

Questionnaire on National Human Rights Institutions and Human Rights Defenders

Uganda

1.	<p>a) Please provide a brief overview of the legislative framework adopted to establish a National Human Rights Institution (hereafter 'the institution') in your country. Please cite names of any such laws or regulations in full.</p> <p>The UHRC is established under Article 51 (1) of the Constitution of the Republic of Uganda and the UHRC Act of 1997. The wide mandate of the UHRC encompasses monitoring Government's compliance with international human rights obligations, receiving and investigating complaints of human rights violations, inspecting places of detention to ascertain whether they comply with the international standards, creating awareness about human rights and civic obligations and to recommend to Parliament effective measures to promote human rights.</p> <p>b) Please indicate how these laws and regulations comply with international human rights standards, and in particular the Paris Principles.</p> <p>These laws are the basis of the mandate of the UHRC to promote and protect human rights. The Constitution provides for the role of the UHRC which includes: submission of reports to Parliament on the situation of human rights in the country; reviewing bills from Parliament to ensure that they are in line with the states international human rights obligations; contribution to state reports and cooperation with the United Nations, regional and national institutions.</p> <p>Regarding the procedure of appointment of members of the UHRC, it is initiated by the Ministry of Justice and Constitutional Affairs, vetting is done by Parliament and the names are sent to the President for appointment while the procedure for removal of members of the Commission is similar to that of judges. Article 51 (4) provides for the members of the Commission to serve for a period of six years</p> <p>c) Please indicate the current accreditation status of the Institution with the International Coordinating Committee (ICC) and what measures, if any have been taken to implement the recommendations highlighted at the most recent ICC Sub Committee on accreditation meeting with a view of strengthening NHRI's compliance with the Paris Principles</p> <p>The UHRC has been accredited with an 'A' Status. In order to ensure that the UHRC implemented its recommendations, its Annual Reports were debated and relevant institutions were held accountable, the UHRC presented its recommendation in the 11th, 12th, 13th and 14th Annual Reports to the Human Rights Committee (This was set up following recommendations of the UHRC). In addition, the UHRC has extracted these recommendations and presented them to the relevant institutions such as the Justice, Law and Order Sector (JLOS).</p> <p>In order to ensure operational and accountability efficiency the UHRC set up a Human Resource Unit and an Internal Audit unit. As support units these ensure that operational and accountability</p>
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	<p>procedures are in place in order to assist the effective and efficient promotion of human rights.</p> <p>In order to ensure that the timely publication of annual reports on the documentation of the observation of human rights in the country and activities, the UHRC put in a place a process that has enabled the production of the annual report in the first quarter of the year.</p>
2.	<p>a) Please provide details outlining the mandate adopted by the Institution in relation to the protection and promotion of human rights in accordance with the range of competencies and responsibilities specified in the Paris Principles</p> <p>The UHRC implements its constitutional mandate through the Directorates of Monitoring and Inspections; Complaints, investigation and Legal Services; Research, Education and Documentation; Regional Services; and Finance and Administration.</p> <p>The UHRC has to date submitted 14 Annual Reports to Parliament on the State of human rights in the country and special reports on areas including Elections, Pastoralists and Associated land Conflicts and the Human Rights Situation in the Acholi Sub- Region. In the Annual Reports specific attention has been given to areas emerging from conflict such as Northern Uganda and Karamoja and specific recommendations have been made to address the human rights challenges identified.</p> <p>In addition, these recommendations include encouraging Government to ratify protocols such Optional Protocol Against Torture and to domesticate of the Two Optional Protocol Convention on the Rights of the Child (CRC) which prohibit the sale of children, child prostitution, child pornography and the involvement of children in armed conflict. The UHRC has presented its recommendations in the 11th, 12th, 13th and 14th Annual Report to the Human Rights Committee in Parliament .</p> <p>The UHRC has also reviewed bills and acts such as the Public Order Management Bill, the Prevention and Control of the HIV/AIDS Bill, the Mental Health Bill, The Transfer of Convicted Offenders Bill, the Food and Nutrition Bill, the Regulation of Interception of Communications Act 2010 and Persons with Disabilities Act in order to assess government compliance with Uganda’s international and regional obligations.</p> <p>In order to ensure that national legislation and practices conform to international human rights standards, the UHRC has promoted the Human Rights Based Approach across Ministries, departments and local Governments. The UHRC has also conducted a Human Rights Based Approach training of the National Planning Authority. In order to facilitate trainings and outreach activities, the UHRC developed Guidelines on Human Rights Based Approach to National Development and Planning.</p> <p>The UHRC has contributed to state reports submitted to the Committee Against Torture, the Committee on the Rights of the Child and the Human Rights Committee. The UHRC contributed to</p>

the Country Report submitted to the Human Rights Council under the Universal Periodic Review and prepared a report as a National Human Rights Institutions. In addition, the UHRC has made contributions to the Country Reports to the African Commission on Human and Peoples' Rights. The UHRC has also shared best practices with NHRIs of Kenya, Sierra Leone, Sudan, Tanzania, Somali-land, Ethiopia, Malawi and Swaziland.

Since its inception, the UHRC has conducted continuous civic education. In 2011, the UHRC trained 40,666 people from different organisations and communities including 137 district leaders, 354 local leaders, 50 religious leaders, 218 teachers, 23,000 students and 13,959 Community leaders in order to empower local communities with knowledge on their rights and obligations. The UHRC also conducted training of 1881 officers from the Uganda Police Force, 651 from the Uganda Peoples Defence Forces, 322 officers from Internal Security Organisation and 94 officers from the Uganda Prisons Service. In addition, the UHRC through its Publicity Unit uses radio, television , newspapers , magazines , the UHRC Website and Information , Education and Communication to disseminate human rights messages and raise awareness on a number of human rights themes including discrimination on grounds of sex, race and disability.

b) Please indicate whether the Institution is mandated to consider and /or adjudicate individual complaints of human rights violations.

Under Article 50 of the Constitution individuals can bring complaints before the UHRC. The UHRC has a Tribunal which adjudicates individual complaints.

c) If relevant, please indicate whether the mandate is limited to specific rights or whether complaints against the Government, the police and/ or the military are permitted and how they are dealt with.

The UHRC mandate covers all complaints. The Government, Police and military are usually sued through the Attorney General due to the principle of vicarious liability. However there are instances where both the Attorney General and the respective individuals are joined to address both the principle of vicarious liability and to ensure that the individuals are held personally accountable. With the assenting to of the Prohibition and Prevention of Torture Act, 2012 perpetrators of torture will be held individually liable.

d) In this regard, please indicate whether the institution is empowered to carry out protection related functions including providing remedies to victims of human rights violations, witness protection mechanisms and conducting visits to detention facilities

The UHRC's mandate is to promote and *protect* human rights. The UHRC protective mandate includes visiting places of detention, providing remedies for human rights violations such as payment of compensation or any other legal remedy or redress and ensuring that in carrying out its functions there is no victimization of persons assisting the UHRC. In addition, a witness appearing before the UHRC has the same immunities and privileges as a witness before the High

	Court.
3.	<p>a) Please indicate what mechanisms , if any are in place within the Institution to ensure that human rights defenders at risk are protected (e.g through protection programmes, early warning systems or by submitting complaints to regional bodies on specific issues)</p> <p>The UHRC set up a Human Rights Defenders’ Desk under the Directorate of Monitoring and Inspections, that is responsible for initiating programs that protect rights of Human Rights Defenders. The desk is responsible for tracking cases involving human rights defenders to ensure that they have access to justice in instances where their rights have been violated.</p> <p>The desk has also participated in reviewing bills tabled in parliament to ensure that rights of human rights defenders are protected as well. For instance, in 2011, the Public Order Management Bill was reviewed to ensure that international human rights standards are complied with. The desk has also contributed to the documentation of issues that concern human rights defenders such as the Freedom of Assembly and Expression in the previous annual reports</p> <p>b) Please indicate whether any obstacles or challenges exist with regard to the effective protection of human rights defenders through these mechanisms , and how the institution addresses them</p> <p>Some of the challenges include the lack of a law to specifically protect human rights defenders which limits the ability of the desk and other human rights defenders to effectively address some of the situations that relate to violation of rights of human rights defenders. Though there is no law to protect human rights defenders efforts are being made to strengthen the loose coalition of human rights defenders to ensure appropriate responses at the national and local level.</p>
<u>4.</u>	<p>a)Please describe the working relationship between the Institution and civil society, including human rights defenders in accordance with the Paris Principles</p> <p>The UHRC is aware that the promotion and protection of human rights requires concerted efforts of both the UHRC and civil society organizations that promote and protect human rights. The UHRC has created strategic partnerships with civil society organisations that promote and protect human rights including human rights defenders. The UHRC has done this through : involving these civil society organisations in meetings that are aimed at addressing human rights defenders concerns ; taking up human violations referred to the UHRC by civil society organisations; monitoring and reporting on the situation of human rights defenders; and tracking cases that involve human rights defenders.</p> <p>b) Please indicate whether and challenges or obstacles exist that may prevent interaction and cooperation with civil society and / or human rights defenders and how the Institution seeks to address them</p> <p>Usually civil society and Human rights defenders have a tendency to work as competitors and majority are mostly reactionary instead of providing strategic support which affects</p>

	<p>human rights defenders’ impact on society. When engaging civil society, the UHRC has encouraged these organisation including those that represent human rights defenders to be objective in their criticism; be open to dialogue with the relevant authorities ;and propose constructive recommendations.</p>
<u>5.</u>	<p>a) Please indicate whether any member of the Institution’s staff has ever been the victim of threats, or other kind of harassment, as a result of work carried out on behalf of the organisation N/A</p> <p>b) Please specify what mechanism, if any are in place to protect Institution members investigating human rights violations. If applicable, please specify what mechanisms at the institutional , national , regional and international level have been employed to protect Institution members Under section 13 of the UHRC Act members and staff of the UHRC are immune from any civil proceedings for any act done in good faith in the performance of their functions.</p> <p>C) Please indicate whether the Intuition has ever been subjected to an unannounced visit by representatives from the police or state authorities, or if it has otherwise been subject to interference or threat that may jeopardize its independence as a national human rights institution under the Paris Principles N/A</p>
<u>6</u>	<p>a)Please indicate the main sources of funding for the Institution The main source of funding is the Government of Uganda.</p> <p>b)In this regard, please indicate whether and challenges exist, particularly in relation to the functional autonomy of the organisation and how this impacts on the work of the Institution This funding is still restricted to covering operational costs and does not cover activities which poses a challenge in consistency and sustainability of some activities.</p>
<u>7.</u>	<p>a) Please describe the procedure in place relating to the selection and appointment of members of the governing body The procedure of appointment of members of the Commission is initiated by the Ministry of Justice and Constitutional Affairs. Vetting is done by Parliament and the names are then sent to the President for appointment.</p> <p>b) Please indicate what mechanisms are in place to ensure independent scrutiny of candidates and security of tenure for the governing body The Parliament who are the representatives of people vet the members of the Commission through the Appointments Committee chaired by the Speaker ,while the procedure for removal of members of the Commission is laid out in the Constitution and is similar to that of Judges.</p>

