide an analysis on the situation of women regarding the effectiveness of law enforcement to respond to violence against women and girls.²⁷
22. In the 3rd Cycle of UPR in 2022, there were 8 recommendations regarding the above-mentioned questions. Among these recommendations, the government support 4 recommendations including the one from Paraguay: *“Take steps to eliminate national legal provisions that discriminate against women, especially those relating to sexual offences, marriage, divorce, inheritance and employment”* and from Italy *“Take measures to combat all forms of violence and discrimination against women and children, including domestic violence, harmful practices and child labour, and promote the full enjoyment of the right to education”*.²⁸
23. Uganda is a State Party to the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) since 1985. The Committee on the Elimination of Discrimination against Women, in its concluding observations for Uganda issued on 1 March 2022, focused on these two issues and recommended that the State party strengthen women's access to justice with reference to the CEDAW's General Recommendation No. 33 (2015) on women's access to justice, stressing the need for better law enforcement for women.²⁹
24. Uganda has an extensive legal framework aiming at preventing and combatting violence against women. The equal rights of women are constitutionally guaranteed. The Constitution states, *inter alia*, that *“Women shall be accorded full and equal dignity of the person with men”* and that *“Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by*

²⁷ See para 9 of the Lol, *op. cit.* footnote n°2.

²⁸ See recommendations of Paraguay (125.219) and Italy (125.209), HUMAN RIGHTS COUNCIL, *Report of the Working Group on the Universal Periodic Review*, *op.cit.* footnote n°6.

²⁹ COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *Concluding observations on the combined eighth and ninth periodic reports of Uganda*, para. 15 and 16, 1 March 2022, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FUGA%2FCO%2F8-9&Lang=en (Last accessed 24 May 2023).

this Constitution".³⁰ The Constitution is complemented by the Domestic Violence Act of 2010.³¹

25. The Domestic Violence Act provides for the protection and relief of victims of domestic violence. The law establishes criminal sanctions for perpetrators and sets up procedures and guidelines to be followed by the court regarding the prosecution of perpetrators and the compensation of victims. Although the law does not address marital rape, it addresses all forms of violence, including sexual violence. The law also determines the jurisdiction of the Family and Children's Court to deal with domestic violence cases and related issues.
26. The Domestic Violence Act entails some limitations as highlighted by our partners along with civil society organizations.³² First, victims of domestic violence are still confronted with various obstacles in their access to justice, such as court fees and other related costs that they may incur. Second, there is a blatant lack of systematic prosecution of perpetrators. As a United Nations Population Fund's report highlights about the Domestic Violence Act's enforcement, the lack of prosecution sends a message of impunity to victims who do not feel empowered and safe to speak out.³³ For instance, according to the statistics from the Office of the Director of Public Prosecution, in 2016 "*out of 1'594 new rape cases registered only 57% brought punishment for the perpetrator*".³⁴
27. Uganda still faces serious challenges to combat violence against women, especially domestic violence. According to the latest official statistic available, violence against women has increased by 4% between 2015 and 2016.³⁵ In the same year, the Uganda Demographic and Health Survey explained that 22% of women between 15 and 49 years

³⁰ Article 33 of the Constitution: "(1) Women shall be accorded full and equal dignity of the person with men. (2) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realise their full potential and advancement. (3) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society. (4) Women shall have the right to equal treatment with men and that right shall include equal opportunities in political, economic and social activities. (5) Without prejudice to article 32 of this Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom. (6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status. are prohibited by this Constitution". *Op.cit.* footnote 9.

³¹ Domestic Violence Act (Act No. 3 of 2010), 17 March 2010. Accessible at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_isn=88097&p_lang=en (Last accessed 23 May 2023).

³² FIDH, *Women's Rights in Uganda: Gaps between Policy and practice*, 2012. Accessible at: <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf> (Last accessed 24 May 2023).

³³ UNFPA, *Evaluation of UNFPA support to the prevention, response to and elimination of Gender-Based Violence and harmful practices 2012-2017*, January 2018, Page 24. Accessible at: https://www.unfpa.org/sites/default/files/admin-resource/Uganda_Case_Study.pdf (Last accessed 24 May 2023).

³⁴ UNITED NATIONS, *Uganda: Violence against women unabated despite laws and policies*, 2017. Accessible at: <https://www.un.org/africarenewal/news/uganda-violence-against-women-unabated-despite-laws-and-policies> (Last accessed 24 May 2023).

³⁵ THE WORLD BANK, *Demographic and Health Survey, Uganda*, 2016. Accessible at: <https://microdata.worldbank.org/index.php/catalog/2979> (Last accessed 24 May 2023).

old had experience a form of sexual violence. In the last two years, the situation has worsened due to the restrictive lockdown measures regarding the COVID-19 pandemic.³⁶

28. The COVID-19 pandemic and its successive lockdowns and restrictive measures forced many victims to live together with their perpetrators. Therefore, the rate of gender-based violence (GBV) increased.³⁷ Within the first month of lockdown and quarantine, police reports indicated a significant surge in Gender-based violence (GBV) cases with an estimate of 3,280 cases reported between March 30th and April 28th in Kampala. It has also been reported that between March and September 2020, the Lango region registered 1,180 cases of GBV compared to 808 cases in the previous year (2019).³⁸ A study carried out by the Konrad Adenauer Stiftung in April 2020³⁹ indicated that the measures to respond to Covid-19 were not well aligned with the specific needs of women and girls, exposing them to economic insecurity, poverty related stress as well as social isolation.⁴⁰

Recommendations:

- a) 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.**
- b) Implement measures to address violence against women and girls and make protection mechanisms effective to prevent cases and provide effective reparation to victims of Gender-based violence.**
- c) Allocate the necessary resources to the judiciary, especially in remote and rural areas to enable women and girls who are victims of violence to claim their rights.**

³⁶ Even though there is no official statistics, UN Women notes: “In Uganda, restrictive lockdown measures were put in place to curb the spread of the coronavirus. These measures served their purpose, however, movement restrictions adversely impacted women and girls experiencing violence”. UN WOMEN, *What happened after COVID-19 hit: Uganda*, 7 December 2020. Accessible at: <https://www.unwomen.org/en/news/stories/2020/12/what-happened-after-covid-19-hit-uganda>. (Last accessed “3 May 2023).

³⁷ As highlighted by a study done by Konrad Adenauer Stiftung in April 2020: “The relationship between GBV and Covid-19 is assessed through following linkages: Economic insecurity and poverty-related stress; Quarantines and social isolation, Inability of women to temporarily escape abusive partners; Stigma of partner being positive, Social network, Non-operational support services, and trivialization of GBV as a non-priority”. KONRAD ADENAUER STIFTUNG, C. Kabonesa and F.I. Kindi, *Assessing the Relationship between gender-based violence and covid-19 pandemic in Uganda*, April 2020. Accessible at: <https://www.kas.de/documents/280229/8800435/Assessing+the+Relationship+between+Gender-based+Violence+and+the+COVID-19+Pandemic+in+Uganda.pdf/8d5a57a0-3b96-9ab1-a476-4bcf2f71199d?version=1.0&t=1588065638600> (Last accessed 23 May 2023):

³⁸ DAILY MONITOR, *Domestic Violence tops list of offences in Lango*, 18 May 2021. Accessible at: <https://www.monitor.co.ug/uganda/news/national/domestic-violence-tops-list-of-offences-in-lango--3404602> (Last accessed 24 May 2023).

³⁹ *Op.Cit.* Footnote 37.

⁴⁰ *Ibid* Footnote 37. p. 4.

E. THE SITUATION OF PERSONS WHO ARE VICTIMS OF TRAFFICKING

[Elimination of slavery, servitude and trafficking in persons (Articles 2,7-8 and 26)]

29. In the Lol, the Committee raises its concern regarding the efforts made by the government “to increase the identification of perpetrators and to improve the rate of prosecutions and convictions”.⁴¹
30. In the 3rd Cycle of UPR in 2022, Uganda accepted several recommendations aimed at tackling trafficking in persons: upstream, the government support the recommendation from the Philippines to “ensure the allocation of sufficient resources towards the full implementation of the national action plan for the prevention of trafficking in persons 2019-2024” and from India to “consider strengthening the implementation of mechanisms on trafficking in persons”. Uganda also support the recommendation by the Holy See to “provide victims of trafficking in persons with shelter, counselling and legal and psychosocial assistance”.⁴²
31. Moreover, the Committee on the Elimination of Discrimination against Women, in its concluding observations issued on 1 March 2022, recommended, *inter alia*, both a better implementation of the Trafficking in Persons Act of 2009 through a better protection of victims and the reinforcement of traffickers’ prosecution.⁴³
32. According to the United States Department of State’s yearly report 2022, and as corroborated by our research, the Government of Uganda improved its enforcement efforts to implement its anti-trafficking legislation. In 2021, the government “reported investigating 421 incidents of human trafficking”. It represents a sharp increase compared to 2020 when the government reported 214 incidents over the year. It is also indicated that 361 cases remained ongoing before the court by the end of 2021.⁴⁴
33. Despite these improvements, we note that the central role of the Coordination Office to Prevent Trafficking in Persons (COPTIP) is threatened due to serious underfunding. This lack of funding also involves difficulties for the authorities to take care of the victims once returned: police and government employees had to temporarily accommodate victims according to the U.S Department of State’s report.⁴⁵ Moreover, the government does not follow systematic procedures to help survivors.⁴⁶

⁴¹ See para 17 of the Lol, *op. cit.* footnote n°2.

⁴² See footnote n°6.

⁴³ See footnote n°29.

⁴⁴ U.S DEPARTMENT OF STATE, 2022, *Trafficking in Persons Report, Uganda, 2022*, available at:

<https://www.state.gov/reports/2022-trafficking-in-persons-report/uganda/> (Last accessed 24 May 2023).

⁴⁵ U.S DEPARTMENT OF STATE, 2020 *Trafficking in persons Report, 2021*. Accessible at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/> (Last accessed 24 May 2023).

⁴⁶ U.S. Department of State, 2017, *Ibid.*

Information on specific cases involving exploitation abroad

34. According to the information collected, by the John Paul II Justice and Peace Center between June 2021 and December 2022 from a sample of 20 victims, corroborated by 6 key informants, we were able to document a typical experience of victims enrolled by national labour externalization companies and sent to the Middle East. From the recruitment phase, some recruiting companies do not follow national legislation, which was the case for the agency who recruited a victim sent to Saudi Arabia. The bilateral agreement between Uganda and Saudi Arabia requires that recruitment fees are covered by the employer, yet, as the victim testified, she and the survivors accompanying her were required to pay. *“I only managed just because we sold our land with hopes that after getting a clean job, I shall replace the land. Land was a plot in town”*, declared the victim.
35. While most of the victims interviewed signed a contract with a recruitment agency, all noted that these contracts were confiscated from them once they arrived at the destination. Not being informed of the details of the contract put them in a situation vulnerable to exploitation by their employers: *“I went with the contract to Saudi Arabia, and they removed everything. They did not follow anything in the contract. Some months they paid, others they did not pay”*, one survivor explained. In addition, while the agencies are responsible for supervising the worker throughout the duration of her/his contract abroad (through telephone and internet communication), all the victims of the sample reported that this was not the case.
36. After having travelled in traumatic conditions, (especially in the case of victims recruited by unofficial agencies and individuals), all the persons interviewed deplored the bad working conditions. Out of the 20 survivors questioned, 17 did not complete the first year on their job due to poor living and working conditions. This includes overwork without rest, poor pay, poor food, mistreatment, and sexual exploitation. Some testimonies highlighted that the victims were forced to commit misdemeanours due to their situation as trafficked persons (with risks of infringement of the principle of non-punishment). *“When I was given little money I managed to see a doctor who told me to stop eating the food I was eating but I had no choice since the boss refused to change for me the food which resulted to stealing some food to keep me going for the next day”*, declared one victim.
37. Finally, the return of trafficked people to Uganda has often been complex: on the one hand, this is due to how Uganda does not have diplomatic representations in most destination countries; on the other hand, since the employers had confiscated the documents of the victims, they had to request new documents to return regularly. Once home, the victims received no medical, financial, or legal support. They must often rely on the help of Civil Society Organisations and the International Organization for Migration

(IOM) to reintegrate back into society. *“I request that government and organizations find a place where survivors can first reach before they reunite with their parents/families. There is a lot of torture that we go through which needs someone first be rehabilitated before going back home”,* concluded a victim.

Recommendations:

- a) 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.**
- b) Provide victims of trafficking with shelter, counseling, legal and psycho-social assistance, as well as financial support to ensure their reintegration into society, once they are back in Uganda.**
- c) Improve the investigation and prosecution of traffickers through increased funding, better training of relevant justice professionals and improved collaboration with civil society organisations working on the issue.**