



Human Rights Council
3rd Cycle Universal Periodic Review (UPR)
The Human Rights Situation in Uganda
40th Session (January-February 2022)

Joint Stakeholders' Submission from:

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

John Paul II Justice and Peace Centre
The Bright Doves of St. Francis
Caritas Kampala
Ugandan Joint Christian Council

Geneva and Kampala, 14 July 2021

PART 1: INTRODUCTION

A. Submitting organizations

1. The organizations listed below present this joint submission concerning the human rights situation in Uganda for consideration by the UPR Working Group at its 40th session.
2. Franciscans International (FI) is a faith-based International Non-Governmental Organisation (INGO) with 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 injustice.
3. 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.
4. The Bright Doves of St. 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.
5. 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.
6. Uganda Joint Christian Council (UJCC) is a faith based ecumenical organization that was established in 1963 and registered as a trustee under the Trustees Incorporation Act. Its current membership comprises the Church of Uganda, The Roman Catholic Church and the Uganda Orthodox Church. UJCC was established after Uganda's independence in

and is an associate and affiliated to All Africa Conference of Churches and the World Council of Churches (WCC).

B. Methodology

7. This report is based on the evaluation of the commitments made by the Government of Uganda to implement recommendations accepted during its previous UPR. The data and information obtained for this submission came from various sources, including first-hand information from the above-mentioned field organizations serving individuals and groups affected by human rights abuses in Uganda.
8. The first-hand data collection was carried out as part of a group consultation organized in Kampala in May 2021, bringing together 25 civil society actors. Then, thematic groups conducted surveys through personal and group interviews with victims, some perpetrators, and experts as well as through desk research. Investigations were carried out between 15 June and 05 July 2021.
9. The analysis will address the following issues of concern: trafficking in persons, freedom of expression and right to peaceful assembly, right to education for children with disabilities and gender-based violence.

PART 2: REPORT

I. TRAFFICKING IN PERSONS

Introduction

10. The past five years have been marked by the persistence of trafficking in persons in Uganda. The country remains the place of origin, transit and destination for women and men subject to trafficking.¹ The lack of adequate employment opportunities along with the poor quality of educational and social structures in rural and underserved areas, are all factors favouring human trafficking in a country counting the second youngest population in Africa.²

¹ According to the Irish Center for Human Rights: “Uganda has been identified as a source, transit, and destination country for human trafficking. [...] Human trafficking in Uganda occurs on both transnational and internal levels. Victims of internal trafficking are mostly trafficked from rural and underserved communities to major cities, and are exploited in domestic service, street begging and vending, sexual exploitation including forced marriage and commercial sexual exploitation, and labour exploitation especially in the agricultural industry”. Irish Center for Human Rights, *Policy Brief: The impact of Covid-19 on Human Trafficking in Uganda*, 29 October 2020. Accessible at: <https://reliefweb.int/report/uganda/policy-brief-impact-covid-19-human-trafficking-uganda> (last accessed 06 July 2021).

² While the average age in Africa is estimated at 19.7 years old in 2019, the median age of the Ugandan population in 2020 was 16.7 years: Uganda has the second youngest population in Africa in 2021 after Niger. STATISTA, *African countries with the lowest median age as of 2021*, 2021. Accessible at: [Youngest African countries 2021 | Statista](https://www-statista-com.translate.googl/Youngest-African-countries-2021-|_Statista) (Last accessed 06 July 2021).

11. In addition, national labour externalization companies indirectly influence trafficking outside of the country, sending Ugandans to the Middle East region especially to the United Arab Emirates, Saudi Arabia, Qatar, Kuwait, and Oman. As of June 30, 2020, there were 205 registered companies allowed to export labour under their umbrella organization, the Uganda Association of External Recruitment Agency (UAREA). In addition to these companies, several individuals and unregistered companies also export labour to the Middle East. Therefore, sending these people outside Uganda³ to do odd jobs put them in situations where they are more at risk of being trafficked.⁴ Official estimates of Ugandans doing odd jobs in those countries is about 100,000.⁵

UPR Accepted recommendations – 2nd cycle

12. During the second UPR cycle, Uganda accepted six recommendations on human trafficking. While some States asked for a reinforcement of the legal framework through the ratification of international treaties,⁶ others recommended to improve and better implement the existing national laws, regulations and policies aiming to prevent and counter trafficking in persons.⁷

Legal and policy framework

13. Uganda has national laws against human trafficking, starting with article 25 of the Constitution that prohibits “*slavery, servitude and forced labour*”.⁸ This constitutional framework is completed by the 2009 Act on the Prevention of Trafficking in Persons (PTIP).⁹ It criminalizes trafficking in all its forms, creates various sanctions for traffickers and introduces a new category of trafficking through the “aggravated trafficking” offence. This latter applies when the victim of trafficking is a child or when the offender

³ The International Labour Organization draws strong ties between migration (legal and illegal) and human trafficking, highlighting that “*migration can increase vulnerability to human trafficking and exploitation*”. ILO, *Forced Labour and Forces Marriage*, 2017, p.30. Accessible at: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_575479.pdf (Last accessed 07 July 2021).

⁴ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Kuwait*, UN Doc. A/HRC/35/37/Ass.1, 21 April 2017. Accessible at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/097/94/PDF/G1709794.pdf?OpenElement> (Last accessed 06 July 2021). “6. Kuwait faces challenges as a destination country for women and men, mainly from South Asia, South-East Asia, and Africa, who are subjected to trafficking in persons for the purpose of labour and to a lesser extent, sexual exploitation. 7. The causes of trafficking include poverty and a lack of economic opportunities in source countries, but also the high demand for cheap labour and services in Kuwait, including a huge demand for domestic work for middle- to high-income households”.

⁵ DAILY MONITOR, *More than 100.000 Ugandans working in Gulf States*, 10 May 2019. Accessible at: <https://www.monitor.co.ug/uganda/news/national/more-than-100-000-ugandans-working-in-gulf-states-1824966>. (Last accessed 06 July 2021).

⁶ See recommendation of the Philippines (115.17). UNITED NATIONS HUMAN RIGHTS COUNCIL, *Report of the Working Group on The Universal periodic Review, Uganda*, 27 December 2016. Accessible at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/441/95/PDF/G1644195.pdf?OpenElement> (Last accessed 06 July 2021).

⁷ See recommendations of Timor-Leste (115.15), Togo (115.16), Armenia (115.81) and Czechia (115.73). *op. cit.* footnote 6.

⁸ 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 06 July 2021).

⁹ The prevention of trafficking in persons act, 2009, *The Uganda Gazette N. 52, volume CII* dated 23rd of October 2009. Accessible at: <https://old.ulii.org/node/24737>. (Last accessed 06 July 2021).

is a military/public law enforcement officer or where acts involve harmful traditional practices.

14. Our organizations acknowledge the efforts of the Government to better operationalize the article 21 of the PTIP Act through the National Action Plan for the Prevention of Trafficking in Persons (NAP).¹⁰ In that regard, we welcome the role played by the Coordination Office for Prevention of Trafficking in Persons (COPTIP) since March 2013.¹¹ We also acknowledge the policies implemented over the past five years including training for front-line officials¹² and the establishment of special units within the police and armed forces specialized in trafficking in persons.¹³
15. However, despite this comprehensive legal and policy framework, Uganda has not yet ratified either the Palermo Protocol of 2000 Protocol,¹⁴ despite its signature on 12 December 2000, nor the International Labor Organization's C198 Convention on Domestic Workers.¹⁵ It must be noted that Uganda committed to ratify these conventions in 2016¹⁶ to strengthen its legal arsenal against trafficking.

¹⁰ We also note the applicability of regional policies such as the Ouagadougou Action Plan to combat Trafficking in Human Beings, Especially Women and Children of 2006, the African Union Migration Policy Framework for Africa, and Plan of Action 2018-2030 as well as, the African Common position on Migration and Development. These regional policies provide standards and good practices to counter trafficking at the national level.

¹¹ The COPTIP, along with the Ministry of Internal Affairs and the Ministry of Gender Labour and Social Development are coordinating, monitoring, and overseeing the implementation of counter human trafficking activities.

¹² According to the United States Department of State report in Uganda in 2018, 303 front-line officials were trained on the anti-trafficking act and other laws related to illegal labour recruitment. 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 07 July 2021).

¹³ About a training session for armed forces specialised in trafficking in 2020. See HUMAN TRAFFICKING INSTITUTE, Uganda's National Police Human Trafficking Department Trained to Conduct TIP Investigations, 26 March 2020. Accessible at: <https://www.traffickinginstitute.org/ugandas-national-police-human-trafficking-department-trained-to-conduct-tip-investigations/#> (Last Accessed 07 July 2021).

¹⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, United Nations, *Treaty Series*, vol. 2237, p 319; Doc. A/55/383. Accessible at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18 (Last accessed 07 July 2021).

¹⁵ The ILO Convention C189 is relevant insofar many of the people trafficked in/from Uganda are domestic workers. See ILO: *Countries that have not ratified the convention on Domestic Workers*. Available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO::P11310_INSTRUMENT_ID:2551460 (Last accessed 06 July 2021).

¹⁶ See recommendation of the Philippines (115.17): "*Consider ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*" *op. cit.* footnote 6.

¹⁷ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Implementation of the non-punishment principle*, Report of the Special Rapporteur on trafficking in persons, especially women and children, 127 May 2021. Available at: <https://undocs.org/A/HRC/47/34> (Last accessed 06 July 2021). "*20. As a principle [principle of non-punishment], it is essential to the object and purpose of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, namely, to protect and assist victims of trafficking with full respect for their human rights*".

16. The Palermo protocol enshrines the principle of non-punishment of victims.¹⁷ This principle aims at ensuring that a victim of trafficking is not punished for unlawful acts committed as a result of trafficking. In Uganda, prostitution is criminalized according to article 139 of the Penal Code Act “*Any person who practices or engages in prostitution commits an offence and is liable to imprisonment for seven years*”.¹⁸ This constitutes a violation of the principle mentioned as many sex workers are victims of trafficking¹⁹ and places them at risk of imprisonment because of their activity. However, both the UN Security Council²⁰ and the Committee on the Elimination of Discrimination against Women recently recall upon States to apply the principle.²¹ Thus, the ratification and implementation of the said protocol would provide a better protection for victims of trafficking in Uganda.

Promotion and protection of Human Rights at grassroots level

General trend:

17. According to the United States Department of State’s yearly reports, in the period 2016 – end of 2019, 665 cases of persons trafficked were registered, 197 suspects were taken to court and 61 convictions were achieved. In 2019, foreign governments identified 2’384 Ugandan victims abroad. The Government facilitated 170 returns to Uganda and provided replacement travel documents to facilitate the repatriation of its citizens with *ad hoc* assistance including shelter and food in embassies.²²

18. Despite the Government's willingness to implement its NAP, we deplore in 2019 the lowest number of investigations recorded in the last five years. The same trend is observed regarding the number of prosecutions and therefore puts the Government at

¹⁷ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Implementation of the non-punishment principle*, Report of the Special Rapporteur on trafficking in persons, especially women and children, 127 May 2021. Available at: <https://undocs.org/A/HRC/47/34> (Last accessed 06 July 2021). “20. As a principle [principle of non-punishment], it is essential to **the object and purpose of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, namely, to protect and assist victims of trafficking with full respect for their human rights**”.

¹⁸ Uganda Penal Code Act, 15 June 1950, up to date as at 30 September 2020. Accessible at: https://ulii.org/akn/ug/act/ord/1950/12/eng%402014-05-09#sec_139. (Last accessed 07 July 2021).

¹⁹ According to the International Labour Organization, forced sexual exploitation includes people “*who have involuntarily entered a form of commercial sexual exploitation, or who have entered the sex industry voluntarily but cannot leave. It also includes all forms of commercial sexual exploitation involving children*” – in 2016, about 4.8 million of people were victims of forced sexual exploitation worldwide. *Op.Cit.* Footnote 3.

²⁰ UNITED NATIONS SECURITY COUNCIL, *Resolution 2331 (2016)*, UN Doc. S/RES/2331 (2016). Accessible at: [https://www.undocs.org/S/RES/2331%20\(2016\)](https://www.undocs.org/S/RES/2331%20(2016)) (Last accessed 06 July 2021).

²¹ See UNITED NATIONS COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, *General recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration*, UN Doc. Cedaw/C/GC/38, 20 November 2020, para 98. Accessible at: <https://reliefweb.int/report/world/general-recommendation-no-38-2020-trafficking-women-and-girls-context-global-migration> (Last accessed 06 July 2021).

²² U.S. Department of State, *Trafficking in Persons Reports – Uganda*, yearly reports 2016 to 2020. Accessible at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/>. (Last accessed 06 July 2021).

odds with its 2016 UPR commitments.²³ We note that the central role of 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.²⁴ Moreover, the government does not follow systematic procedures to help survivors.²⁵ It is surprising to see that the Government did not stick to its promising policy in 2019 to encounter trafficking in Human, even though the COVID-19 pandemic had not started yet.

Information on specific cases:

19. According to the information collected in June 2021 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.
20. 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 destination. Not being informed and fully aware of the details of the contract put them in a situation of 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 it was not the case.
21. 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 bad living and working condition. This includes overwork without rest, poor pay, poor feeding, mistreatment, and sexual exploitation. Some testimonies highlighted that the victims are forced to commit misdemeanour due to

²³ See recommendations of Timor-Leste (115.15), Togo (115.16), Armenia (115.81) and Czechia (115.73). *op. cit.* footnote 6. Uganda accepted to strengthen its efforts to implement its anti-trafficking policy.

²⁴ U.S. Department of State, 2020, *Trafficking in Persons Report*. *Op. cit.* footnote 12.

²⁵ U.S. Department of State, 2017, *Ibid.*

their situation of trafficked persons (with risks of infringement of the principle of non-punishment).²⁶ *“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.

22. Finally, the return of trafficked people to Uganda has often been complex: on the one hand, because Uganda does not have diplomatic representations in most destination countries; on the other hand, because the employers had confiscated the documents of the victims who 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 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) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, to ensure optimal protection of victims of trafficking through a comprehensive implementation of the non-punishment principle.**
- b) **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.**
- c) **Ensure the monitoring of labour externalization companies through control and sanction measures in case of non-compliance with the legislative and regulatory provisions related to labour recruitment.**
- d) **Provide victims of trafficking with temporary shelter, counseling, legal and psycho-social assistance, as well as financial support to ensure their reintegration into society, once they are back in Uganda.**

II. FREEDOM OF EXPRESSION AND RIGHT TO PEACEFUL ASSEMBLY

Introduction

23. Over the past five years, Uganda did not manage to promote and fully guarantee freedom of expression and right to peaceful assembly. As the international community

²⁶ See paragraph 16 and footnotes 17 and 18.

is more and more concerned by the threats to these right and freedom,²⁷ our organizations denounce the regular disregard of the constitutional provisions as well as of Uganda's international commitments.

²⁷U.S EMBASSY IN UGANDA, *Joint local statement on restrictions to freedom of expression and assembly in Uganda*, 3 May 2019. Accessible at: <https://ug.usembassy.gov/joint-local-statement-on-restrictions-to-freedom-of-expression-and-assembly-in-uganda/>. (Last accessed on 05 July 2021).

UPR Accepted recommendations – 2nd cycle

24. During its second UPR session, Uganda accepted three recommendations regarding freedom of expression and peaceful assembly. The Ugandan government committed to ensuring the implementation of these rights in compliance with its obligations under its Constitution and the international treaties binding on the State.²⁸ In connection with the right to peaceful assembly, Uganda also accepted two recommendations aiming to strengthen measures to end police brutality and arbitrary arrests²⁹ – especially targeting opposition leaders.

Legal and policy framework

25. Uganda ratified the International Covenant on Civil and Political Rights (ICCPR) in June 1995 and incorporated its content regarding freedom of expression and the right to peaceful assembly within the Constitution of October 8, 1995.³⁰ Article 29 of the latter clearly states that every person has “*a right to (i) freedom of speech and expression which shall include freedom of the press and other media – (iii) freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition*”.

26. Despite the constitutional guarantee of these rights, it appears that the Law on the Management of Public Order (POMA) of 2013³¹ is at odd with the protection of the freedom of expression and 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*”³², 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.

27. An interpretation of the text giving too much power to the authority can thus lead to a violation of articles 29³³ and 212³⁴ 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*”.

²⁸See recommendations of Sweden (115.19), France (115.101) and Spain (115.103). *Op. Cit.* footnote 6.

²⁹See recommendations of Spain (115.03) and Australia (115.102). *Op. Cit.* footnote 6.

³⁰ *Op.cit.* footnote 8.

³¹Public 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*”.

³² Public Order Management Act, 2013. *Op. cit.* section 2.

³³ See paragraph 25.

³⁴ 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.*” *Op.cit.* footnote 8.

28. 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*”.³⁵ Moreover, the Committee states that the role of authorities to regulate public gatherings “*must not be 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.
29. On 24 October 2019, Makerere University students took peaceful protests against the Fees Increment Policy³⁶ under the theme ‘*Fees Must Fall*’ after police denied permission to protest. The Police and military forces entered the university and, in their intervention against the demonstration, the members of the armed forces arrested 15 student-leaders and beat students. Furthermore, they entered their residences causing injuries and damages.³⁷ 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.
30. One of the most obvious threats to the rights enshrined in article 29 of the Constitution and in article 21 of the International Covenant of Civil Political Rights is to be found in section 8.1 of the POMA. This paragraph gives powers to the authorised officer to “*stop or prevent the holding of a public meeting where the public meeting is held contrary to this act*”. This large margin of decision and interpretation by the authorized officer is often the source of human rights abuses. Indeed, the criteria that can be used to prevent or stop a peaceful assembly are based on the limitations expressed in article 43 of the Constitution, which are often interpreted extensively, like the threats to public order or to public health in the case of COVID-19 restrictions on gatherings (see illustration in paragraph 33). In practice, this has been regularly used by Ugandan authorities against political opposition, which is clearly contradicting article 43.C of the Constitution. Besides many other cases, this was illustrated on 5 January 2021 where Mr. Amuriat Patrick, a presidential candidate of the Forum for Democratic Change, was stopped by the police and the military from communicating his message to the people of some districts that were scheduled while on the

³⁵ 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 14 July 2021).

³⁶ 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 on 05 July 2021).

³⁷ 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 on 05 July 2021).

campaign trail.³⁸

31. While article 8.1 has been used for years “as a tool of repression in Uganda”,³⁹ the Constitutional court of Uganda has delivered a judgment on 26 March 2020, declaring Section 8 of the Public Order Management Act unconstitutional.⁴⁰ The Court stated that the police have no authority to deny the holding of public meetings on the grounds of alleged violation of peace but should rather use its duty to supervise and secure people. This judgment reinforces the right to peaceful assembly and emphasizes the fact that the limitations imposed by the section 8 of the POMA are not admissible “in a free and democratic society”.^{41,42} However, the government is appealing the decision.⁴³
32. By appealing the decision of the Constitutional Court, the Ugandan Government demonstrates its unwillingness to guarantee the right to peaceful assembly and the freedom of expression.

Promotion and protection of Human Rights at grassroots level

33. The 2021 general elections were marked by serious violations of freedom of expression and the right to peaceful assembly. The recurrent arrests and repression of political opponents⁴⁴, like the Presidential candidate Robert Kyagulanyi⁴⁵ (Bobi Wine) on 18 November 2020, shows this disregard for these rights.⁴⁶ Kyagulanyi was arrested by the Uganda Police allegedly for violating Covid-19 guidelines during the election period. This was followed by protests that ended with the deaths of 45 people and 28

³⁸ DAILY MONITOR, *UPDF block Amuriat from meeting fishermen*, 05 January 2021. Accessible at: <https://www.monitor.co.ug/uganda/news/national/updf-block-amuriat-from-meeting-fishermen-3247674> (Last accessed on 05 July 2021). In this case, security forces were allegedly enforcing Covid-19 guidelines issued by the Electoral Commission during the campaigns.

³⁹ Public statement by Deprose Muchena, Amnesty International's Director for East and Southern Africa - AMNESTY INTERNATIONAL, *Uganda: Constitutional Court nullifies laws used to prohibit protests*, 27 March 2020. Accessible at: <https://www.amnesty.org/en/latest/news/2020/03/uganda-constitutional-court-nullifies-law-used-to-prohibit-protests/>. (Last accessed on 05 July 2021).

⁴⁰ CONSTITUTIONAL COURT OF UGANDA, *Human Rights Network and four others vs. Attorney General, Constitutional Petition no. 56 OF 2013*, 26 March 2020. Accessible at: <https://chapterfouruganda.org/sites/default/files/downloads/POMA-Judgment.pdf>. (Last accessed 5 July 2021).

⁴¹ Article 43.C. of the constitution. See paragraph 27.

⁴² Further information on the supreme court decision: RONALD KALEMA AND DIANA TRACY TUSIIME, *Constitutional court in Uganda declares section 8 of the Public Order Management Act Unconstitutional*, BOWMANS, May 11, 2020. Accessible at: <https://www.bowmanslaw.com/insights/constitutional-court-in-uganda-declares-section-8-of-the-public-order-management-act-unconstitutional/> (Last accessed on 05 July 2021).

⁴³ THE SECOND OPINION, *POMA: Government to appeal constitutional Court decision*, 30 March 2020. Accessible at: <https://www.secondopinion.co.ug/poma-got-to-appeal-constitutional-court-decision/>. (Last accessed 5 July 2021).

⁴⁴ 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 05 July 2021).

⁴⁵ 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 7 July 2021).

⁴⁶ 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 05 July 2021).

protesters injured.

34. The Government justified its brutal response using the pretext that the demonstrations were violent, but the response was obviously disproportionate. This case is a good illustration of the blatant restrictions on freedom of expression and in particular the freedom of the press, since the events of November 2020 were also characterized by attacks and arrests of journalists by the police.⁴⁷

35. In general, the COVID-19 pandemic and its restrictive measures have served as a pretext for undermining the right to freedom of expression and freedom of the press as well as 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 of opposition leaders*",⁴⁸ contrary to its 2016 UPR commitment.⁴⁹

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 measures aiming to end police brutality, arbitrary arrests, and impunity for violations of these rights.**

⁴⁷ 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 07 July 2021).

⁴⁸ See recommendation of Australia. *Op. cit.* footnote 29.

⁴⁹ 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 07 July 2021).

III. ACCESS TO EDUCATION OF CHILDREN WITH DISABILITIES

Introduction

36. Over the past five years, Uganda has encountered difficulties to implement a sustainable policy to promote the rights of children with disabilities. Education enrolment for these children remains low in Uganda: while 16% of Ugandan children live with a disability, only 5% of them are enrolled in inclusive schools and 10% in special schools.⁵⁰

UPR Accepted recommendations – 2nd cycle

37. During the second UPR cycle, Uganda accepted five recommendations regarding the situation of persons with disabilities.⁵¹ The Government committed to better implement legal provisions protecting persons with disabilities, improve the promotion of the rights of people with disabilities and align its national legislation with international obligations.

38. These recommendations should be read along with the recommendations accepted aiming to improving children's "enrolment, access, quality and sustainability of education" (Ukraine) and "implementing socioeconomic and development policies for safeguarding the rights of youth" (Pakistan).⁵²

Legal and policy framework

39. Uganda has a comprehensive legal framework guaranteeing the rights of persons with disabilities. The Constitution of 1995 recognizes the dignity of persons with disabilities as considered as a social and economic national objective.⁵³ Moreover, the article 32 of the Constitution clearly states that "the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability".

40. Uganda also ratified the Convention on the Rights of People with disabilities (CRPD) in 2008 and was reviewed by the Committee on the Rights of People with Disabilities in 2016.⁵⁴ In its concluding observations, the Committee analysed the enforcement of the article 7 of the convention (children with disabilities) and was particularly concerned "that the legislation and policies fail to provide protection for the rights of children with

⁵⁰ INCLUDOVATE, *Re-thinking post-COVID inclusive educational mechanisms in Uganda*, January 27, 2021. Accessible at: <https://www.includovate.com/rethinking-post-covid-inclusive-educational-mechanisms-in-uganda/> (Last accessed 06 July 2021).

⁵¹ See recommendations of Togo (115.20), Portugal (115.21), Angola (115.129), Djibouti (115.131) and Sudan (115.131). *Op. cit.* Footnote 6.

⁵² See recommendations of Ukraine (115.28) and Pakistan (115.139). *Op. cit.* Footnote 6.

⁵³ National objectives and directive principles of State policy – Point XVI of the Constitution of Uganda. *Op.cit.* footnote 8.

⁵⁴ UNITED NATIONS COMMITTEE ON THE RIGHTS OF PEOPLE WITH DISABILITIES, *Concluding observations on the initial report of Uganda*, UN Doc; CRPD/C/UGA/CO/1, 12 May 2016. Accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/UGA/CO/1&Lang=En. (Last accessed 06 July 2021).

disabilities". The committee recommended to the State to amend the children's act in line "with the convention in order to mainstream rights of children with disabilities across all programmes and provide necessary budget and resources for their protection".⁵⁵

41. Our organizations welcome the 2020 Persons with Disabilities Act,⁵⁶ in which inclusive education is the norm.⁵⁷ Article 6.4 of this Act states that "An institution of learning that enrolls a learner with disability shall – (a) provide an inclusive education system for the learner and (b) make the necessary structural adjustments to the building [...] to enable access within the three months from the date of admission of the learner". Therefore, formally, Uganda is aligning with its commitment made in during UPR 2016⁵⁸ and complying with its international obligations.⁵⁹

Promotion and protection of Human Rights at grassroots level

42. Despite this legislative progress, we deplore the shortcomings in the implementation. According to the latest statistics available, "public financing for special needs education accounts for only 0.1% of the education sector budget" in 2017.⁶⁰ This means that access to education for children with disabilities is impaired by severe underfunding. This is corroborated by the low enrolment rate of children with disabilities within inclusive schools (5%) and specialised institutions (10%), even in 2020.⁶¹⁻⁶² Therefore, the poor infrastructures and budget dedicated to children with disabilities limit the promotion of an inclusive education. This limitation is also characterized by the lack of adequate training of teachers to meet the special needs of children with disabilities.

⁵⁵ *Ibid*, para 12 and 13.

⁵⁶ Persons with Disabilities Act, Act 3 of 2020, *Uganda Gazette no. 10*, 14 February 2020. Accessible at: <https://ulii.org/akn/ug/act/2020/3/eng@2020-02-14>. (Last accessed: 06 July 2021).

⁵⁷ The previous Persons with disability act only "encouraged inclusivity" in education and promoted the establishment of special schools when inclusive education is not possible. See article 5(a) and (d).

⁵⁸ Recommendation of Togo (115.20): "Take the measures necessary for the amendment of the law on children in accordance with the Convention on the Rights of Persons with Disabilities". *Op. Cit.* Footnote 6.

⁵⁹ Article 7.1 of the Convention on the Rights of People with Disabilities "States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children". Accessible at: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>. (Last accessed 06 July 2021).

⁶⁰ THE WORLD BANK, *Special needs education in Uganda: sustainable development goal 4 Concerns Quality and Inclusive education*, 7 February 2020. Accessible at: <https://www.worldbank.org/en/news/factsheet/2020/02/07/special-needs-education-in-uganda-sustainable-development-goal-sdg-4-concerns-quality-and-inclusive-education> (Last accessed 06 July 2021).

⁶¹ *Op. Cit.* Footnote 50.

⁶² According to the World Bank: "(2017) some 9,597 pupils enrolled in pre-primary schools (1.6%) have impairments. The majority were children with 'mental impairment' (28%) followed by 'hearing impairments' (25%), 'visual impairment' (22%), 'physical impairment' (16%), 'autism' (5%) and 'multiple handicaps-deaf and blind' (4%). There are 172,864 children with special needs in primary schools, which is 2.0% of total primary level enrollment and 9% of the overall children with special needs. Regarding the category of impairment, hearing (27.2%), mental (22.7%), visual (25.8%), and physical impairments (17.9%) constitute the percentages. More than half (52.6%) of the pupils with disabilities are males. Out of 1,370,583 students enrolled in a secondary school in Uganda, 8,945 students (0.6%) have special learning needs. Visually impaired students comprise the largest share of these students, followed by those with physical disabilities. Pupils with autism and multiple handicaps were fewer among enrolled students. There is no data available on students with disabilities enrolled in universities and other tertiary institutions. There is an urgent need for such data to ensure equitable access to tertiary education". *Op. Cit.* Footnote 50.

43. According to a survey conducted in June 2021 in the Wakiso district,⁶³ nothing has been done to improve the inclusion of children with disabilities in public schools. A close look at the 2021-2022 budgets aiming to fund the district's schools shows that no specific portion is indicated for children with disabilities as it only indicates total budget for all school materials. A head-teacher from the Kasangye subcounty testified that *"many disabled children in the area would love going to school but can't access education because there is no specific school for disabled children and the only one available is located nearby Entebbe town"*.
44. The same head-teacher also pointed out issues of corruption whereby local education officials would not allocate the total amount of the foreseen funds to schools for children with disabilities as intended by the Ministry of finance. Moreover, he explained that *"when 1'500'000 shillings are allocated to your school which comes as a general fund, you only access 500'000 shillings and the balance is frozen without explanations because the bank says the directives come from the district offices"*. As a result, to attend to the different needs of children with disabilities, the head-teachers are forced to charge extra money from parents. Since many cannot afford, the concerned children have to drop out of school.

Recommendations

- a) **Conduct investigations to determine the patterns of corruption preventing certain public schools from receiving funds dedicated to the inclusion of children with disabilities and prosecute the perpetrators of corruption.**
- b) **Encourage the full implementation of the Persons with Disabilities Act 2020 and related policies, in accordance with SDG4, by allocating an appropriate national budget to achieve the development of adequate infrastructure to accommodate children with disabilities.**
- c) **Ensure appropriate training of schoolteachers to enable them to effectively and adequately include all children with disabilities in their class.**

⁶³ District located in the Central Region of Uganda encircling Kampala and counting about 2 million people (2014 census).

IV. DOMESTIC VIOLENCE AND HARMFUL TRADITIONAL PRACTICES AGAINST WOMEN

Introduction

45. In 2021, Uganda still faces serious challenges to combat violence against women, especially domestic violence and harmful traditional practices. According to the latest official statistic available, violence against women has increased by 4% between 2015 and 2016.⁶⁴ In the same year, the Uganda Demographic and Health Survey explained that 22% of women between 15 and 49 years old had experience a form of sexual violence. The situation has worsened these past two years with the restrictive lockdown measures regarding the COVID-19 pandemic.⁶⁵ Concerning female genital mutilation, a 2020 governmental and UNICEF study states that 0.3% of the Ugandan Women between 15 and 49 have suffered genital mutilation.⁶⁶

UPR recommendations – 2nd cycle

46. During its second UPR session, Uganda accepted 14 recommendations aiming to tackle violence against women. The Government committed to improving the implementation of the laws on the issue but also to prevent and eliminate all forms of discrimination and violence against women.⁶⁷

47. Furthermore, the Ugandan Government accepted five recommendations to eliminate harmful traditional practices against women,⁶⁸ in particular female genital mutilation.

Legal and policy framework

48. Uganda has an extensive legal framework aiming at preventing and combatting violence against women. First, 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

⁶⁴ THE WORLD BANK, *Demographic and Health Survey, Uganda*, 2016. Accessible at: <https://microdata.worldbank.org/index.php/catalog/2979> (Last accessed 06 July 2021).

⁶⁵ 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 06 July 2021).

⁶⁶ UGANDA BUREAU OF STATISTICS AND UNICEF, *Female Genital Mutilation in Uganda*, 2020. Accessible at: https://www.unicef.org/uganda/media/7996/file/FGM%20Evidence%20from%20Uganda_Policy%20Brief_29th%20Sept%202020.pdf (Last accessed 06 July 2021).

⁶⁷ See recommendations of Chile (115.89), Algeria (115.71), China (115.69), Maldives (115.68), Togo (115.67), Slovenia (115.65), Georgia (115.64), Tomor-Leste (115.65), Syria (115.63), Namibia (115.61), Italy (115.53), Mauritius (115.49), Zambia (115.13) and Paraguay (115.13). *Op.cit* footnote 6.

⁶⁸ See recommendations of Panama (115.77), Botswana (115.76), the Philippines (115.75), Spain (115.74) and Czechia (115.73). *Op. Cit.* footnote 6.

by this Constitution".⁶⁹ The Constitution is completed by the Domestic Violence Act of 2010⁷⁰ and the Prohibition of Female Genital Mutilation Act of 2010.⁷¹ Moreover, Uganda ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) in 1985.

49. The Domestic Violence Act provides for the protection and relief of victims of domestic violence. The law establishes criminal sanctions for perpetrators and set 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.
50. The Prohibition of Female Genital Mutilation Act provides for the legal prohibition of female genital mutilation, establishing the criminal offenses, and the prosecution of perpetrators. The law also includes provisions for the protection of victims as well as for girls and women at risk of mutilation.
51. Both Acts entails some limitations as highlighted by civil society organizations.⁷² Victims of domestic violence and of genital mutilation may be confronted with various obstacles in their access to justice, such as court fees and other related costs that they may have to cover.
52. The National Action Plan on Elimination of Gender Based Violence in Uganda (2016-2020)⁷³ declares the issues of domestic violence and genital mutilation as urgent development priorities. The Plan is complemented by the National Policy on Elimination of Gender-Based Violence in Uganda. These focus mainly on ending the impunity of perpetrators.

⁶⁹ 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 8.

⁷⁰ 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 06 July 2021).

⁷¹ Prohibition of Female Genital Mutilation Act, 2010, 17 March 2010. Accessible at: https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=88098&p_country=UGA&p_count=130 (Last accessed 06 July 2021).

⁷² FIDH, *Women's Rights in Uganda: Gaps between Policy and practice*, 2012. Accessible at: <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf> (Last accessed 08 July 2021).

⁷³ The National Action Plan on Elimination of Gender Based Violence in Uganda of 2016 – 2020. Available at: <https://www.unfpa.org> (Last accessed 7th July, 2021).

53. The implementation of the mentioned laws and policies remains limited for several reasons. First, strong discriminatory cultural patterns remain in force within the Ugandan society. Indeed, despite the constitutional provisions, traditional and customary practices are still present in the country. This leads women to be excluded from decision-making processes and from equal inheritance rights, putting them in situations where they are more at risk to be victim of discriminations and violence.

54. 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.⁷⁴ 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".⁷⁵

Promotion and protection of Human Rights at grassroots level

55. 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.⁷⁶ Within the first month of lockdown and quarantine, police report indicated a significant surge in 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).⁷⁷ A study carried out by the Konrad Adenauer Stiftung in April 2020⁷⁸ 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.⁷⁹

⁷⁴ 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 08 July 2021).

⁷⁵ 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 08 July 2021).

⁷⁶ 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 08 July 2021):

⁷⁷ 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 09 July 2021).

⁷⁸ *Op.Cit.* Footnote 76.

⁷⁹ *Ibid* Footnote 76. p. 4.

56. As far as it is concerned, female genital mutilation, as a harmful traditional practice, is still prevalent in some parts of the country.⁸⁰ Despite the existence of the 2010 Act on the Prohibition of Female Genital Mutilation, the social weight of traditions persists. According to interviews conducted with victims the 5th of July 2021, some were not aware of the existence of legislation prohibiting genital mutilation. Moreover, an interview with a cutter revealed that she manages to maintain her activity to make a living from it. In fact, she receives up to 60,000 Uganda Shillings (17 USD) per girl. Since the entry into force of the law, she has been practicing excision informally so that the practice is now closely kept in the domestic sphere.
57. Another interview with a victim at her hometown Kokoyong, circumcised two years after the Female Genital Mutilation Act was enacted, highlighted the social pressure also brought by men. She declared that she got *“engaged to a man who was not ready to marry her unless she became a woman. He constantly demanded her to do Female Genital Mutilation”*. After she was mutilated, local authorities (city representatives) were called. They bribed the victim and her husband, and the family beg not to report to the police. Therefore, according to focus group interviews carried out in the same village, it appears that men exercise pressure on the whole local community to continue female genital mutilation as it would help men to *“tame their wives and preserve local culture”* as one person declared.

Recommendations:

- a) End all laws and traditional practices that are contrary to the constitution and put women in a pattern of discrimination and vulnerability towards men.**
- b) 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.**
- c) Organize awareness-raising campaigns on the illegality and dangers of Female Genital Mutilations in areas where practice is still prevalent, including all stakeholders from local communities.**
- d) Ensure the systematic prosecution of persons committing or aiding and abetting the criminal offence of female genital mutilation (FGM).**
- e) Carry out awareness-raising campaigns and other measures to combat the socio-economic and cultural factors underlying the prevalence of FGM in the country.**

⁸⁰ Along the border with Kenya mainly. See UNICEF, *District leaders want all schools reopened to curb violence against children, in Amudat District*, 24 february 2021. Accessible at: <https://www.unicef.org/uganda/stories/district-leaders-want-all-schools-reopened-curb-violence-against-children> (Last accessed 09 July 2021).