



## **Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**Foundation for Human Rights Initiative**

and

**The World Coalition Against the Death Penalty**

**for the 138th Session of the Human Rights Committee**

**26 June 2023 – 28 July 2023**

**Submitted 29 May 2023**

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently hold a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The World Coalition Against the Death Penalty**, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve this goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The **Foundation for Human Rights Initiative** (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organization, registered in Uganda under the Non-Governmental Organizations Act, 2016. FHRI's vision is a society based on human rights and civic culture as a foundation for peace, stability, democracy, social justice and sustainable development. FHRI's Mission is to promote respect and observance of human rights practices and civic values, enhance best practices through training, education, research, advocacy, ICTs, and strategic partnership. The organization has Observer Status with the African Commission on Human and Peoples' Rights, is a member of the World Coalition Against the

Death Penalty (Paris), and is affiliated to the International Federation of Human Rights Defenders, (FIDH) in Paris, France. It is a membership organization with a total of 1,515 members. FHRI commands a 30-year experience and expertise in human rights activism in Uganda. FHRI has been at the forefront in monitoring and documenting human rights violations, publication of periodic human rights reports, legal aid service provision to victims of human rights abuse; reporting before regional human rights treaty bodies, the Judiciary, parliament, police and actively campaigns for the abolition of the death penalty including carrying out programs that promote citizen participation and state accountability. Currently, it is spearheading five campaigns namely; *My Rights, My Power, Access to Justice, Rights and Rule of Law, Freedom from Pre-trial detention, and the Campaign against the death penalty in Uganda*. FHRI is located at the Human Rights House, Plot 1853, John Kiyingi Road, Nsambya, Kampala Uganda.

## EXECUTIVE SUMMARY

1. This report addresses Uganda's compliance with its international human rights obligations with respect to the death penalty and provides an update to the 2022 Report on Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty. This report examines the current state of the death penalty in Uganda, as well as violations of the right to a fair trial in capital proceedings, detention conditions affecting people under the sentence of death and the treatment of Human Rights Defenders.

### **Uganda fails to uphold its obligations under the International Covenant on Civil and Political Rights**

#### **I. The Death Penalty**

*Uganda has not abolished the death penalty nor acceded to the Second Optional Protocol to the Covenant.*

2. In its List of Issues in Relation to the Second Periodic Report of Uganda (2022)<sup>1</sup>, the Human Rights Committee inquired as to whether Uganda plans to abolish the death penalty and accede to the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty.<sup>2</sup>
3. In its response<sup>3</sup> Uganda conceded that it has not yet abolished the death penalty, but asserted that it will continue to consider its position on the Second Optional Protocol.<sup>4</sup> Uganda did not articulate any concrete plans to abolish the death penalty or accede to the Second Optional Protocol.
4. Uganda did note, however, that it has not carried out an execution for more than two decades, with the last civilian execution-taking place in 1999 and the last military execution-taking place in 2005.<sup>5</sup>
5. Nonetheless, Uganda does not have an official moratorium on executions<sup>6</sup>, and in 2018, President Museveni announced that Uganda could resume executions.<sup>7</sup> In 2020, no court

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<sup>1</sup> Human Rights Committee, List of issues in relation to the second periodic report of Uganda, 135th Sess., June 27 – July 27, 2022, U.N. Doc. CCPR/C/UGA/Q/2 (April 13, 2023).

<sup>2</sup> Human Rights Committee, List of issues in relation to the second periodic report of Uganda, ¶ 10, 135th Sess., June 27 – July 27, 2022, U.N. Doc. CCPR/C/UGA/Q/2 (April 13, 2023).

<sup>3</sup> Replies of Uganda to the list of issues in relation to its second periodic report, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>4</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶¶ 50-51, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>5</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 50, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023); The Advocates for Human Rights, Foundation for Human Rights Initiative & The World Coalition Against the Death Penalty, Uganda Stakeholder Report on the Death Penalty for the United Nations Universal Periodic Review, ¶ 24 (July 15, 2021).

<sup>6</sup> Republic of Uganda (Uganda), CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, last updated 2021, <https://deathpenaltyworldwide.org/database/#/results/country?id=82>.

sentenced a person to death in Uganda, but in 2021, courts imposed at least two death sentences.<sup>8</sup> In 2022, again no courts handed down death sentences.<sup>9</sup> According to Amnesty International, by the end of 2022 at least 135 people were known to have been sentenced to death in Uganda.<sup>10</sup> According to FHRI and PRI Uganda, in 2022, at least three women were on death row and many women facing the death penalty were awaiting trial.<sup>11</sup>

*Uganda has passed legislation to abolish the death penalty as a required sentence for specified crimes and has reduced the number of individuals remaining on death row through the process of converting death sentences to life in prison after three years on death row.*

6. In its List of Issues, The Human Rights Committee requested information on Uganda's commitment to ensuring that the death penalty is never mandatory, and that a pardon or commutation of the death sentence, as well as the right to appeal, is available in all cases, regardless of the crime committed.<sup>12</sup> There are currently several inmates on death row, however, whose files are missing and cannot be traced, which keeps these individuals from making use of their right to appeal.<sup>13</sup>
7. Regarding the mandatory death penalty, Uganda replied that in 2019, the decision in *Attorney General v. Susan Kigula & 417 Others (Constitutional Appeal No.03 of 2006)*, prompted the passing of the Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act, 2019 (the "Law Revision Act"), which amended the Penal Code Act and the Anti-Terrorism Act, 2002.<sup>14</sup> The Law Revision (Penalties in Criminal Matters) Misc. (Amendment) Act 2019, outlawed the mandatory death penalty, removed the restriction on mitigation in cases of convictions that carry a death sentence and restricted the discretion of the courts to pass a death sentence except in cases where the alternative sentence of life in prison would be inadequate.<sup>15</sup>

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<sup>7</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 4 (May 2, 2022).

<sup>8</sup> Death Sentences and Executions 2021, 12, Amnesty International Global Report, ACT 50/5418/2022 (May 24, 2022). Available online: <https://www.amnesty.org/en/documents/act50/5418/2022/en/>.

<sup>9</sup> Amnesty International, Death sentences and executions 2022 (2023) at 12, available at <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

<sup>10</sup> Amnesty International, Death sentences and executions 2022 (2023) at 34, available at <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

<sup>11</sup> World Coalition Against the Death Penalty, Global mapping of women under sentence of death, (to launch in 2023)

<sup>12</sup> Human Rights Committee, List of issues in relation to the second periodic report of Uganda, ¶ 10, 135th Sess., June 27 – July 27, 2022, U.N. Doc. CCPR/C/UGA/Q/2 (April 13, 2023).

<sup>13</sup> Human Rights Committee, List of issues in relation to the second periodic report of Uganda, ¶ 10, 135th Sess., June 27 – July 27, 2022, U.N. Doc. CCPR/C/UGA/Q/2 (April 13, 2023).

<sup>14</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 44, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>15</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 44, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

8. Uganda stated that after a court imposes a death sentence; the Court undertakes rigorous review of that decision.<sup>16</sup> Uganda also asserted that all individuals sentenced to death are able to make requests for pardon and exercise a full right of appeal, regardless of the crime of conviction, and that even if the individual does not appeal, the courts still subject the sentence to an appellate procedure for confirmation.<sup>17</sup>
9. Uganda asserted that it has taken steps to implement the *Kigula* decision, such as releasing all three people on death row who had been sentenced to death prior to 1989.<sup>18</sup> In addition, Uganda converted approximately 139 death sentences confirmed by the Supreme Court prior to 2006 to life in prison.<sup>19</sup>
10. The Cornell Center on the Death Penalty Worldwide reported that there were over 250 individuals remaining on death row as of 2017, but that number was reduced to 145 as of 2019.<sup>20</sup> As of October 11, 2021, the European Union Ambassador to Uganda reported that there were 123 people remaining on death row.<sup>21</sup> According to Amnesty International, as of the end of 2022 at least 135 people were known to be sentence of death in Uganda.<sup>22</sup>
11. In its replies to The Human Rights Committee’s List of Issues, Uganda asserted that, as of 2023, through its process of converting death sentences to life in prison after an inmate has been on death row for three years but not yet executed, it had reduced the number of individuals remaining on death row to 120, comprising of 117 men and 3 women.<sup>23</sup> As of May 25, 2023, 118 individuals remain on death row in Uganda, comprising 116 men and 2 women.<sup>24</sup> With one male death row inmate being released in April 2023 and the death of one female death row inmate, the number of individuals remaining on death row stands at 118, comprising 116 men and 2 women as of May 2023.
12. However, most of the individuals remaining on death row have been sentenced to death over 3 years ago, meaning their sentence should have been converted to life in prison. By not commuting their death sentences to life imprisonment, the government is failing to observe the landmark ruling *AG v Susan Kigula and 417 others*, which allows for the commuting of

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<sup>16</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶¶ 44-48, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>17</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶¶ 46-48, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>18</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶¶ 49, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>19</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶¶ 49, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>20</sup> Republic of Uganda (Uganda), CORNELL CENTER ON THE DEATH PENALTY WORLDWIDE, last updated 2021, <https://deathpenaltyworldwide.org/database/#/results/country?id=82>.

<sup>21</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda’s Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 4 (May 2, 2022).

<sup>22</sup> Amnesty International, Death sentences and executions 2022 (2023) at 34, available at <https://www.amnesty.org/en/documents/act50/6548/2023/en/>.

<sup>23</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 50, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>24</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 50, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

death sentences to life in prison for persons who have been on death row for more than 3 years.

*Uganda does not limit the death penalty to the most serious crimes.*

13. In addition to information surrounding death penalty procedures in Uganda, The Human Rights Committee also requested information on the steps Uganda has taken to revise its current legislation to ensure that the death penalty is authorized only in the most exceptional cases, namely that it is only applied in the case of the most serious crimes, understood to mean crimes involving intentional killing.<sup>25</sup>
14. In response, Uganda asserted that its current legislation restricts the death penalty to the most serious crimes, and in the most exceptional cases, and under the strictest limits.<sup>26</sup>
15. Despite these assertions, Uganda does not limit the death penalty to cases involving intentional killings. As previously reported, Uganda has the highest number of capital offenses (28) in East Africa,<sup>27</sup> and the laws of Uganda do not limit the death penalty to the most serious crimes. The following crimes are eligible for the death penalty under the Penal Code: crimes related to treason and offenses against the state; rape; aggravated defilement; murder; aggravated robbery; smuggling while armed with a deadly weapon; detention with sexual intent; and kidnapping or detaining with intent to murder.<sup>28</sup> There are also military offenses that are eligible for the death penalty, enumerated under the Uganda Peoples' Defense Forces Act.<sup>29</sup> Additionally, the Anti-Terrorism Act provides for the death penalty for terrorist acts resulting in the death of any person.<sup>30</sup>

*Uganda seeks to expand the death penalty through the passage of the Anti-Homosexuality Bill of 2023.*

16. In October 2019, Uganda announced plans for a bill that would impose the death penalty on individuals who engage in same-sex relations.<sup>31</sup> The Government denied these plans after

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<sup>25</sup> Human Rights Committee, List of issues in relation to the second periodic report of Uganda, ¶ 10, 135th Sess., June 27 – July 27, 2022, U.N. Doc. CCPR/C/UGA/Q/2 (April 13, 2023).

<sup>26</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 50, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023)

<sup>27</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 8 (May 2, 2022).

<sup>28</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 8 (May 2, 2022).

<sup>29</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 8 (May 2, 2022).

<sup>30</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 8 (May 2, 2022).

<sup>31</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 10 (May 2, 2022).

major donors objected and the Government stated that it would continue to monitor the situation.<sup>32</sup>

17. Despite Uganda's denial of these plans in 2019, in February 2023, Hon. Asuman Basalilwa, a member of the Parliament of Uganda introduced the Anti-Homosexuality Bill, 2023 to Parliament. Hon. Asuman Basalilwa stated that the goal of the Bill was to punish the "promotion, recruitment, and funding" of LGBTQI+ activity in Uganda.<sup>33</sup> It should be noted that same-sex relations are already illegal in Uganda,<sup>34</sup> and carry a maximum sentence of life in prison.<sup>35</sup>
18. On March 22, 2023, Parliament passed the Bill.<sup>36</sup> Among others, the Bill criminalized the act of identifying as a homosexual and required that citizens report individuals who identify as a homosexual to the authorities.<sup>37</sup> The Bill proposed to extend an existing ban on same-sex sexual relations by banning the "promotion of homosexuality".<sup>38</sup> In addition to its ban on simply identifying as a homosexual, the Bill authorized the death penalty as a punishment/sentence for acts of "aggravated homosexuality".<sup>39</sup>
19. "Aggravated homosexuality" includes same-sex relations: (i) involving a minor; (ii) involving a person living with HIV; (iii) involving a parent or guardian of the person against whom the offense is committed; (iv) involving a person having authority or control over the person against whom the offense is committed; (v) with a person that has a disability; (vi) where the offender is a habitual offender; and (vii) involving the offender's use of any drug or substance, with intent to stupefy or overpower the victim, in order to have same-sex relations.<sup>40</sup> Consent of the "victim" is not a defense.<sup>41</sup>

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<sup>32</sup> The Advocates for Human Rights, Foundation for Human Rights & The World Coalition Against the Death Penalty, Uganda's Compliance with the International Covenant on Civil and Political Rights: Suggested List of Issues Relating to the Death Penalty, ¶ 10 (May 2, 2022).

<sup>33</sup> Rodney Muhumuza, 'Deeply troubling': UN rights chief on Uganda anti-gay bill, ASSOCIATED PRESS, March 2022, 2023, <https://apnews.com/article/lgbtq-rights-uganda-africa-gay-rights-786c3e827c9187165bbf1321fa1cc479>.

<sup>34</sup> Rodney Muhumuza, *Ugandan lawmakers pass new version of tough anti-gay bill*, THE ASSOCIATED PRESS, May 2, 2023, <https://apnews.com/article/lgbtq-bill-amended-uganda-museveni-7243a40753931e323659a300f1f85b58>.

<sup>35</sup> Catherine Nicholls & Nimi Princewill, *Uganda lawmakers amend controversial anti-gay law but death penalty for HIV positive sex remains*, CNN, last updated May 2, 2023, <https://www.cnn.com/2023/05/02/africa/uganda-passes-anti-homosexuality-bill-intl/index.html>.

<sup>36</sup> Aditi Bhandari, *Uganda's anti-gay bill is the latest and worst to target LGBTQ Africans*, REUTERS, April 7, 2023, <https://www.reuters.com/graphics/UGANDA-LGBT/movakyrjva/>.

<sup>37</sup> Aditi Bhandari, *Uganda's anti-gay bill is the latest and worst to target LGBTQ Africans*, REUTERS, April 7, 2023, <https://www.reuters.com/graphics/UGANDA-LGBT/movakyrjva/>.

<sup>38</sup> Aditi Bhandari, *Uganda's anti-gay bill is the latest and worst to target LGBTQ Africans*, REUTERS, April 7, 2023, <https://www.reuters.com/graphics/UGANDA-LGBT/movakyrjva/>.

<sup>39</sup> Aditi Bhandari, *Uganda's anti-gay bill is the latest and worst to target LGBTQ Africans*, REUTERS, April 7, 2023, <https://www.reuters.com/graphics/UGANDA-LGBT/movakyrjva/>.

<sup>40</sup> Catherine Nicholls & Nimi Princewill, *Uganda lawmakers amend controversial anti-gay law but death penalty for HIV positive sex remains*, CNN, last updated May 2, 2023, <https://www.cnn.com/2023/05/02/africa/uganda-passes-anti-homosexuality-bill-intl/index.html>; The Anti-Homosexuality Bill of 2023, Bills Supplement to The Uganda Gazette No. 16, Volume CXVI (March 3, 2023). Also available online at: <https://www.jurist.org/news/wp-content/uploads/sites/4/2023/03/Anti-Homosexuality-Bill-2023.pdf>.

20. On April 26, 2023, President Museveni sent the Bill back to Parliament, requesting that Parliament amend three key issues: (i) the Bill was too vague about what was being criminalized and that the Bill should focus on the act of homosexuality, rather than identifying as homosexual; (ii) clause 14 of the Bill, which created a duty to report homosexuality to Ugandan authorities, created constitutional contradictions and Parliament should remove or redraft the clause; and (iii) Parliament should remove clause 9, which focused on the premises where homosexuality takes place.<sup>42</sup> President Museveni did not request that the provisions prescribing the death penalty be amended or removed.<sup>43</sup>
21. On May 2, 2023, the Ugandan Parliament passed an amended version of the Bill, incorporating some of President Museveni's proposals.<sup>44</sup>
22. As of 29<sup>th</sup> May 2022, President Museveni signed the Amended Bill into law. Despite pressure to veto the Amended Bill from other nations and from human rights organizations, Uganda's ruling political party, the National Resistance Movement, reports that President Museveni does not oppose the bill and has signed it into law. The Anti-homosexuality Act 2023 does not provide for the mandatory death penalty.<sup>45</sup>

## II. Fair Trial Rights

23. The Human Rights Committee also expressed concern "about shortcomings in the administration of justice, such as delays in the proceedings and pre-trial detention, the lack of legal assistance provided to non-capital offenders and the conditions in which confessions are secured."<sup>46</sup> The Human Rights Committee recommended that Ugandan authorities "take steps to remedy shortcomings in the administration of justice in order to ensure full respect for the judicial guarantees enshrined in the Covenant. It should revise legislation and practices, in particular with regard to the above-mentioned concerns."<sup>47</sup>

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<sup>41</sup> The Anti-Homosexuality Bill of 2023, Bills Supplement to The Uganda Gazette No. 16, Volume CXVI (March 3, 2023). Also available online at: <https://www.jurist.org/news/wp-content/uploads/sites/4/2023/03/Anti-Homosexuality-Bill-2023.pdf>.

<sup>42</sup> Natasha Kahungi, *Uganda Parliament passes anti-homosexuality bill with president's amendments*, JURIST LEGAL NEWS & RESEARCH SERVICES, May 2, 2023, <https://www.jurist.org/news/2023/05/uganda-parliament-passes-anti-homosexuality-bill-with-presidents-amendments/>.

<sup>43</sup> Natasha Kahungi, *Uganda Parliament passes anti-homosexuality bill with president's amendments*, JURIST LEGAL NEWS & RESEARCH SERVICES, May 2, 2023, <https://www.jurist.org/news/2023/05/uganda-parliament-passes-anti-homosexuality-bill-with-presidents-amendments/>.

<sup>44</sup> Catherine Nicholls & Nimi Princewill, *Uganda lawmakers amend controversial anti-gay law but death penalty for HIV positive sex remains*, CNN, last updated May 2, 2023, <https://www.cnn.com/2023/05/02/africa/uganda-passes-anti-homosexuality-bill-intl/index.html>.

<sup>45</sup> Catherine Nicholls & Nimi Princewill, *Uganda lawmakers amend controversial anti-gay law but death penalty for HIV positive sex remains*, CNN, last updated May 2, 2023, <https://www.cnn.com/2023/05/02/africa/uganda-passes-anti-homosexuality-bill-intl/index.html>.

<sup>46</sup> Human Rights Committee, *Consideration of reports submitted by States Parties under article 40 of the Covenant, Concluding Observations: Uganda*, adopted by The Human Rights Committee at its 80th session, UN Doc. CCPR/CO/80/UGA (4 May 2004), ¶ 21.

<sup>47</sup> Human Rights Committee, *Consideration of reports submitted by States Parties under article 40 of the Covenant, Concluding Observations: Uganda*, adopted by The Human Rights Committee at its 80th session, UN Doc. CCPR/CO/80/UGA (4 May 2004), ¶ 21.



24. The Second Periodic Report Submitted by Uganda Under Article 40 of the Covenant, notes the drafting of a Legal Aid Policy and Bill, which would ensure access to legal services for the indigent.<sup>48</sup> The report asserts that once the policy and bill are passed, “the policy and legal aid law would result in the establishment of a comprehensive state funded legal aid scheme and better regulation of the legal aid field to ensure the provision of quality services.”<sup>49</sup> Although the National Legal Aid Bill, 2022 was presented to the Parliament for the first reading on September 28, 2022, there is no timeline for its adoption.<sup>50</sup>
25. On May 23rd 2023, the National Legal Aid Bill, 2022 was tabled for a second reading by a member of parliament. However, it was sent back for reconsideration after the legal committee determined that the Bill did not impose tangible and achievable financial obligations on the government given the fact that the funding proposals suggested in the bill are unsustainable since they heavily rely on the goodwill of donors. As such, the legal committee recommended that the government come up with a bill that guarantees a sustainable, affordable, accessible, credible, and accountable legal aid system in the country and sent it back without a second Reading.<sup>51</sup>
26. Responding to The Human Rights Committee’s concerns about delays in proceedings, the Second Periodic Report cites the establishment of nine new High Court circuits, and states that authorities have recruited more Judicial Officers, including judges, registrars, deputies, and assistants and introduced plea bargaining.<sup>52</sup>
27. The Second Periodic Report offered no response to The Human Rights Committee’s concerns about “the conditions in which a confession may be secured.”<sup>53</sup>
28. “Mr. Tuzmukhamedov said that Uganda was party to almost all human rights treaties except for the International Convention for the Protection of All Persons from Enforced Disappearance.”<sup>54</sup>

#### *Human Rights Defenders and Case Backlogs*

29. While Ugandan authorities are mandated to try individuals who are arrested for capital offenses within 360 days (60 days if charged with an offense triable by subordinate courts) or

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<sup>48</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 126.

<sup>49</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 126.

<sup>50</sup> Africa Legal, *Regulating Legal Aid in Uganda*, <https://www.africa-legal.com/news-detail/regulating-legal-aid-in-uganda/>

<sup>51</sup> Parliament of the Republic of Uganda, Legal Committee to Reconsider National Legal Aid Bill <https://www.parliament.go.ug/news/6724/legal-committee-reconsider-national-legal-aid-bill>

<sup>52</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 132, 134.

<sup>53</sup> <https://www.ohchr.org/en/news/2022/11/dialogue-uganda-experts-committee-against-torture-welcome-states-human-rights>

<sup>54</sup> <https://www.ohchr.org/en/news/2022/11/dialogue-uganda-experts-committee-against-torture-welcome-states-human-rights>

release them on bail, they often do not respect this requirement.<sup>55</sup> If prosecutors present a case to the court before the 180 days expire, the court may extend the pretrial detention indefinitely.<sup>56</sup> Although required by law, detainees are often not immediately informed of the reasons for detention.<sup>57</sup> In Uganda, indigent people charged with capital offenses are entitled to legal aid under the state brief system.<sup>58</sup> Uganda asserted that through the Advocates (Amendment) Act, 2010 and the Advocates (Legal Aid to Indigent) Relations Act, and 1,800 Advocates enrolled to offer free legal aid services to indigent and poor persons in Uganda. These advocates are required to provide 40 hours of their services annually or payment in lieu of service to providing legal services to the indigent.<sup>59</sup> Uganda asserted that through Article 23(3) and (5)(b) of the Constitution, all people are given the right to legal representation and all lawyers are able to access their clients in detention free of charge.<sup>60</sup> Although detainees have the right to legal representation, authorities often do not respect this right and indigent defendants charged with capital offenses often experience significant delays in getting access to an attorney.<sup>61</sup> Case backlogs, due in part to an under-resourced Judiciary, absence of plea-bargaining, insufficient use of bail and inadequate police investigations, are significant and often lead to prolonged pretrial detention.<sup>62</sup> The Uganda Prisons Service (UPS) reported that in August 2020, COVID-19 restrictions halted court sessions, further increasing backlogs and lengthening pretrial detention.<sup>63</sup>

30. Ugandan courts appoint state briefs or private lawyers to provide pro bono representation.<sup>64</sup> Uganda asserted that there is no arbitrary detention, intimidation, or harassment of lawyers, including those working on human rights cases.<sup>65</sup> However, Uganda admitted that there were cases of targeted break-ins into lawyers' places of work in order to steal confidential case-

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<sup>55</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>56</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>57</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>58</sup> Latham & Watkins LLP, *Pro Bono Practices and Opportunities in Uganda*, <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-uganda.pdf>.

<sup>59</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 85, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>60</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 88, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>61</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>62</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>63</sup> U.S. State Department, Uganda 2020 Human Rights Report. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>. U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>64</sup> Latham & Watkins LLP, *Pro Bono Practices and Opportunities in Uganda*, <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-uganda.pdf>.

<sup>65</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.

related information, many of which were not reported to the authorities or there was insufficient evidence for meaningful prosecution.<sup>66</sup>

31. Defending a capital case is usually not well compensated; therefore state briefs often go to inexperienced graduates or “failed lawyers.”<sup>67</sup> This lack of dedicated legal aid and funding results in inexperienced or ineffective legal representation for accused persons/defendants. State briefs represent approximately 75% of capital defendants.<sup>68</sup> Observers note that during capital offense trials, state briefs “invariably met with their clients for the first time on the morning of the trial,” spending only a few minutes discussing the case with the defendants.<sup>69</sup> Co-accused are routinely represented by one state brief despite potential conflicts of interest.<sup>70</sup> State briefs rarely cross-examine or call witnesses, and the prosecutor’s evidence mostly goes unchallenged.<sup>71</sup>
32. Efforts have been underway to expand legal aid services through the expansion of the state brief system and the Justice Centers Program, under which the government has created legal aid clinics and justice centers at courts and prisons.<sup>72</sup> The draft National Legal Aid Bill 2022, referenced in the Second Periodic Report, is still pending.<sup>73</sup> A major part of the proposal is the establishment of an independent National Legal Aid Scheme that would oversee the rollout and delivery of a comprehensive legal aid services across Uganda.<sup>74</sup>
33. The Administration of the Judiciary Act, 2020 provides for independent funding for the Judiciary.<sup>75</sup> Nonetheless, the Judiciary remains under-resourced.<sup>76</sup>

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<sup>66</sup> Replies of Uganda to the list of issues in relation to its second periodic report, ¶ 89, 138<sup>th</sup> Sess., June 26 – July 28, 2023, U.N. Doc. CCPR/C/UGA/RQ/2 (March 14, 2023).

<sup>67</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.

<sup>68</sup> Cornell Center on the Death Penalty Worldwide, *Uganda Country Profile*. Also available online at: <https://deathpenaltyworldwide.org/database/#/results/country?id=82>.

<sup>69</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.

<sup>70</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.

<sup>71</sup> Counsel, *Death Row in Uganda*, July 31, 2012. Also available online at: <https://www.counselmagazine.co.uk/articles/death-row-uganda>.

<sup>72</sup> See Justice Centres Uganda. Available online at: <https://www.jlos.go.ug/index.php/about-jlos/projects/legal-aid/justice-centers>.

<sup>73</sup> The Independent, *Lack of Political Will Slowing Legal Aid Policy*, July 12, 2019. Also available online at: <https://www.independent.co.ug/lack-of-political-will-slowing-legal-aid-policy/>.

<sup>74</sup> The Independent, *Lack of Political Will Slowing Legal Aid Policy*, July 12, 2019. Also available online at: <https://www.independent.co.ug/lack-of-political-will-slowing-legal-aid-policy/>.

<sup>75</sup> Uganda Legal Information Institute, *Administration of the Judiciary Act, 2020*, <https://old.ulii.org/ug/legislation/act/2020/8>.

<sup>76</sup> The Legal Reports, “*Game Changer: Judiciary Credits Administration of the Judiciary Act for “remarkable success,”*” <https://thelegalreports.com/2022/11/08/Judiciary-credits-administration-of-the-Judiciary-act-for-remarkable-successes/>

### *Military courts*

34. In the military justice system, even though the accused has a right to a lawyer, some military defense attorneys lack adequate training, which often leads to inadequate representation.<sup>77</sup> Despite the Constitutional Court ruling in December 2022 that it is illegal to try civilians in military courts, some civilians continue to be tried by military courts.<sup>78</sup> Military courts often deny civilians the right to a public trial and the right to communicate with their attorney<sup>79</sup>

### *Women charged with capital crimes*

35. There is limited information available on the context of the crimes committed by women who have been sentenced to death in Uganda. According to FHRI and PRI-Uganda, the main crime for which women are sentenced to death in Uganda is murder, often in the context of gender-based violence.<sup>80</sup> This information is consistent with global data published by the Cornell Center on the Death Penalty Worldwide, which states “Most women have been sentenced to death for the crime of murder, often in relation to the killing of family members in a context of gender-based violence.<sup>81</sup> In Uganda, there is at least one reported case in which a woman was sentenced to death for killing her abuser.<sup>82</sup> This case suggests that when women are sentenced to death for killing another person, legal proceedings ignore gender-based violence and the imbalance in power dynamics between an accused woman and her abusive spouse or family member.<sup>83</sup> Women imprisoned in Uganda for committing offenses against life (i.e., murder, assault, or manslaughter) have typically experienced prolonged domestic violence at the hands of an abuser (partner, spouse, or another family member). As such, domestic violence is an important context for homicides committed by women in Uganda.<sup>84</sup>
36. Under Ugandan law, the elements of self-defense have been articulated under *Uganda v. Kamyuka Ivan* to include: (1) an attack on the accused person or close relative; (2) reasonable

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<sup>77</sup> Cornell Center on the Death Penalty Worldwide, *Uganda Country Profile*. Also available online at: <https://deathpenaltyworldwide.org/database/#/results/country?id=82>.

<sup>78</sup> The Independent, *Attorney General “Confused” About Trial of Civilians in Military Courts*, <https://www.independent.co.ug/attorney-general-confused-about-trial-of-civilians-in-military-courts/>

<sup>79</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>80</sup> World Coalition Against the Death Penalty, *Global mapping of women under sentence of death, (to launch in 2023)*

<sup>81</sup> See the Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for more than her crime: A Global Overview of Women Facing the Death Penalty*, September 2018, p.4. Also available online at: <https://deathpenaltyworldwide.org/publication/judged-more-than-her-crime/>

<sup>82</sup> Tanya Murshed, affiliated with Evolve, *Interview with the Cornell Center on the Death Penalty Worldwide*, Mar. 18, 2015.

<sup>83</sup> See The Cornell Center on the Death Penalty Worldwide (The Alice Project), *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty*, Sep. 2018, p. 11. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

<sup>84</sup> Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at [https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence\\_Uganda.pdf](https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf).

belief that he was in imminent danger of death or serious bodily harm; (3) belief that it was necessary to use force to repel the attack; and (4) reasonable belief that the force used was necessary to prevent or resist the attack.<sup>85</sup> Though self-defense has been used widely in homicide cases against an intimate partner, it has not been accessible to women who kill following a *history* of abuse. This gap exists because these women often cannot prove that an actual threat at the time the responsive force was used. Consequently, the courts view their response as unreasonable. Moreover, the requirement of apprehension of death or grievous bodily harm is problematic in the context of domestic violence because not all forms of abuse are physical (i.e., emotional abuse, economic/financial abuse).<sup>86</sup>

### *Torture*

37. The Constitution prohibits torture.<sup>87</sup> The Prevention and Prohibition of Torture Act of 2012 also penalizes torture with up to 15 years' imprisonment, monetary fine, or both.<sup>88</sup> The penalty for conviction of aggravated torture is life imprisonment.<sup>89</sup>
38. The Second Periodic Report offered no response to the Committee's concerns about "the conditions in which a confession may be secured." But the Uganda Human Rights Commission (UHRC) frequently receives allegations of torture committed by security agencies, particularly in cases of lengthy pretrial detentions.<sup>90</sup> According to the U.S. State Department, "human rights organizations, opposition politicians, and local media reported that [in 2021] security agencies tortured suspects as well as dissidents to extract self-incriminating confessions."<sup>91</sup> Security agencies do not usually carry out investigations into credible allegations of mistreatment.<sup>92</sup> Prolonged pretrial detention is the result of an under-resourced Judiciary, inadequate police investigations, and the absence of temporal

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<sup>85</sup> Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 5. Available online at [https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence\\_Uganda.pdf](https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf).

<sup>86</sup> Penal Reform International, *Women who kill in the context of domestic violence in Uganda: How does the criminal justice system respond?*, 2021, p. 16. Available online at [https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence\\_Uganda.pdf](https://cdn.penalreform.org/wpcontent/uploads/2021/10/Women-who-kill-in-the-context-of-domestic-violence_Uganda.pdf).

<sup>87</sup> Constitution - Article 24 ("No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment").

<sup>88</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>89</sup> Section 4 of the Prevention and Prohibition of Torture Act, 2012 Act 3 of 2012. Also available online at <https://ulii.org/akn/ug/act/2012/3/eng@2012-09-18>

<sup>90</sup> U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>; see also Amnesty International, *Uganda 2020*. Also available online at <https://www.amnesty.org/en/countries/africa/uganda/report-uganda/>; see also Human Rights Watch, *Fresh Torture Accusations Leveled Against Uganda's Police*, May 14, 2017, 11:00 P.M. EDT. Also available online at: <https://www.hrw.org/news/2017/05/15/fresh-torture-accusations-leveled-against-ugandas-police>;

<sup>91</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>92</sup> U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

restrictions on pretrial detention.<sup>93</sup> The UHRC and the UPS reported that numerous suspects were being held for longer than eight months without arraignment, and that 49% of the country's inmates were in fact pretrial detainees.<sup>94</sup>

39. Opposition members and activists have made numerous credible reports of torture.<sup>95</sup> For instance, opposition member Robert Kyagulanyi reported that in 2018 Special Forces Command soldiers tortured him when the military detained him for 10 days.<sup>96</sup> Francis Zaake, an opposition Member of Parliament, has also given detailed descriptions of his torture by the Uganda Police Force (UPF).<sup>97</sup> Civil society organizations and opposition activists reported that security forces arrested, beat, and killed civilians as punishment for allegedly violating regulations related to the COVID-19 pandemic.<sup>98</sup>
40. Impunity remains ongoing and widespread in the police and military forces, such as the UPF, the Uganda People's Defense Force, and the UPS, as well as within the executive branch of Government.<sup>99</sup> Investigations are often lacking, and even when officials do undertake investigations, they do not release their findings or hold perpetrators accountable.<sup>100</sup> Authorities often give judicial and political cover to officials who are implicated in human rights violations.<sup>101</sup>

### III. Detention Conditions

41. In 2004, the Human Rights Committee expressed concern that Uganda's measures to counteract shortcomings in detention conditions were "inadequate to overcome the problems" and recommended that Ugandan authorities "take immediate action to reduce overcrowding in prisons."<sup>102</sup>

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<sup>93</sup> U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>.

<sup>94</sup> U.S. State Department, *2019 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/uganda/>. U.S. State Department, *2022 Country Reports on Human Rights Practices: Uganda*. Also available online at <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/uganda/>.

<sup>95</sup> Human Rights Watch, *World Report 2019, Uganda Events of 2018*. Also available online at <https://www.hrw.org/world-report/2019/country-chapters/uganda#9d0b87>.

<sup>96</sup> Human Rights Watch, *World Report 2019, Uganda Events of 2018*. Also available online at <https://www.hrw.org/world-report/2019/country-chapters/uganda#9d0b87>.

<sup>97</sup> U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>98</sup> U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>99</sup> U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>100</sup> U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>101</sup> U.S. State Department, *Uganda 2020 Human Rights Report*. Also available online at: <https://www.state.gov/wp-content/uploads/2021/03/UGANDA-2020-HUMAN-RIGHTS-REPORT.pdf>.

<sup>102</sup> Human Rights Committee, *Consideration of reports submitted by States Parties under article 40 of the Covenant, Concluding Observations: Uganda*, adopted by The Human Rights Committee at its 80th session, UN Doc. CCPR/CO/80/UGA (4 May 2004), ¶ 18.

42. The Second Periodic Report recites various efforts to “address the problem of long-stays in pre-trial detention,”<sup>103</sup> as well as measures to eliminate congestion in places of detention.<sup>104</sup> The report also confirms that the Uganda Human Rights Committee is authorized to visit places of detention to assess and inspect conditions and to make recommendations. According to the report, these visits have “helped in ensuring that people deprived of their right to personal liberty are accessed and their rights monitored.”<sup>105</sup>
43. Despite these efforts, conditions in prisons and detention centers continue to be inhuman and, in some cases, life-threatening due to unsanitary conditions, consistent overcrowding, abuse of detainees by security staff, and inadequate food.<sup>106</sup> The most common issues are overcrowding, forced labor, physical abuse of detainees (including caning as disciplinary measures), and inadequate resources.<sup>107</sup> The persistent overcrowding in the prison system is particularly egregious. In September of 2022, prison officials reported, “Prisons with a capacity of 19,986 held 70,535 inmates.”<sup>108</sup> According to the U.S. State Department, “On June 22, 2022, Chief Justice Alphonse Owiny-Dollo referred to the conditions in Gulu prison as “horrific,” noting that the prison was holding 1,365 inmates in a 247-person-capacity structure.”<sup>109</sup> The prisons also reported a lice infestation after the influx of new inmates, who carried lice on their bodies and among their personal belongings.<sup>110</sup> Such circumstances are only exacerbated due to overcrowding of inmates are not un common.
44. In addition, most prisons did not have accommodation for individuals with physical impairments, and cases of children are often detained with adult inmates.<sup>111</sup>
45. The UN Committee Against Torture noted that human rights committees established to monitor detention facilities have limited efficacy because their reporting is based on limited knowledge and because committee members lack sufficient training in assessing human rights violations.<sup>112</sup>

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<sup>103</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 106.

<sup>104</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 108.

<sup>105</sup> Human Rights Committee, *Second periodic report submitted by Uganda under article 40 of the Covenant, due in 2008*, (19 Nov. 2020), UN Doc. CCPR/C/UGA/2, ¶ 107.

<sup>106</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>107</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>108</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>109</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>110</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>111</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

<sup>112</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)

46. In January of 2023, the prison service reported that 95% of their staff has been trained on human rights awareness.<sup>113</sup>

#### **IV. Suggested Recommendations for the Government of Uganda**

47. The co-authors of this stakeholder report suggest the following recommendations for the Government of Uganda.

- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards.
- Consider the ratification of the Second Optional Protocol.
- Consider imposing an official, de jure moratorium on executions with immediate effect, halting all executions, with a view to complete abolition of the death penalty.
- In the interim, reduce the number of capital offenses as a step towards abolition of the death penalty.
- Publish annual disaggregated data on the current number of individuals under sentence of death, including information about the person's gender, nationality, date of arrest, date of conviction, length of pretrial detention, crime(s) of conviction, and relationship to any victim or codefendant; the sentencing authority; the status of any appeals, rehearing's, or requests for pardons or clemency; and the current sentence being served.
- Improve monitoring of detention facilities and take immediate action to improve prison detention conditions, consistent with the Nelson Mandela and Bangkok Rules, particularly with respect to overcrowding, provision of food, forced labor, and ill-treatment of people in detention as well as gender-sensitive measures to ensure respect for the specific needs of women in prison.
- Implement mandatory human rights-based training programs for all judicial officers, members of law enforcement, and security officials working in detention facilities, prisons, and jails.
- Acknowledge the compounding forms of violence that girls and women experience—including gender-based violence and early and forced marriage—and review laws, criminal procedures, and judicial practices, and implement policies and legislative reforms to protect against such human rights violations.
- Revise the law on murder/manslaughter to permit courts to take domestic violence into account for self-defense where homicide is committed in the context of a violent relationship or a history of gender-based violence.
- Ensure proper gender-sensitive training of all persons involved in the investigation, representation, and prosecution of crimes involving women. Provide and publish transparent information on the number of women sentenced to death and on death row, disaggregated by age, age of dependent children (if any), nationality, ethnic group, crimes of conviction, date of conviction, and date of execution (if applicable), to facilitate analysis of the demographics of women on death row.

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<sup>113</sup> U.S. State Department, Uganda 2023 Human Rights Report. Also available online at: [https://www.state.gov/wp-content/uploads/2023/03/415610\\_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2023/03/415610_UGANDA-2022-HUMAN-RIGHTS-REPORT.pdf)



- Implement safeguards to ensure that people are not charged with treason or terrorism-related offenses for expressing opposition to the government or for supporting opposition parties or candidates. Immediately release any person who has been so detained or charged.
- Improve the quality of legal assistance for individuals charged with capital offenses and people who are sentenced to death through enhanced funding and expanded training, in collaboration with civil society organizations. Increase funding for public defender programs and civil society organizations supporting capital defense efforts to ensure that all people have access to high-quality legal assistance, particularly individuals at risk of being sentenced to death.
- Establish public awareness and educational campaigns about the death penalty, in collaboration with civil society, to assist in shifting public opinion around the death penalty.
- In collaboration with civil society organizations, conduct a sensitization campaign among Members of Parliament about human rights concerns related to the death penalty and about Uganda's obligations under the Covenant as they pertain to the death penalty.
- Amend the Anti-Homosexuality Act, 2023, in particular provisions authorizing the death penalty for offenses not entailing an intentional killing.
- Consider fast tracking, adopting, fully funding and thereafter implement the National Legal Aid Bill, 2022.
- Ensure that all judicial officers overseeing capital cases have comprehensive training on gender-sensitivity and tactics of coercive control in the context of gender-based violence and women in conflict with the law.
- Ensure that legal counsel representing women charged with capital crimes are trained to recognize and raise claims of gender-specific defenses and gender-specific mitigation.
- Present prison inmates who allege that their case files are missing and cannot be traced to court in order for their appeals to be heard.