



**JOINT CIVIL SOCIETY SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW (UPR)
AT THE 40TH SESSION OF THE UPR WORKING GROUP, THE UNITED NATIONS
HUMAN RIGHTS COUNCIL**

On the Republic of Uganda

Joint Submission – July 12, 2021

SUBMISSIONS ON THE STATE OF ACCESS TO JUSTICE

Joint Submission by:

Legal Aid Service Providers Network (LASPNET) – *Convener*,¹ Uganda Law Society (ULS) – *Co-convener*,² National Coalition of Human Rights Defenders Uganda (NCHRD-U),³ Uganda Association of Women Lawyers (FIDA-U), Justice is A Right (JIAR), Justice Defenders, Legal Hub Uganda, Women With a Mission (WWM), Human Rights Focus (HURIFO), Community Justice and Anti-Corruption Forum (CJAF), Muslim Centre for Justice and Law (MCJL), Foundation for Human Rights Initiative (FHRI), Wakiso Human Rights Committee (WHRC), Uganda Christian Lawyers Fraternity (UCLF), Association of Human Rights Organizations in Ruwenzori (AHURIO), Facilitation of Peace and Development (FAPAD)

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I. BACKGROUND

1. The National Coalition of Human Rights Defenders Uganda (NCHRD-U) is an umbrella organization of individuals and organizations working to promote the protection of human rights defenders in Uganda. The NCHRD-U was established in June 2013.
2. The Access to Justice Cluster is convened by the Legal Aid Service Providers Network (LASPNET) which is a national member based non-government organization established in 2004 comprising of 54 Legal Aid Service Providers (LASPs) spread within 80 districts and 7 honorary members including Justices of the High Court; Founder members, JLOS Stakeholders and Local Government. The Network maintains a common front to interface with the Justice Law and Order Sector and other like-minded stakeholders on issues of Access to Justice and the rule of law.
3. The cluster is co-convened by Uganda Law Society (ULS) an institution established in 1956 by the Uganda Law Society Act, Cap 276 of the Laws of Uganda. The ULS is a body corporate, neutral in nature as it is neither a government entity nor a civil society organization; even though it works very closely with the civil society to foster the rule of law and access to justice nationally and in the region. Its statutory mandate which is *“to protect and assist the public in Uganda in all matters touching, ancillary or incidental to the law, and; to assist the Government and the Courts in all matters affecting legislation and the administration and practice of law in Uganda”* is targeted to benefit all persons in Uganda regardless of their culture, ethnicity, language, race, religious belief, socio-economic background, gender, sexual orientation and other factors that form a basis for discrimination, marginalization and disempowerment. Its vision is to be a proficient bar association in fostering access to justice, the rule of law and good governance in Uganda and the mission is to develop a skilled and empowered legal profession in execution of its statutory mandate to foster and improve Access to and Administration of Justice as well as Good Governance in Uganda.
4. This report provides a status update on the implementation of the Universal Periodic Review (UPR) recommendations on Access to Justice accepted by the Government of Uganda during its second cycle held in 2016 in regards to respecting and upholding human rights. On the other hand, the report also highlights concerns where the government has failed to promote fundamental freedoms relating to Access to Justice.
5. The recommendations that Uganda agreed to are categorized under the following themes; Acceptance of international norms; Constitutional and legislative framework; Institutions and policies; National Human Rights Institutions; National Plans of Action on

Human Rights; Good governance; Professional training in human rights; Awareness raising and dissemination; Right to an effective remedy; Administration of justice and fair trial and Juvenile justice.

6. Since its last review in 2016, there has been progress in implementation on the UPR recommendations related to access to justice and SDG 16 on peace, justice and strong institutions. While there are a number of recommendations that were partially implemented during the period under review, others were not implemented at all. The report further notes the challenges to access to justice that were caused by restrictions related to the Covid-19 pandemic.

II. METHODOLOGY

7. This coalition/cluster report was compiled through a consultative and participatory process involving fifteen civil society organisations working on access to justice rights. The data that they compiled over the past four years in relation to the recommendations that Uganda accepted during the second cycle of the UPR 2016 informed the content of this report. Desk research was also carried out to review reports of the Uganda Human Rights Commission (UHRC), the Justice Law and Order Sector (JLOS) and other related literature on access to justice. The cluster further benefited from strategy coordination meetings to review drafts and collect information from members of the cluster. The report was finally subjected to a validation meeting to arrive at the final report which is hereby submitted to the UPR Working Group for consideration.

III. STATUS OF IMPLEMENTATION OF 2016 UPR RECOMMENDATIONS ON ACCESS TO JUSTICE

A. Submissions on strengthening the National Human Rights Institution

8. Uganda accepted the following recommendations on the national human rights institution, the Uganda Human Rights Commission (UHRC):

- a) 115.39 Give continuity to strengthening national human rights institutions and mechanisms (Nepal).
[Status: Not implemented.](#)
- b) 115.40 Provide adequate funding for the national human rights institution and reduce its reliance on external sources (Philippines).

Status: Partially implemented.

- c) 115.41 Continue to strengthen its national human rights and democratic institutions (Bangladesh)

Status: Partially implemented.

- d) 115.42 Further strengthen the financial resources of the Uganda Human Rights Commission (Niger)

Status: Not implemented.

- e) 115.43 Capacitate and allocate resources to the Uganda Human Rights Commission in a sustainable manner (South Africa)

Status: Not implemented.

9. The Uganda Human Rights Commission (UHRC/Commission) is established under Article 51 of the 1995 Constitution of Uganda with the mandate to promote and protect human rights and freedoms in Uganda. In this regard, the Commission has quasi-judicial powers and functions that are crucial for access to justice in Uganda. Despite having the constitutional powers, the UHRC continues to struggle to deliver on its mandate, especially in relation to disposal of complaints due to a number of factors.

Concerns on staffing challenges at the UHRC

10. The UHRC has grappled for many years with staffing challenges. According to the JLOS Annual Performance Report for 2019/20,⁴ the UHRC has senior staffing gaps of an average of 28.4 percent. Following the demise of Late Chairperson Hon. Meddie S. Kaggwa on November 20, 2019, President Yoweri Museveni is yet to appoint a new Chairperson – almost two years on. The absence of a substantive chairperson has made it impossible for the Commission to hold tribunal hearings and submit its annual reports to Parliament on the state of human rights in the country.⁵ This has undermined the role of the Commission as enshrined under Article 52(2) of the 1995 Constitution and as a result, has frustrated the implementation of the accepted recommendations.

11. On delayed disposal of cases by the UHRC tribunal since it is not fully constituted to effectively undertake its quasi-judicial function, it is noted that in the year 2019/2020, tribunal case backlog stood at 1,673 cases and 150 additional cases were registered during the year resulting in a total of 1,823 pending cases to be resolved. Out of 1,823

⁴ JLOS, "Annual Report 2019/20," <https://drive.google.com/file/d/1O0fCm-VVrFtk0FT5guvkkgPU1ZObMQiKu/view>

⁵ The Nile Post, *UHRC demands appointment of substantive commission chairperson*,

<https://nilepost.co.ug/2020/12/10/uhr-c-demands-appointment-of-substantive-commission-chairperson/>

cases, only 67 (3.7%) were investigated and disposed.⁶ Due to the absence of a fully constituted Commission for the financial year 2019/20, the clearance rate of cases at the Commission remained low at 26 percent compared to the targeted 76 percent. The situation over the past two years has only worsened. This has expressly led to delayed access to justice especially to the victims of human rights violations and abuses hence undermining the right to a fair, speedy and public trial as accentuated under Article 28 of the 1995 Constitution.

Concerns on funding constraints at the UHRC

12. Whereas the government has progressively increased funding to the UHRC, it still continues to grapple with persistent funding challenges which has slowed down their ability to execute the mandate as provided under the law. In Financial Year 2018/19, the UHRC had an approved budget of UGX 20,225,000,000 (USD 5,711,519). This represents a decline from the 2017/18 budgetary allocation of UGX 22,670,000,000 (USD 6,401,985). The Commission is also dealing with budget cuts on key mandate areas. For example, in the financial year 2017/2018, government increased funding for UHRC's civic education activities to the tune of UGX 2.26 billion (USD 572,246). However, in the year 2019/2020, this was reduced to UGX 1.48 billion (USD 295,997) thus negatively impacting civic awareness and democracy in the country.⁷ The government of Uganda is the major funding source accounting for 85 percent in financial year 2017/18 while donor contributions accounted for 15 percent of the total budgetary provision.⁸

Recommendations to the Government of Uganda

13. The President of Uganda should urgently appoint Commissioners to the UHRC to fill all vacancies, including the Chairperson of the Commission; and after the appointment, Parliament of Uganda should expeditiously consider the Commissioners for approval.

14. Increase budgetary allocations to the UHRC to promote self-reliance, sustainability and enable the Commission to fulfil its mandate as provided under the law.

B. Submissions on the fight against corruption

⁶ See Audit Report for details: <http://www.oag.go.ug/wp-content/uploads/2021/03/Consolidated-Audit-Report-Final-31st-Dec-2020- web.pdf> Pg. 108

⁷ See report of the Auditor General of Uganda on the financial statements of Uganda Human Rights Commission for the year ended 30th June 2019, <http://www.oag.go.ug/wp-content/uploads/2020/02/UGANDA-HUMAN-RIGHTS-COMMISSION-REPORT-OF-THE-AUDITOR-GENERAL-2019.pdf>

⁸ Uganda Human Rights Commission (UHRC), *"The 21st Annual Report – 2018,"*

<https://www.uhrc.ug/download/uhrc-21st-annual-report/?wpdmdl=417&refresh=60ef3cca876321626291402>

15. Uganda accepted the following recommendation on the fight against corruption:

- a) 115.141 Step up the fight against corruption, including in ensuring a level playing field and competitive bidding in public procurement (Cuba)

Status: Partially Implemented.

16. Whereas this is a broad recommendation on good governance, a submission is made in this report because corruption hinders access to justice for people by raising the cost and subverting justice. This submission reports on implementation of this recommendation in as far as the impact of corruption on access to justice and enjoyment of rights are concerned.

17. According to the National Integrity Survey (NIS) and Transparency International's Global Corruption Barometer (GCB), JLOS institutions including the Judiciary and the Uganda Police Force are often ranked among the top corrupt institutions in Uganda. Many people pay bribes when establishing contact with the justice institutions namely the police, the Office of the Director of Public Prosecutions and the courts of law. The other common forms of corruption in the sector include embezzlement, fraud, extortion, abuse of power, conflict of interest, abuse of privileged information among others. To counter this challenge, the government is making an effort through its initiatives under the 2012 JLOS Anti-Corruption Strategy⁹, the JLOS Anti-Corruption Charter¹⁰ and the Annual JLOS Anti-Corruption Forums.¹¹ However, a lot still remains to be done.

18. On a broader scale, the Inspectorate of Government (IG) as established under Article 225 of the Constitution continues to execute its mandate to promote just utilization of public resources, investigate any act, omission, advice, decision or recommendation by a public officer. However, the IG remains under funded to fully execute the above mandate. Further to note is that the position of the Inspector General of Government (IGG) remains vacant for the past one year since July 5, 2020 hence affecting the institutional mandate of the Inspectorate.

19. To complement the work of the IG, in 2018, His Excellency the President established the State House Anti-Corruption Unit which has contributed to the fight against corruption, notably investigating corruption cases for further prosecution by other anti-corruption agencies such as IG, Police and Courts of Law. However, the

⁹ Justice Law and Order Sector, *Anti-Corruption Strategy, 2012*, <https://www.jlos.go.ug/index.php/document-centre/anti-corruption/266-the-jlos-anti-corruption-strategy/file>

¹⁰ JLOS, "The JLOS Anti-Corruption Charter," <https://www.jlos.go.ug/index.php/document-centre/anti-corruption/378-the-jlos-anti-corruption-charter/file>

¹¹ JLOS, "JLOS holds 2nd Annual Anti-Corruption Forum," <https://www.jlos.go.ug/index.php/com-rsform-manage-directory-submissions/services-and-information/press-and-media/latest-news/item/769-jlos-holds-2nd-anti-corruption-forum>

creation of parallel anti-corruption bodies has caused duplication in constitutional bodies such as IG which further continue to be under funded.

Recommendations to the Government of Uganda

20. Fast track appointment of a substantive Inspector General of Government (IGG) and increase budgetary allocations to the IG to facilitate execution of its mandate.

21. Fully implement and enforce the various JLOS initiatives aimed at curbing corruption in the sector, including the JLOS Anti-Corruption Charter to reduce/end corruption at the Uganda Police Force, Office of the Director of Public Prosecutions and courts.

C. Submissions on legal aid law and transitional justice

22. Uganda further accepted a recommendation on the enactment of the legal aid law and transitional justice.

- a) 115.2 Speedily enact the respective policies and bills on legal aid and transitional justice to fulfil the constitutional mandate to provide justice for all (Austria);

Status: Partially Implemented.

Concerns on transitional justice law

23. In June 2019, the Cabinet adopted the National Transitional Justice Policy (NTJP), an overreaching framework of the government of Uganda designed to address justice, accountability and reconciliation needs of post-conflict Uganda.¹² The objectives of the NTJP include addressing gaps in the formal justice system for post conflict situations, formalizing the use of traditional justice mechanisms, facilitating reconciliation and nation building, addressing gaps in the current amnesty process, and providing reparations for post conflict situations. This is an affirmation of the government's commitment to national reconciliation, peace and justice for communities in post-conflict communities.

24. However, the reluctance to enact the Transitional Justice Bill, 2019 (TJB) – two years on, unfulfilled promises made for reparations in the past, and concerns on level of victim participation in the development of the NTJP raise serious concerns on the possible successes of the process.

¹² Ministry of Internal Affairs, "National Transitional Justice Policy (NTJP)," June 2019, https://drive.google.com/file/d/1zbqYZgRVpUpDrQUTM5c_GeMsultrB9O2/view

25. The government has adopted an implementation road map for the NTJP and Cabinet has approved the fast tracking of the TJB 2019 as well as the wide dissemination of the NTJP. The government should be held to its promises to ensure implementation and compliance.

Concerns on delays on passing the legal aid law

26. Over several years, the government of Uganda has been reluctant to commence the process of enactment of a law on legal aid service provision. This prompted the civil society to take the initiative. In partnership with some Members of Parliament, civil society organisations under the leadership of the LASPNET supported a private members bill to kickstart the process of enacting the National Legal Aid Bill, 2020 (NLAB 2020). The bill was introduced in Parliament for the first reading on May 11, 2020 by Hon. Komakech Lyandro (Former Gulu Municipality MP)¹³ after which it was deferred to the Legal and Parliamentary Committee in which it awaits tabling during the first session.

27. To assess the costs and benefits of implementing the national legal aid policy in Uganda, LASPNET commissioned the Cost Benefit Analysis of the Legal Aid Policy (2016) study which emphasized the benefits of the legal aid law.¹⁴ It is further reported by the HiiL Justice Needs Report (2016) that over 88% of Ugandans face barriers in their quest to access justice. The lack of a national legal aid law is major contributor to these challenges. Therefore, the enactment of the NLAB 2020 will help to close the access to justice gap and also lessen the burden posed on Legal Aid Service providers which are largely donor dependent.

Recommendations to the Government of Uganda

28. Expedite the enactment of the National Legal Aid Bill, 2020 in Parliament's first session and take appropriate action to ensure effective implementation of the law.

29. Expedite the enactment of the Transitional Justice Bill, 2019 and take appropriate measures to ensure that victims are effectively at the center of the government's transitional justice efforts and effective implementation of the law is made a priority.

30. Enable spaces for victims and community members who were affected by the gross human rights violations to speak for themselves to enhance victim participation and

¹³ LASPNET, "The 10th Parliament flashes green light on the national legal aid bill, 2020 as it winds up its business," <http://www.laspnet.org/blog/569-the-10th-parliament-flashes-green-light-on-the-national-legal-aid-bill-2020-as-it-winds-up-its-business>

¹⁴ JLOS, "Cost Benefit Analysis of the Legal Aid Policy," <https://www.jlos.go.ug/index.php/com-rsform-manage-directory-submissions/services-and-information/press-and-media/latest-news/item/579-cost-benefit-analysis-of-the-legal-aid-policy>

understanding of the transitional justice processes.

D. Recommendations on the independence of the Judiciary and functionality of Local Council Courts

31. Uganda accepted the following recommendations on the administration of justice and functionality of the local council courts:

a) 115.82 Ensure the separation of power and the independence of the judiciary and prevent government officials from interfering in judicial proceedings (Slovenia).

Status: Partially Implemented.

b) 115.83 Ensure the full functionality and adequate resourcing of levels 1 and 2 local council courts, which provide the first access points to justice for 80 per cent of Ugandans (Austria).

Status: Partially Implemented.

Separation of powers and independence of the Judiciary

32. The independence of the Judiciary is guaranteed under Article 128 (1) and (2) of the 1995 Constitution of Uganda. To give effect to this provision, the Administration of the Judiciary Act, 2020 was enacted to operationalize Chapter Eight of the 1995 Constitution, notably establishing the Judiciary fund and streamlining retirement benefits for judicial officers.

33. However, despite the above provisions and progress towards the protection of the independence of the Judiciary, there has been a recurring intrusion by the Executive and the Legislature on the independence of the Judiciary. For example, in January 2017, the Speaker of Parliament defied a court order banning debate over controversial oil funds and dismissed it as 'stupid'. The Executive arm of government, through its security agencies, have also interfered with the sanctity of the courts disregarding court orders especially habeas corpus and unconditional release orders and by re-arresting accused persons at the court premises. A case in point is the brutal re-arrest of four murder suspects at the precincts of the International Crimes Division of the High Court in Kololo, shortly after they were released on bail on September 11, 2019.¹⁵

¹⁵ See more here on the brutal re-arrest of suspects at court. Statement by the Judiciary, <http://judiciary.go.ug/data/news/741/1999/Re-Arrest%20of%20Kaweesi%20Murder%20Suspects%20Was%20High-Handed.html>

Full functionality and adequate resourcing of levels 1 and 2 Local Council Courts

34. In 2018, following elections of the Local Councils, the Local Council Court (LCC) system structure were re-established as courts of first instance. For over 10 years, the courts were not effectively recognized due to lack of the elections and this had an effect on the general structure and performance of the LCCs. In an effort to ensure functionality and resourcing, the JLOS in the year 2019/2020 allocated a sum of UGX. 1,575,150,000/= (USD 444,820) for orientation and training of LCC I and II members within 17 local governments i.e. 13 Districts and 4 Municipalities. The training will directly benefit 4,251 villages, 697 parishes and 53,619 LCC members. The Ministry of Local Government further developed a Handbook for LCCs and intends to translate into 10 local languages and print 20,000 copies.¹⁶ Whereas this is welcome, it is a drop in the ocean. All LCC members need to be trained on LCs roles, responsibilities and jurisdiction of the LCCs and receive adequate supervisory support from the Chief Magistrate of the area.

Recommendations to the Government of Uganda

35. Strictly hold to account all government officials, including security agents, who interfere in judicial proceedings or engage in contempt of court.

36. Sensitize the public and communities about the mandate of the LCCs and benefits of filing complaints that are within the jurisdiction before the courts.

37. Strengthen the LCCs through trainings on role and jurisdiction of the courts and enhance mentoring and supervision support of the LCCs by the Chief Magistrates.

E. Submissions on juvenile justice

38. Uganda accepted the following recommendations on juvenile justice:

a) 115.84 Prioritize implementation of the Child Justice Strategy and the National Diversion Guidelines for children in the criminal justice system (South Africa);
Status: Partly Implemented.

b) 116.17 Strengthen the juvenile justice system, in particular by ensuring the designation of specialised courts and judges, which would apply

¹⁶ JLOS, "Annual Report 2019/20," <https://drive.google.com/file/d/1O0fCm-VVrFtk0FT5guvkgPU1ZObMQiKu/view>
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procedures that take into account the specific needs of children (Belgium);
[Status: Partly Implemented.](#)

- c) 11.5.85 Separate juveniles from adults in detention and rehabilitation centres (Zambia).
[Status: Partially Implemented.](#)

39. The government has an emphasis on non-custodial sentence for children in the criminal justice system. With the help of the National Diversion Guidelines, the government has been able to achieve a diversion rate of 75.1 percent. Diversion programs are at times affected by cases of children accused of capital offences, repeat offenders, intolerant communities and limited capacity of Local Council Courts (LCCs) to handle juvenile cases.

40. In addition, the JLOS supported frontline institutions to create child friendly office space, offer pro-bono services to juveniles, inspection of child remand homes for compliance. The police also launched the Children Diversion Guidelines for police covering diversion of petty cases involving children.

41. Further, the Children's Act, Cap 59 established the Family and Children Court with jurisdiction to hear and determine specific criminal charges against a child and applications relating to child care and protection. The Uganda Police Force also has the Child and Family Protection Department that handle juvenile matters taking into account the best interests of the children. Relatedly, there has been establishment of designated courts within the remand home particularly, Naguru Remand Home with a Judge designated to handle the cases. Despite of these positive steps, with only seven remand homes, Uganda still has an acute shortage of homes which negatively impacts on access to justice by juveniles, especially where there are juveniles to be placed on remand. The said homes and departments are also poorly resourced.

42. As a standard practice, juveniles are continuously separated from the adults within the rehabilitation centers. However, there are police stations that do not have detention facilities reserved for juveniles. This means that juveniles in such jurisdictions are likely to be detained together with adults.

Recommendations to the Government of Uganda

43. Increase budgetary allocations to the Family and Children Courts, Police Child and Family Protection Departments and remand homes.

44. Over the next four years, establish at least 10 more remand homes in districts that do not have to increase coverage of the homes and strengthen management of the

homes.

45. Ensure that all police stations in Uganda that detain suspects have a cell for detaining juveniles.

III. EMERGING ACCESS TO JUSTICE CONCERNS

46. In the period under review the following emerging and persistent issues were noted. These include;

A. Continued violation of fair trial and due process rights

47. There has been continuous violation of the right to fair trials including the right to be told as early as possible what you are accused of, presumption of innocence, release on police bond and bail, prolonged pre-trial detention, right to attend the trial as an accused person and access to competent services of a legal aid lawyer. Article 28 of the 1995 Constitution of Uganda provides for these rights. The Covid-19 pandemic restrictions have worsened the situation by sharply raising the number of people being pushed into the already overcrowded criminal justice system and detention facilities. The pandemic has resulted in scaling down of court operations and a move to increased use of technology. However, challenges in availability and adoption of ICT in the justice system is resulting in violation of fair trial rights.

Recommendations to the Government of Uganda

48. Ensure observance of fair trial and due process rights in all cases in courts of law.

49. Fast track efforts to develop a JLOS sector-wide systems integration master plan for coordinated E-service platforms, including having readily available video conferencing in court hearings, electronic filing system, and training for all staff involved.

B. Concerns on trial of civilians in the military courts

50. During the period under review, the number of civilians being tried in military courts under the Uganda Peoples' Defence Forces Act, 2005 (UPDF Act) significantly went up. For example, on December 30, 2020, security operatives in Kalangala District arrested over 50 civilians and arraigned 49 of them before the General Court Martial on January 8, 2021 on charges of being in possession of four rounds of ammunition. We note that trial of civilians in military courts is unlawful and inconsistent with the 1995 Constitution of Uganda and Uganda's obligations under international law.

51. In July 2021, the Constitutional Court in a landmark decision of 3:2 ordered the government of Uganda to stop trying civilians in military courts on grounds that the jurisdiction of the military court is only limited to trying offences specified under the UPDF Act, only in respect of persons subject to the military law.¹⁷ Instead of implementing the court decision, the government appealed to the Supreme Court arguing that the judges erred in determining that the jurisdiction of the military court was only limited to trying military offences.¹⁸

Recommendation to the Government of Uganda

52. Withdraw the appeal filed before the Supreme Court on trial of civilians in military courts and take action to immediately end all trials of civilians in the military courts.

C. Arbitrary arrests, incommunicado detentions and enforced disappearances

53. In the review period, incidents of arbitrary arrests, detention in illegal facilities and enforced disappearances by State security agencies were common. For example, hundreds of individuals, including lawyers and human rights defenders, are arrested on baseless charges and detained incommunicado. Hundreds of Ugandans have reported being disappeared by State security agents. Some of the victims were abandoned in swamps and other deserted places after weeks or months in captivity while some never returned. This state of affairs has triggered a high volume of unconditional release and habeas corpus applications at the courts. These actions do not only violate the rights of the victims but also denies them a right to access justice because they are essentially held outside of the protection of the law.

Recommendations to the Government of Uganda

54. End all forms of arbitrary arrests, incommunicado detention and enforced disappearances and investigate all allegations of violations to hold security agents involved in the crimes to account.

55. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

¹⁷ See more in this Daily Monitor article, <https://www.monitor.co.ug/uganda/news/national/military-court-barred-from-trying-civilian-suspects-3459248>

¹⁸ The Daily Monitor, "Govt appeals judgment banning trial of civilians in military courts," <https://www.monitor.co.ug/uganda/news/national/govt-appeals-judgment-banning-trial-of-civilians-in-military-courts-3464784>

56. Unconditionally drop all baseless or politically motivated charges against human rights defenders and supporters of opposition political groups.

D. Concerns on shortage of judicial officers and case backlog

57. The government has taken progressive steps to increase the number of judicial officers. According to the Budget Speech for the financial year 2021/22, the budget of the Judiciary was enhanced from UGX 199.1. billion to UGX 376.9 billion. Out of this, UGX 146.6 billion has been earmarked for the recruitment and facilitation of Judicial staff. Further to this, in December 2019, President Museveni swore in 15 newly appointed judges – 3 to the Court of Appeal / Constitutional Court and 12 to the High Court. However, the current staffing of the Judiciary is still an impediment to access to justice as the available judicial officers cannot sufficiently meet the justice needs of the majority of Ugandans. Uganda has 64 judges of the High Court to handle over 63,000 pending cases. Several of the said judges hold other responsibilities such as chairing Commission of Inquiry and the Electoral Commission which keeps them away from active court participation to hear cases. The magisterial level also has a deficit of 56 Chief Magistrates with an overload of 1,520 cases per annum requiring a disposal rate of 127 cases per month, 6 cases per day. By December 2018, Magistrates Grade 1 were 193 out of the required 423.¹⁹

Recommendations to the Government of Uganda

58. The Executive should expedite the appointment of judges and magistrates to fill the staffing gaps.

59. Scale down on trials by sessions and placing additional responsibilities on judicial officers which keeps them busy away from hearing of cases in court.

60. Appoint retired judicial officers, eminent advocates and contract prosecutors on a short-term contract to handle case backlog in specialised court sessions.

61. Provide a State-funded effective legal aid system to minimize the number of suits/cases pending before the courts of law.

E. Access to justice for Persons with Disabilities

62. Uganda has an obligation under the 1995 Constitution of Uganda, the Convention on the Rights of Persons with Disabilities and other international human rights

¹⁹ Uganda Human Rights Commission (UHRC), *"The 21st Annual Report – 2018,"*
<https://www.uhrc.ug/download/uhrc-21st-annual-report/?wpdmdl=417&refresh=60ef3cca876321626291402>

instruments and principles to remove the barriers that hinder access to justice for persons with disabilities and to ensure that they are treated fairly. This is in line with SDG 16 on access to justice. In this regard, the JLOS is developing an action plan for integration of rights of persons with disabilities beyond physical access to JLOS services. However, despite this positive commitment, a number of urgent needs stand out. In addition to restrictions on physical access to many police and court buildings because of lack of wheelchair ramps, there are no sign language interpreters at police, ODPP and courts of law. As a result, many persons with disabilities who need services of sign language interpreters often face significant impediment to access to justice. Further to this, persons with albinism face several human rights issues including neglect and mistrust by the police when they report cases.

Recommendation to the Government of Uganda

63. Fast track the full implementation of the action plan for integration of rights of persons with disabilities and persons with albinism in all JLOS institutions including the police, ODPP and courts.