

## **A HUMAN RIGHT MANIFESTO FOR UGANDA**

### **What needs to be done**

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#### **What is Amnesty International?**

Amnesty International is a worldwide human rights movement that works for the release of prisoners of conscience, fair trials for political prisoners and an end to torture, "disappearances", political killings and executions wherever they occur. Amnesty International is financed by its over one million members and supporters in more than 140 countries around the world. It is concerned solely with the impartial protection of human rights, accepts no money from governments and is independent of any political persuasion or religious creed.

In Africa, Amnesty International has national sections in Algeria, Benin, Côte d'Ivoire, Ghana, Mauritius, Nigeria, Senegal, Sierra Leone, Tanzania, Togo and Tunisia, and membership structures in Botswana, Burkina Faso, Cameroon, Gambia, Mali, South Africa, Uganda, Zambia and Zimbabwe.

For general enquiries or information about how to become a member, please contact:

Amnesty International  
Africa Regional Office  
PO Box 23966, Kampala, Uganda  
Tel: +256 41 222951 / 286232

For information on Amnesty International's concerns in Uganda, please contact:

Amnesty International  
International Secretariat  
1 Easton Street, London WC1X 0DW,  
United Kingdom  
<http://www.amnesty.org>  
E-mail: [amnestyis@amnesty.org](mailto:amnestyis@amnesty.org)

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### **Introduction**

"All human beings are born free and equal in dignity and rights ... Everyone is entitled to all the rights and freedoms set forth in this Declaration"  
Universal Declaration of Human Rights

This human rights manifesto, supported by a range of Ugandan human rights organizations, is addressed to all candidates in Uganda's forthcoming presidential and parliamentary elections. These elections will not only determine who governs the country, but will give Ugandans an opportunity to tell politicians what kind of society they want to live in.

Every Ugandan has the right to live in a society where basic rights are respected in law and in practice. In theory, Uganda is a democratic state in which Ugandans enjoy fundamental freedoms, enshrined in the Constitution. The Ugandan Government has repeatedly promised to respect human rights and has signed and ratified a number of legally binding international human rights treaties, including the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

But it takes more than public pronouncements to end human rights violations. In practice, Uganda's human rights record is still stained by repression and lack of accountability. Many Ugandan laws, as well as some sections in the Constitution, contravene the provisions of the international human rights treaties to which the country is a party, and have been used by the authorities to restrict fundamental freedoms. Other laws and constitutional provisions that do protect human rights are in practice ignored.

It takes a wholehearted commitment by those in power to protect human rights and to bring to justice anyone who violates them. This manifesto sets out essential steps for improving respect for human rights in Uganda. All those who seek to govern Uganda should now commit themselves publicly to making human rights a reality for all Ugandans.

### **Freedom from torture and ill-treatment**

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"  
Universal Declaration of Human Rights

"Human beings are inviolable. Every human being shall be entitled to respect for... the integrity of his person ... torture, cruel, inhuman or degrading punishment and treatment shall be prohibited"  
African Charter on Human and Peoples' Rights

Torture is illegal under Uganda's Constitution and the country is a party to the UN Convention against Torture. However, anyone arrested in Uganda is at risk of torture or ill-treatment, which are endemic in police stations. The authorities themselves have publicly accused police officers of being guilty of torture and excessive use of force. Several detainees have reportedly died as a result of ill-treatment in recent years. Political prisoners and those suspected of collaborating with the armed opposition are at times held incommunicado in secret detention centres, so called "safe houses", or in military barracks, where they are particularly vulnerable to torture and ill-treatment. Courts continue to impose the cruel, inhuman and degrading punishment of caning.

#### *What needs to be done:*

- no one should be held incommunicado
- anyone deprived of their liberty should be held only in officially recognized places of detention and brought before an independent judicial authority without delay
- all prisoners should be informed of their rights, including their right to lodge complaints about their treatment, immediately after their arrest
- confessions obtained through torture must not be invoked in any legal proceedings, except as evidence against a person accused of torture

- the government should make Declarations under Articles 21 and 22 of the Convention against Torture, allowing for communications from states and individuals to the UN Committee against Torture
- caning and all other cruel, inhuman or degrading forms of judicial or administrative punishment should be abolished immediately

In addition to abuses committed at the time of, or soon after arrest, conditions in many prisons, particularly local administration prisons, are unhealthy, degrading and dangerous. The Ugandan prison system does not have sufficient capacity for the number of prisoners it holds, resulting in severe overcrowding of prisons throughout the country. Many detainees are held on remand beyond statutory periods. The overcrowding is aggravated by the lack of facilities to deal with detainees' basic needs. A poor diet, poor sanitary conditions, improper sleeping arrangements and inadequate ventilation contribute to the spread of infectious diseases. Mortality rates among prisoners are high, and torture and ill-treatment by prison officers are rife.

*What needs to be done:*

- the government should urgently address the issue of overcrowding in jails
- detainees on remand should be tried within a reasonable time or released pending trial
- lawyers and relatives should be given prompt and regular access to detainees and prisoners
- there should be regular, unannounced and unrestricted visits of inspection by the Ugandan Human Rights Commission and by human rights and humanitarian non-governmental organizations (NGOs) to all places of detention, including "safe houses" and military barracks
- all allegations of ill-treatment should be independently and impartially investigated
- any prison guard suspected of acts of torture and ill-treatment should be suspended from duty and brought to justice in accordance with internationally held norms of fair trial
- all detainees should be medically examined following admission to the place of detention
- detainees in need of medical treatment should be provided with adequate medical care and transferred to hospital if required
- in all cases of death in custody, an autopsy and an impartial and independent inquiry into the circumstances of the death should be carried out
- victims of torture or, in case of their death as a result of torture, their dependants, should have an enforceable right to adequate compensation
- internationally agreed standards for the treatment of persons under any form of detention or imprisonment should be incorporated into domestic law

### **Human rights in armed conflict**

"Persons taking no active part in the hostilities... shall in all circumstances be treated humanely"  
Article 3 common to the Geneva Conventions of 12 August 1949

In any armed conflict, it is civilians – women, children and the elderly – who suffer the most. In Uganda, the armed conflict has resulted in the extrajudicial execution of scores of people. Villages have been shelled indiscriminately, and the authorities have failed to effectively protect from human rights abuses the hundreds of thousands of people who have been internally displaced.

Armed opposition groups have been guilty of gross abuses against civilians, including the large-scale abduction of children and forced recruitment of child soldiers. An unknown number of women and girl-children have become victims of rape and sexual enslavement. The authorities have failed in their duty to offer civilians effective protection from such abuses and government forces themselves have all too often violated human rights and humanitarian law.

*What needs to be done:*

- civilians should not be forcibly displaced, unless this is absolutely necessary for their own safety or for imperative military reasons, and then only for as short a period as necessary

- clear orders should be given to the armed forces that violations of humanitarian and human rights law will not be tolerated
- effective action is needed to protect civilians from abuses by armed opposition groups
- children must never be recruited into government or opposition armed forces
- a task force including NGO representatives should be set up to investigate abuses allegedly committed by members of the armed forces and to prepare criminal prosecutions against alleged offenders
- the work of human rights NGOs in war-affected parts of Uganda should be facilitated
- the Amnesty Act offering immunity from prosecution to former members of the armed opposition must not apply to those suspected of taking part in abuses of humanitarian and human rights law

### **The right to life**

"Everyone has the right to life"  
 Universal Declaration of Human Rights

"Human beings are inviolable. Every human being shall be entitled to respect for his life"  
 African Charter on Human and Peoples' Rights

The right to life, enshrined in many international and regional human rights treaties, is today being violated in Uganda in different ways. Capital punishment is on the increase, and a number of crimes carry a mandatory death sentence under Ugandan law. Hundreds of prisoners remain on death row following the first executions since 1997 in April 1999. In addition, both police and the military have been accused of extrajudicially executing alleged criminals and rebel suspects. Police have repeatedly failed to protect suspected criminals from mob violence, and at least 180 criminal suspects have reportedly been killed by mobs between January and September 2000.

*What needs to be done:*

- the death penalty should be abolished
- all existing death sentences should be commuted, no executions should be carried out and no further death sentences should be imposed
- lethal force should only be used by police officers when strictly unavoidable to protect lives
- if lethal force is used, prompt and impartial investigations into the circumstances of the incident should be carried out
- effective action should be taken to protect criminal suspects from mob violence and to bring the perpetrators of mob violence to justice
- extrajudicial execution should be made a criminal offence and perpetrators should not be allowed to benefit from any legal measures, such as the defence of lawful authority, exempting them from criminal prosecution or conviction
- Uganda should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, allowing for communications from individuals to the UN Human Rights Committee

### **Freedom of expression, association and assembly**

"Everyone has the right to freedom of opinion and expression; this right includes freedom to... impart information and ideas through any media"  
 Universal Declaration of Human Rights

"Everyone shall have the right to freedom of expression"  
 International Covenant on Civil and Political Rights

"Freedom of conscience... shall be guaranteed ... Every individual shall have the right to assemble freely with others"

African Charter on Human and Peoples' Rights

Opposition parties, human rights groups, other NGOs, journalists and trade unions in Uganda have all faced restrictions on their rights to freedom of expression and association. Government critics have frequently been harassed and intimidated. Organizations raising awareness of civic and human rights are among those whose work has – at times violently – been disrupted by the authorities. Journalists trying to report on political events have been harassed and arrested by members of the security forces. Treason charges, which allow the authorities to hold suspects on remand – precluding release on bail – for up to 360 days, continue to be used to hold political prisoners. The laws on sedition, the “publication of false news” and the 1995 Press and Journalists Law have been used extensively to arbitrarily restrict the right to freedom of expression.

The Constitution currently restricts the right of opposition political parties to express their views freely in public or to hold public meetings. Although political parties are allowed to exist in name, only the ruling National Resistance Movement, which characterizes itself as a “movement” as opposed to a “party”, is exempted from the strict regulations imposed by Articles 73 and 269 of the Constitution. These restrictions violate the basic rights of freedom of expression, association and assembly set out in a number of legally binding international treaties to which Uganda is a party.

*What needs to be done:*

- freedom of expression, including the right to seek, receive and impart information and ideas, should be respected at all times
- no one should be arrested or detained, intimidated or punished in any way for the non-violent expression of their beliefs
- treason charges should not be used to criminalize the peaceful expression of political beliefs
- freedom of the press should be guaranteed and journalists, irrespective of whether they work for newspapers, radio, television or other media, should be protected from interference, arbitrary arrest and ill-treatment by the security forces
- the rights to freedom of information and expression should be enshrined in law
- political parties should be free to express their views and opinions in public and to hold public meetings
- all contenders in the forthcoming elections should be guaranteed free access to the media so as to allow for freedom of expression

Laws and constitutional provisions that restrict freedom of information and expression in ways that fall short of international human rights standards should be repealed or amended, in particular:

- Article 269 and Article 73 of the Constitution, so as to lift restrictions on political activity
- the Political Organizations Bill, so that political parties may be free to organize and mobilize for political support
- the laws on sedition and the “publication of false news”, as well as the 1995 Press and Journalists Law, which are used to arbitrarily restrict the right to freedom of expression
- the laws on “offences against morality” which are used to restrict freedom of association and freedom of assembly and undermine the principle of equality before the law of certain minority groups

## **Women's rights**

"All human beings are born free and equal in dignity and rights"

Universal Declaration of Human Rights

"States Parties... undertake... to embody the principle of the equality of men and women in their national constitutions or other appropriate legislation... and to ensure... the practical realization of this principle..."

Convention on the Elimination of All Forms of Discrimination against Women

Uganda's Constitution enshrines the principle of equality between women and men. However, discriminatory practices denying women the full enjoyment of their internationally guaranteed human rights persist throughout the country. Women arrested by the police or security forces are at risk of sexual abuse, including rape. Complaints brought by victims of domestic violence are often not registered by police and are rarely investigated. If the state fails in its duty to protect women from abuses, and to punish the perpetrators, it shares responsibility, irrespective of whether the abuses take place in state custody or in the home.

*What needs to be done:*

- women and men should be guaranteed equal rights, and be equal before the law
- all forms of violence against women should be prohibited by law and publicly condemned
- all reports of such violence should be promptly and impartially investigated
- campaigns should be undertaken to inform women of their legal rights
- victims should be provided with access to just and effective remedies
- training should be provided to police, judges and lawyers in how to deal with allegations of violence against women
- separate facilities should be provided to female detainees in all places of detention
- Uganda should sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women
- the government should ensure timely submission of its periodic reports to the Committee on the Elimination of Discrimination against Women and include information on gender-specific violence in its reports to other UN monitoring bodies

### **Supporting organizations**

This is a provisional list of organizations and individuals that have endorsed this human rights manifesto for Uganda:

Foundation for Human Rights Initiative  
PO Box 21265  
Kampala, Uganda

Human Rights and Peace Centre (HURIPEC)  
Faculty of Law, Makerere University  
PO Box 8062  
Kampala, Uganda  
Human Rights Focus (Gulu based)  
PO Box 970  
Gulu, Uganda

Human Rights Network (HURINET)  
PO Box 21265  
Kampala, Uganda

International Association of Women Lawyers (FIDA – Uganda)  
PO Box 2157  
Kampala, Uganda

Isis-WICCE  
PO Box 4934  
Kampala, Uganda

Journalists Human Rights Forum (JHURIF)  
PO Box 1880  
Kampala, Uganda

National Institute of Journalists of Uganda  
PO Box 7142  
Kampala, Uganda

J. Oloka-Onyango  
Dean of Law, Faculty of Law  
Makerere University  
Kampala, Uganda

Refugee Law Project  
PO Box 33903  
Kampala, Uganda

Uganda Journalists Association  
PO Box 8123  
Kampala, Uganda

Uganda Journalists Safety Committee  
PO Box 268  
Kampala, Uganda

Uganda Law Society  
PO Box 425  
Kampala, Uganda

Uganda Law Society – Legal Aid Project  
PO Box 426  
Kampala, Uganda