



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Uganda\*

1. The Committee considered the second periodic report of Uganda<sup>1</sup> at its 3997th and 3998th meetings,<sup>2</sup> held on 27 and 28 June 2023. At its 4028th meeting, held on 20 July 2023, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the second periodic report of Uganda and the information presented therein, while regretting the considerable delay in its submission. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative and policy measures:

- (a) The Access to Information Act, in 2005;
- (b) The Employment Act, in 2006, which provides for general principles including the prohibition of forced labour and of discrimination in employment;
- (c) The Refugee Act, in 2006;
- (d) The Prevention of Trafficking in Persons Act, in 2009, and the National Action Plan for the Prevention of Trafficking in Persons for the period 2019–2024;
- (e) The Domestic Violence Act, in 2010, and the Domestic Violence Regulations of 2011;
- (f) The Prohibition of Female Genital Mutilation Act, in 2010;
- (g) The International Criminal Court Act, in 2010;
- (h) The Prevention and Prohibition of Torture Act, in 2012, and the Prevention and Prohibition of Torture Regulations, in 2017;

\* Adopted by the Committee at its 138th session (26 June–26 July 2023).

<sup>1</sup> [CCPR/C/UGA/2](#).

<sup>2</sup> See [CCPR/C/SR.3997](#) and [CCPR/C/SR.3998](#).

<sup>3</sup> [CCPR/C/UGA/RQ/2](#).

<sup>4</sup> [CCPR/C/UGA/Q/2](#).



- (i) The National Land Policy, in 2013;
- (j) The Anti-Corruption (Amendment) Act, in 2015;
- (k) The Children's (Amendment) Act, in 2016;
- (l) The Human Rights (Enforcement) Act, in 2019;
- (m) The Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, in 2019;
- (n) The Persons with Disabilities Act, in 2020;
- (o) The Administration of the Judiciary Act, in 2020;
- (p) The Data Protection and Privacy Act, in 2019, and the Data Protection and Privacy Regulations, in 2021;
- (q) The National Action Plan on Business and Human Rights, in 2021;
- (r) The Succession (Amendment) Act, in 2022.

4. The Committee commends the State party for its initiatives to reinforce its institutional framework in order to afford greater human rights protection, in particular the following:

- (a) The establishment of the Human Rights Committee of the Parliament of Uganda, in 2012;
- (b) The establishment of the Equal Opportunities Commission, in 2012;
- (c) The establishment of the Directorate of Human Rights and Legal Services in the Uganda Police Force, in August 2013;
- (d) The reinforcement of the Directorate of Human Rights in the Uganda Peoples' Defence Forces, which had been created in 2007, and the establishment of human rights desks in the Chieftaincy of Military Intelligence and the Air Force, in 2012;
- (e) The establishment of a Department of Legal and Human Rights in the Uganda Prisons Service, and the adoption of guidelines to instruct the establishment of human rights committees in prisons, in 2010.

5. The Committee welcomes the ratification of the following international instruments by the State party:

- (a) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in 2008;
- (b) The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, in 2010;
- (c) The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, in 2010.

## C. Principal matters of concern and recommendations

### Transitional justice

6. While welcoming measures taken by the State party to provide justice for victims of the conflict which affected large parts of northern Uganda, notably the adoption of the National Transitional Justice Policy in 2019 and the establishment of the International Crimes Division of the High Court as part of these efforts, the Committee regrets the lack of progress in implementing the policy, including by bringing perpetrators of serious human rights violations to justice and by providing victims with reparation (art. 2).

**7. The State party should step up efforts to implement the National Transitional Justice Policy, including by ensuring that perpetrators are brought to justice and that victims are provided with rehabilitation and full reparation, including compensation.**

### **National human rights institution**

8. While appreciating the work undertaken by the Uganda Human Rights Commission under the broad mandate assigned to it, the Committee is concerned that insufficient human and financial resources are allocated to enable it to fulfil its mandate effectively, resulting in a significant backlog in the caseload of investigations and in cases due for consideration by the Commission's Tribunal. The Committee is also concerned about excessive delays in disbursement of the Tribunal's compensation awards by relevant State entities, with victims of human rights violations often having to wait several years for such payments. The Committee is further concerned that the laws and procedures for the selection, appointment and removal of the Commission's members may not be sufficiently robust to guarantee its independence (art. 2).

9. **The State party should:**

(a) **Allocate sufficient human, financial and technical resources to the Uganda Human Rights Commission to enable it to discharge its mandate effectively and independently, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);**

(b) **Ensure that compensation awards made by the Commission's Tribunal are promptly paid out to victims by the relevant State entities;**

(c) **Enact legislation for the transparent and participatory selection and appointment of the members of the Uganda Human Rights Commission, as well as a transparent and fair dismissal process, in close consultation with the Commission and civil society.**

### **Combating corruption**

10. While noting the range of measures taken by the State party to establish a legal, policy and institutional framework to combat corruption, the Committee regrets the lack of information provided by the State party on the implementation of the framework put in place, and is concerned that corruption remains widespread, including within the judicial system. In particular, the Committee regrets the lack of information on cases received, investigated and prosecuted and on their outcomes, especially with regard to high-level corruption cases, and the lack of information on reporting by whistleblowers (arts. 2 and 25).

11. **The State party should:**

(a) **Encourage reporting of corruption, including through measures to raise awareness of the Whistleblowers Protection Act, 2010;**

(b) **Strengthen the implementation of the legal, policy and institutional framework established by the State party to combat corruption, including the Judiciary Anti-Corruption Action Plan;**

(c) **Strengthen the prosecutorial capacity and functional independence of government agencies charged with investigating and prosecuting corruption and money laundering cases.**

### **Discrimination on the grounds of sexual orientation and gender identity**

12. The Committee is deeply concerned by the enactment of the Anti-Homosexuality Act in May 2023, which criminalizes consenting sexual relations between adults of the same sex and further stigmatizes lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The Committee also expresses its grave concern at the sentences provided for under the Act, which include the death penalty for "serial offenders" and lengthy prison sentences for a wide range of "offences", including up to 20 years' imprisonment for "promoting homosexuality". The Committee is also concerned about reports of hate speech, outings and violence against LGBTI persons, including in public discourse and against persons in police custody, and about reports of arbitrary arrests of LGBTI persons on the basis of the Penal Code Act and the Anti-Homosexuality Act (arts. 2, 3, 7, 17 and 26).

13. **The State party should take appropriate steps to:**

(a) **As a matter of urgency, repeal the Anti-Homosexuality Act and section 145 of the Penal Code Act, to end the criminalization of consensual sexual relations between adults of the same sex;**

(b) **Amend the Equal Opportunities Commission Act, 2007, to include sexual orientation and gender identity as a prohibited ground for discrimination protected under the Act, or adopt a comprehensive anti-discrimination law that contains an exhaustive list of prohibited grounds for discrimination, including sexual orientation and gender identity;**

(c) **Address discriminatory attitudes and stigma towards LGBTI persons among government officials and the general public, including through comprehensive awareness-raising and sensitization activities;**

(d) **Ensure access to remedies for LGBTI persons who are subjected to discrimination, hate speech, violence or arbitrary arrest.**

#### **Gender equality**

14. While it welcomes measures taken by the State party to address discrimination faced by women in regard to land and property rights, including the adoption of the National Land Policy in 2013 and the Succession (Amendment) Act in 2022, the Committee is concerned at reports that women continue to face discrimination in this domain, particularly widows, many of whom face actual or attempted property grabbing by the deceased husband's family. The Committee appreciates the information provided by the State party on difficulties it has encountered in enacting the Marriage and Divorce Bill, of 2009, which would further strengthen women's property rights during and after marriage, but is concerned that despite various attempts since 2001, legislation addressing these issues has yet to be enacted (arts. 3 and 26).

15. **The State party should take all necessary measures to ensure non-discrimination in regard to land and property rights before, during and after marriage and at succession, through the effective enforcement of existing laws such as the Succession (Amendment) Act, 2022, and through the enactment of a comprehensive and non-discriminatory law on rights in marriage and divorce.**

#### **Counter-terrorism measures**

16. The Committee remains concerned that the legal framework governing counter-terrorism efforts does not provide adequate safeguards to ensure full respect of rights guaranteed under the Covenant, including with regard to judicial review. The Committee is concerned at the extremely broad discretionary powers for the interception and surveillance of communications under part VII of the Anti-Terrorism Act (Act No. 14 of 2002, as amended in 2015, 2016 and 2017). The Committee is further concerned that the definition of terrorism contained in articles 7 and 9 of the Act is overly broad and has been used to prosecute and suppress the work of journalists, political opponents and civil society organizations (arts. 2, 6, 9, 14, 15, 17, 19 and 22).

17. **The State party should take steps to ensure that counter-terrorism legislation is not used to unjustifiably limit any rights enshrined in the Covenant, including the rights to life, liberty and security of person, privacy, freedom of association and freedom of expression. It should narrow the broad definition of terrorism contained in articles 7 and 9 of the Anti-Terrorism Act (Act No. 14 of 2002), bringing it into line with the principles of legal certainty and predictability, and ensure independent oversight of law enforcement and security forces in the context of counter-terrorism measures, including judicial review.**

#### **Violence against women and domestic violence**

18. While welcoming the multiple measures taken to combat sexual and gender-based violence and violence against children, and the positive results reported, the Committee is concerned that such forms of violence remain prevalent in the State party and regrets the lack

of comprehensive data provided on the number of complaints of violence against women, the investigations conducted and their outcomes. While noting that the Marriage Bill of 2022 – a private member’s bill – is expected to criminalize marital rape, the Committee is concerned that by specifying a limited number of situations that constitute marital rape, the bill seems to imply that marital rape in any other situation does not constitute a criminal offence (arts. 2, 3, 7, 23 and 26).

**19. The State party should:**

**(a) Allocate sufficient human and financial resources to address effectively the continued prevalence of domestic violence, including with regard to raising awareness, ensuring effective prosecution of perpetrators and providing adequate assistance to victims, including protection measures where appropriate;**

**(b) Collect comprehensive data on all forms of violence against women and girls, as well as domestic violence against children, including data on sanctions handed down to perpetrators and services provided to victims;**

**(c) Ensure that marital rape is comprehensively criminalized through the adoption of appropriate legislation.**

**Death penalty**

20. While noting that the Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, 2019 outlaws the mandatory death penalty, the Committee is concerned that it does not appear to include in its scope sentences handed down under the Uganda Peoples’ Defence Forces Act, 2005. The Committee remains concerned that the death penalty can be imposed for offences which do not meet the threshold of “the most serious crimes” within the meaning of article 6 (2) of the Covenant, understood to be crimes involving intentional killing, and is deeply concerned that the Anti-Homosexuality Act, 2023 stipulates that people convicted of “aggravated homosexuality” may now be punished with the death sentence. While noting the reduction in the number of prisoners on death row following the landmark case of *Attorney General v. Kigula and 417 others (Constitutional Appeal No. 03 of 2006)*, which brought in a resentencing requirement for prisoners if after three years the sentence has not been carried out, the Committee regrets the lack of information provided by the State party in regard to allegations that some inmates have been on death row for considerably more than three years and that in some cases they are unable to access resentencing services due to significant delays in obtaining legal counsel or because their case files could not be found (arts. 6 and 14).

**21. In the light of the Committee’s general comment No. 36 (2018) and its previous recommendations, the State party should:**

**(a) Revise its legislation so as to make it strictly compliant with article 6 (2) of the Covenant and restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing;**

**(b) Ensure that the death penalty is only imposed in the most exceptional circumstances and under the strictest limits, and that all the guarantees of a fair trial are respected;**

**(c) Ensure effective implementation of the Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act, 2019, which prohibits mandatory application of the death penalty;**

**(d) Ensure that all persons who have been held on death row for three years have effective access to resentencing, in line with the landmark “Kigula ruling” by the Supreme Court in 2006;**

**(e) Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

**Excessive use of force**

22. While welcoming the information provided by the State party on human rights training for members of law enforcement and security forces, the Committee regrets the lack of information received on complaints filed, investigations and prosecutions undertaken, and convictions handed down for excessive use of force and unlawful killings by police and security forces, as well as the lack of information on compensation provided to victims or their families. The Committee is concerned that the legislative framework governing the use of force and firearms is excessively permissive and that arbitrary and extrajudicial killings appear to occur in a climate of impunity. In this regard, the Committee expresses its concern at reports of arbitrary and extrajudicial killings in the context of disarmament operations in the Karamoja region, and during the events of 18 November 2020 in which security forces used live ammunition to put down demonstrations against the arrest of opposition presidential candidates, resulting in the killing of at least 54 protesters and injuries to hundreds of others (arts. 6, 7 and 21).

23. **The State party should:**

(a) **Ensure that the principles of necessity and proportionality in the use of force are adequately reflected in legislation and policies and are complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

(b) **Intensify education and training on international standards on the use of force for law enforcement and security forces and raise awareness of those standards among judges, prosecutors and lawyers;**

(c) **Ensure that all instances of excessive use of force by security forces are promptly, impartially and effectively investigated, that those responsible are brought to justice and punished with appropriate penalties and that victims are provided with effective remedies;**

(d) **Conduct thorough, impartial and independent investigations into cases of death in custody or detention, in line with the Minnesota Protocol on the Investigation of Potentially Unlawful Death.**

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

24. The Committee echoes the deep concern raised by the Committee against Torture<sup>5</sup> regarding the persistently high number of complaints of torture and ill-treatment at the hands of law enforcement and security forces. The Committee regrets the lack of detailed information provided by the State party on measures taken by the police and prosecution authorities to ensure impartial and effective investigation and, where appropriate, prosecution of alleged perpetrators, and on full reparation provided to victims (arts. 7 and 9).

25. **The State party should ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an effective and fully independent and impartial body, that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the nature and gravity of the crime, and that victims are provided with full reparation, including rehabilitation and adequate compensation. It should also enhance awareness-raising and training for law enforcement and security forces on the Prevention and Prohibition of Torture Act, 2012, the Prevention and Prohibition of Torture Regulations of 2017, and relevant international standards, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Principles on Effective Interviewing for Investigations and Information Gathering known as the “Méndez Principles”.**

<sup>5</sup> See CAT/C/UGA/CO/2.

### **Liberty and security of person**

26. The Committee is concerned at the persistent reports of arbitrary arrest and detention by police and security forces, targeting in particular political opponents, journalists, lawyers, human rights defenders, sex workers and LGBTI persons. While noting the delegation's statement that any complaints relating to breaches of the 48-hour limit for the charging of suspects held in police custody are investigated and that accountability is ensured by the Professional Standards Unit, the Committee is concerned at reports that violations of this rule are frequent. The Committee is concerned that detention is regularly ordered before initial investigations have been concluded, that rights to police bond and to bail are not guaranteed effectively, and that pretrial detention is often excessively long and in violation of statutory limits. The Committee is further concerned at the high proportion of the overall prison population constituted by prisoners held on remand (art. 9).

**27. In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, the State party should:**

(a) **Systematically guarantee that persons in police custody or pretrial detention are informed of their rights and are afforded fundamental legal safeguards, in particular the right to be brought promptly before a judge, the right of access to a lawyer, the right to periodic judicial review of detention, and the right to police bond and to bail;**

(b) **Ensure that no detainee is held without the prompt filing of criminal charges, and that all pretrial detainees are brought to trial expeditiously;**

(c) **Ensure that statutory limits to the duration of pretrial detention are strictly enforced and that the right to habeas corpus is respected in practice and effective in ensuring the release of individuals in detention;**

(d) **Increase the availability of and recourse to alternatives to pretrial detention, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), including by giving due consideration to such alternatives, particularly when delays occur in investigations or trials.**

### **Enforced disappearances**

28. Recalling its previous concluding observations, the Committee remains concerned at reports indicating that security forces, in particular military intelligence entities, continue to arbitrarily detain and interrogate persons in unacknowledged or "ungazetted" places of detention known as "safe houses". The Committee is particularly concerned that a high number of complaints of enforced disappearance of political opposition members and supporters in such circumstances was registered by the Uganda Human Rights Commission in relation to the 2021 general election cycle. The Committee is further concerned by the State party's refusal to fully cooperate with the inquiry into alleged torture in ungazetted detention centres, undertaken by the Human Rights Committee of the Parliament of Uganda in 2019, including its refusal to provide access to visit "safe houses". The Committee notes that the State party acknowledged the existence of "safe houses" in testimony provided to the inquiry, while specifying that they were used for intelligence operations and witness protection (arts. 2, 6, 7, 9, 14 and 16).

**29. The State party should:**

(a) **Abolish the use of unauthorized places of detention, including "safe houses";**

(b) **Elucidate all cases of enforced disappearance and conduct investigations without delay, and ensure that the victims and their relatives are informed of the progress and results of the investigation;**

(c) **Identify those responsible and ensure that they are prosecuted and punished with appropriate penalties that are commensurate with the gravity of their crimes;**

(d) **Ensure that victims of enforced disappearance and their families are provided with full reparation, including rehabilitation, satisfaction and guarantees of non-repetition;**

(e) **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.**

#### **Treatment of persons deprived of their liberty**

30. While noting information provided by the State party on measures taken to address overcrowding in prisons, the Committee remains concerned at the systemic overcrowding in prisons and other places of detention, the dilapidated condition of some facilities and reports indicating the inadequacy of food rations, particularly in detention centres operated by the Uganda Police Force. While noting that the Penal Code (Amendment) Act, 2002 abolished corporal punishment following a ruling of the Constitutional Court, the Committee is concerned at reports that the practice of caning is still prevalent in some prisons. The Committee is also concerned that juveniles are reportedly detained with adults in some facilities (arts. 7 and 10).

31. **The State party should intensify its efforts to ensure that conditions of detention are in full compliance with relevant international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It should, in particular:**

(a) **Significantly reduce overcrowding in prisons, particularly through the wider application of non-custodial measures as an alternative to imprisonment;**

(b) **Intensify its efforts to improve conditions of detention and ensure adequate access to food, clean water and health care for prisoners in all places of deprivation of liberty;**

(c) **Enforce effectively section 81 (2) of the Prisons Act, 2006, which prohibits corporal punishment;**

(d) **Ensure that juveniles are detained separately from adults.**

#### **Elimination of slavery, servitude and trafficking in persons**

32. The Committee welcomes the State party's concerted efforts to address trafficking in human beings, including the establishment of a comprehensive legal, policy and institutional framework. The Committee regrets that it was not provided with disaggregated data over a sufficient time period to enable it to analyse the effectiveness of the measures taken, and further regrets the lack of information received on assistance and compensation provided to victims. While welcoming the adoption of laws and policies to protect children from labour and sexual exploitation, the Committee regrets the absence of information on their implementation and is concerned about reports that such forms of exploitation of children remain prevalent in the State party (arts. 2, 7, 8, 24 and 26).

33. **The State party should further strengthen its efforts to effectively prevent and combat trafficking in persons, including children, by, inter alia:**

(a) **Ensuring effective identification of victims, including the screening of groups in vulnerable situations, such as migrants and asylum-seekers;**

(b) **Investigating all cases of trafficking promptly and thoroughly, and prosecuting suspected perpetrators under the applicable legislation, including the Prevention of Trafficking in Persons Act, 2009, and, if they are convicted, imposing adequate and deterrent sanctions;**

(c) **Ensuring that victims have access to effective means of protection and assistance services, and to full reparation, including rehabilitation and adequate compensation;**

(d) **Providing adequate training, including on standards and procedures for the identification and referral of victims of trafficking, to all relevant State officials,**

**including judges, prosecutors, law enforcement officials, immigration officers and staff working in reception facilities, and to lawyers;**

**(e) Strengthening the legal and institutional framework to address effectively sexual and labour exploitation of children, including by harmonizing its legislation on the minimum age for work and increasing labour inspections, particularly of gold mining operations and commercial crop farms;**

**(f) Putting in place mechanisms for the systematic collection of disaggregated data on trafficking in human beings and child labour.**

#### **Administration of justice and right to a fair trial**

34. While noting measures taken by the State party to increase the number of judicial officers and to streamline management of the State-funded legal aid system, the Committee is concerned that access to legal aid continues to be restricted to capital offences and that the quality of State-funded legal assistance is reportedly often not of an adequate standard due to low pay rates for such work. The Committee is further concerned that the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, adopted in July 2022, deny the right to bail for those charged with capital offences, a distinction that undermines the right to presumption of innocence under article 14 (2) of the Covenant. The Committee also expresses its concern about reports of suspects having been re-arrested inside court premises by security forces immediately after their release on bail has been ordered. The Committee regrets the significant delay in enacting the Witness Protection Bill and is concerned at reports of witnesses not reporting alleged human rights violations due to fear of reprisals, in particular with regard to allegations of torture by State agents (arts. 2 and 14).

**35. The State party should:**

**(a) Ensure access to justice for all, on an equal footing, including by providing free legal aid to all persons without sufficient means, especially in cases where the interests of justice so require, in accordance with article 14 (3) (d) of the Covenant;**

**(b) Expedite adoption of the National Legal Aid Bill, 2022, and ensure that adequate financial resources are allocated for its implementation;**

**(c) Amend or repeal the Constitution (Bail Guidelines for Courts of Judicature) (Practice) Directions, adopted in July 2022, which unduly deny the right to bail for those charged with capital offences;**

**(d) Ensure that bail orders issued by courts are respected by law enforcement officials and security forces;**

**(e) Expedite enactment of the Witness Protection Bill.**

#### **Use of military courts**

36. The Committee is concerned about the use of the Uganda Peoples' Defence Forces Act, 2005, to prosecute civilians in military courts, a practice reportedly used extensively against opposition candidates and supporters in the context of the 2021 general elections. While noting the rulings by the Constitutional Court in 2021 and 2022 which found provisions of the Act allowing for the prosecution of civilians in military courts to be unconstitutional, with the Court consequently ordering the transfer of their files to civil courts, the Committee is concerned that proceedings against civilians in military courts are continuing, including in the context of disarmament operations in the Karamoja region, pending the outcome of the State party's appeal in relation to such rulings. The Committee is further concerned that military courts lack independence, notably because they are presided over by military personnel appointed directly by the executive, and that civilians tried in military courts do not benefit from the same due process guarantees as those provided for in the civilian judicial system (arts. 2 and 14).

**37. The State party should remove, without further delay, the jurisdiction of military courts over civilians. It should also:**

(a) **Ensure that pending trials of civilians before military courts take place under conditions that afford the full guarantees stipulated in article 14 of the Covenant and in the Committee’s general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial;**

(b) **Investigate all alleged violations of due process guarantees reported by civilians tried in military courts, ensure that perpetrators are prosecuted and, if convicted, are punished with appropriate sanctions, and provide victims with effective remedies.**

#### **Independence of the judiciary**

38. The Committee is concerned that the framework for the appointment, career, discipline and removal of judges does not provide sufficient safeguards against influence by the executive branch, including with regard to the significant role of the head of the executive and the low number of places reserved for sitting judges on the Judicial Service Commission. The Committee is further concerned about the reported practice of appointing “acting judges”, which may result in actions and decisions taken out of fear of retribution or of expected favour including a permanent seat on the bench (art. 14).

39. **The State party should eradicate all forms of undue interference with the judiciary by the legislative and executive branches, and safeguard, in law and in practice, the full independence and impartiality of judges and the independence and effective autonomy of the Office of the Director of Public Prosecutions. The State party should ensure that the procedures for the selection, appointment, promotion, transfer and removal of judges and prosecutors are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors.**

#### **Right to privacy**

40. The Committee regrets the lack of information provided by the State party on measures in place to ensure adequate safeguards in the Regulation of Interception of Communications Act, 2010, including judicial review, and on the gap in the regulatory framework for public CCTV surveillance systems that was identified by the State party following an evaluation. The Committee regrets the State party’s failure to provide information as to why it has been necessary to conduct warrantless searches on the homes and offices of political opposition members, lawyers, and human rights defenders, under the Police Act. The Committee is also concerned about compulsory testing for certain categories of people under the HIV and AIDS Prevention and Control Act, 2014, and that the Act allows for disclosure of HIV status without consent under criteria that can be interpreted overly broadly, notably disclosure to any person whom the health practitioner considers to be exposed to a “clear and present danger of HIV transmission” (art. 17).

41. **The State party should ensure that adequate safeguards, including judicial review, are in place to guarantee that the extensive powers of search and surveillance at its disposal are exercised in full conformity with the Covenant, including powers provided under the Regulation of Interception of Communications Act, 2010. The State party should ensure that such powers are not abused to intimidate and suppress the activities of political opposition members, lawyers, journalists and human rights defenders, including powers to carry out warrantless searches under the Police Act. The State party should ensure that HIV status can only be disclosed without the tested person’s consent in precisely defined, exceptional circumstances authorized by law.**

#### **Freedom of expression**

42. The Committee is concerned that overly broad and vaguely defined provisions in the State party’s legal framework, including the Computer Misuse Act, 2011 (as amended in 2022), the Minimum Broadcasting Standards under schedule 4 of the Uganda Communications Act, 2013, and section 179 (1) of the Penal Code Act which criminalizes libel, are reportedly used to suppress voices critical of the executive, including journalists, writers and human rights defenders, and restrict media coverage of political opposition

activities including through shutdowns of media houses. The Committee is also concerned that such laws, which contain severe penalties including custodial sentences of up to seven years under the Computer Misuse Act, combined with insufficient regulation of surveillance activities, may lead to increasing self-censorship. The Committee expresses its concern at reports of arbitrary arrests and detention and physical attacks on journalists, particularly in the context of reporting on elections and protests (arts. 9, 17 and 19).

**43. The State party should take all measures necessary to ensure that everyone under its jurisdiction can freely exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression. In doing so, the State party should:**

(a) **Refrain from prosecuting and imprisoning journalists, writers, human rights defenders and other civil society actors as a means of deterring or discouraging them from freely expressing opinions which are critical of the executive;**

(b) **Review and revise its current legislation, including the Computer Misuse Act, 2011 (as amended in 2022) and the Minimum Broadcasting Standards under schedule 4 of the Uganda Communications Act, 2013, to avoid the use of vague terminology and overly broad restrictions and ensure its conformity with the Covenant;**

(c) **Ensure that protection of reputation is enforced through civil law of defamation rather than criminal prosecution;**

(d) **Ensure that journalists and human rights defenders are free to carry out their work without fear of reprisal, and investigate all cases of harassment, violence, and arbitrary arrest and detention against them; prosecute and punish those responsible and provide victims with full reparation.**

#### **Right of peaceful assembly**

44. The Committee is concerned that despite rulings by the Constitutional Court declaring sections 5, 8 and 10 of the Public Order Management Act, 2016 to be contrary to the right to freedom of peaceful assembly guaranteed under article 29 (1) of the Constitution of Uganda and therefore null and void, peaceful assemblies continue to be unduly prohibited and repressed, relying on disparate provisions in a range of different instruments. The Committee is further concerned at reports that assemblies are frequently dispersed using disproportionate force (arts. 2, 6, 7, 9 and 21).

**45. The State party should review the legal framework on peaceful assembly in order to bring it into conformity with article 21 of the Covenant and the Committee's general comment No. 37 (2020), including by giving due consideration to the adoption of a comprehensive and coherent law dedicated to ensuring that citizens can effectively exercise the right of peaceful assembly without undue restriction or threat of criminal proceedings. The State party should also ensure that law enforcement and security forces receive specific training on non-violent methods for policing assemblies, in addition to training on international standards for the appropriate use of force including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

#### **Freedom of association**

46. The Committee is concerned that administrative requirements for the registration and operation of non-governmental organizations (NGOs) are excessively burdensome and that overly broad provisions in the Non-Governmental Organisations Act, 2016 can be used to deny or suspend registration. The Committee is further concerned that 63 NGOs have been suspended in the past five years for different reasons relating to non-compliance with this Act, and that criminal sanctions, including custodial sentences, can be imposed on NGO personnel for administrative offences. The Committee is additionally concerned that NGOs working in the field of good governance and election monitoring had their bank accounts

frozen in the period prior to and after the 2021 general election, for alleged involvement in terrorism financing activities, which prevented them from carrying out their work (art. 22).

47. **The State party should:**

(a) **Take appropriate measures to ensure an enabling environment for civil society organizations, including by reviewing the current framework regulating civil society activities, with a view to removing unduly restrictive requirements and criminal sanctions for administrative offences, notably with regard to the Non-Governmental Organisations Act, 2016;**

(b) **Ensure the rapid lifting of suspensions which are still being applied on a significant number of NGOs for failing to meet administrative requirements under the Non-Governmental Organisations Act, 2016;**

(c) **Ensure that civil society organizations, in particular those working in the field of human rights, good governance and election monitoring, can operate safely and exercise their freedom of expression without fear of being harassed or detained, or having their licence suspended or revoked or their access to funding unduly impeded.**

#### **Participation in public affairs**

48. The Committee notes with concern that the general election held in the State party in February 2021 appears not to have met international standards for free and fair elections. It is particularly concerned about the alleged selective application of coronavirus disease (COVID-19) restrictions to disperse opposition rallies and activities, including through the excessive use of force. The Committee is also concerned about restrictions imposed on election monitoring organizations, the implementation of a blanket shutdown of the Internet and the introduction of accreditation requirements for journalists on the eve of the elections, and alleged intimidation, arbitrary arrest and detention, including secret detention, of opposition candidates and supporters, journalists and human rights defenders (arts. 2, 25 and 26).

49. **In accordance with article 25 of the Covenant and the Committee's general comment No. 25 (1996), the State party should ensure the full enjoyment of the right to participate in public affairs, including by guaranteeing free and transparent elections which provide a level playing field for opposition parties and candidates. In particular, it should:**

(a) **Ensure that political opposition candidates and supporters, journalists and human rights defenders can conduct their election-related activities free from undue interference and threats to their liberty and security;**

(b) **Facilitate the access necessary for independent observers, media and journalists to monitor elections;**

(c) **Adopt all measures necessary to ensure robust regulation and monitoring of campaign financing, including through independent oversight mechanisms and effective enforcement.**

50. The Committee is concerned that measures taken by the State party to ensure the meaningful participation of Indigenous Peoples in decisions affecting their livelihoods are not adequate, notably with regard to the forcible eviction of Indigenous Peoples from their ancestral lands and the designation of such lands as national parks and conservation zones without their free, prior and informed consent and without providing alternative livelihoods and adequate compensation, such as in the cases of the Batwa and Benet Indigenous Peoples.

51. **The State party should:**

(a) **Ensure that the rights of Indigenous Peoples to own, use and develop their ancestral lands, territories and resources are respected, protected and fulfilled, in law and in practice, including where appropriate through the enactment of dedicated legislation;**

(b) Ensure that necessary safeguards against forced evictions of Indigenous Peoples are in place and ensure the consistent and effective application of the principle of free, prior and informed consent in all matters concerning their rights.

#### **D. Dissemination and follow-up**

52. The State party should widely disseminate the Covenant, the first Optional Protocol thereto, its second periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

53. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 27 July 2026, information on the implementation of the recommendations made by the Committee in paragraphs 9 (national human rights institution), 13 (discrimination on the grounds of sexual orientation and gender identity) and 27 (liberty and security of person) above.

54. In line with the Committee's predictable review cycle, the State party will receive in 2029 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its third periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2031.

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