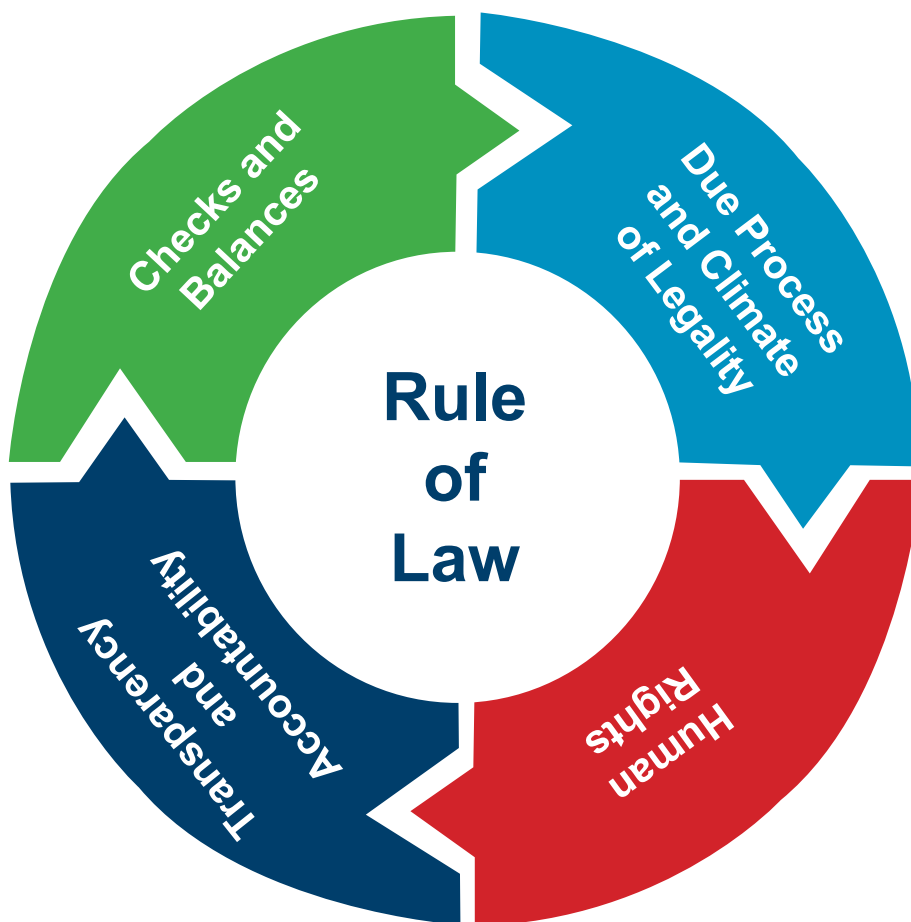




THE STATE OF THE RULE OF LAW IN UGANDA: SECOND QUARTERLY REPORT



APRIL - JUNE 2019



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PRESIDENT'S FOREWORD

As is the standard, the Uganda Law Society (ULS) publishes reports on the state of the Rule of Law every quarter of the year as a proactive and consistent approach on matters concerning the Rule of Law in the country.

In addition, the report provides appropriate recommendations that are shared with various stakeholders for implementation in a bid to improve the observance of the Rule of Law and promotion of human rights in Uganda.

As ULS, we take additional legal steps to enforce the recommendations of the previous reports particularly regarding recurring incidents and those where no remedy has been provided by the accountable entities. In such incidence, our Litigation Department works hand in hand with the various ULS clusters such as the Human Rights and Criminal Law Clusters and the Rule of Law and Strategic Litigation Committee to keep track of the human rights violations and pursue public interest litigation against the perpetrators.

We continue to engage stakeholders such as the Judiciary, the Director of Public Prosecutions, the Police and other government entities on how we can collaborate to ensure that the laws against the violation of human rights are effectively implemented and observed. As **Irene Khan rightly stated**, "there can be no peace without justice and respect for human rights." We as the bar strive to achieve this peace.

The period has been characterized by various human rights violations contrary to the constitutional provisions under the 1995 Constitution of the Republic of Uganda, particularly;

- Transparency and Accountability under Objective XXVI
- The Right to Life per Article 21
- The Right to Freedom from Torture or Cruel, Inhumane or Degrading Treatment per Article 24
- Children's Rights under Article 34
- The right to a Clean and Healthy Environment per Articles 39
- The right to health despite the fact that it is not expressly provided in the Bill of Rights.
- Economic Rights as guaranteed by Article 40 (2)

It should be noted that despite the enabling and elaborate principles in the national laws and International Instruments, effective implementation of the same is still a great challenge to ensure that there is effective change in relation to the prevalence of human rights violation related cases. *I therefore implore all the stakeholders to take keen interest in responding to the respective recommendations made in our Quarterly Rule of Law Reports so that together we uphold the rule of law.*

I continue to express my appreciation to the ULS Rule of Law Advisory Board, the Rule of Law and Strategic Litigation Committee and the Rule of Law Department for their input in support of this significant initiative. I also thank the various government departments that have taken our report seriously and made efforts to improve the human rights record in Uganda.

Enjoy the reading!

FOR GOD AND MY COUNTRY

Simon Peter M. Kinobe

President – Uganda Law Society

MESSAGE FROM THE CEO

With profound honor, I present to you the second edition of the Uganda Law Society (ULS) Quarterly report on the state of the Rule of Law, covering the period April to June 2019. We are still committed to promoting and strengthening the Rule of Law in Uganda

I would like to express my sincere gratitude to the Rule of Law Advisory Panel chaired by Prof. Fredrick Ssempebwa for the continued invaluable support to the ULS Secretariat during the compilation of this report.

I would also like to thank the Rule of Law Strategic and Litigation Committee for the continued support towards the compilation of this report.

This quarterly report raises a number of issues on Human Rights, Transparency and Accountability Due Process and Climate of Legality namely:

- Media freedom
- Blocking of opposition political party activities and meetings
- Protection of the right to life and security of persons
- Death under unclear circumstances
- Freedom from torture, cruel, inhuman and degrading treatment among others

In reference to the above, this Report is targeted towards both state and non-state actors to adopt a more proactive approach in dealing with issues relating to human rights and thus promoting the Rule of Law in the country.

In a bid to promote the rule of law, the Uganda Law Society has also continued to involve the youth through rule of law clubs that have been launched in various schools.

I therefore urge all the relevant stakeholders to continue taking note of the recommendations made in our Reports and make the necessary adjustments to enable the promotion and upholding of the Rule of Law in Uganda at all times.

For God and my Country



Joyce Nalunga Birimumaaso

Chief Executive Officer – Uganda Law Society

ACKNOWLEDGEMENT

The production of this Report was made possible by the unwavering support and guidance from the ULS Rule of Law Advisory Panel. This Panel is chaired by Professor Fredrick E. Ssempebwa with Ms. Gertrude Wamala Karugaba, Mr. Francis Gimara, Mr. Andrew Kasirye, Mrs. Lydia Ochieng Obbo and Ms. Loyola Karobwa as members.

The ULS is also indebted to the ULS Rule of Law and Strategic Litigation Committee chaired by Dr. Daniel Ruhweza for their support in the compilation of this Report.

Appreciation also goes to the ULS Rule of Law Department under the headship of Ms. Leah Nasasira Bitu, Ms. Mary Nalwoga, the Rule of Law Officer and the brain behind compilation and analysis of diverse data to come up with comprehensible text and Ms. Rita Aligo for coordinating the launch of this report. Thanks to the entire ULS Secretariat and the Management Team for an enabling setting to the undertakers of this assignment.

INTRODUCTION

This is the 10th Quarterly Report on the state of rule of law and the second of the 2019 series. This publication is intended to promote the rule of law and the protection of human rights in Uganda. It highlights and analyzes the various Rule of Law issues and developments that have transpired in a particular quarter and how the country has fared in relation to the legal framework in Uganda and international policy.

Particularly, this reporting period highlights issues of Human Rights, Transparency and Accountability as well as Climate of Legality and Due Process. This specific Report registered increased cases of murder and theft of property, human rights abuses, abuse of children's rights and failure to observe transparency and accountability by some government officials.

This Report takes note of positive developments like the approval of the National Health Insurance Scheme Bill by government (which is intended to enable Ugandans access healthcare services at a subsidized cost) and the investigative journalism undertaken by NBS television on theft of drugs from government hospitals by pharmaceutical officers.

More importantly, the Report highlights legal issues arising from the incidents that accrued in this reporting period and recommendations directed to different government or private actors are made.

HUMAN RIGHTS

Media Freedom

The 1995 Constitution of the Republic of Uganda, the Press and Journalist Act of 1995, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights enjoin Uganda to protect, uphold and ensure the observance of the freedom to seek, receive and impart information and all kinds of ideas. However, the ULS has noted negative developments over the protection of this freedom.

On April 30, 2014, the Executive Director of Uganda Communications Commission (UCC), Mr. Godfrey Mutabazi issued a directive requiring 13 media houses including radio and television stations to suspend their specified senior staff on allegations of breaching minimum broadcasting standards.¹ The directive also required that the producers, editors and heads of programs of those media houses submit their qualifications to UCC. The mandate to review qualifications of editors is vested in the Media Council established under the Press and Journalist Act.²

These developments came in the wake of threats from government officials to switch off radio stations allegedly because they were illegally hosting opposition political leaders. Some radio stations such as Hope radio in Kabale and Mubende FM were reportedly switched off minutes after opposition leader Dr. Kizza Besigye started speaking. The same is reported to have happened in Jinja, Kitgum district and some districts in Lango sub-region.³

Article 29 of the 1995 Constitution of Uganda is an illustration of the importance attached to the press as a basis for the protection of media freedoms. In addition, Section 9 of the Press and Journalist Act 1995 gives Media Council the mandate to regulate the conduct, ethical standards and discipline of journalist.

Although Section 31 and Schedule 4 of the Uganda Communications Act 2013 mandates the UCC to provide the minimum broadcasting standards that must be complied with, this should be done in line with the Constitutional provisions that guarantee the right to freedom of expression and media freedoms. It should be noted that such directives interfere with the independence of the media, freedom of speech and expression guaranteed by Article 29 (1) (a) of the Constitution and are a sign of clear non-adherence to the rule of law and constitutionalism.

In the above regard, the ULS however, recognizes that a petition is pending in the High Court seeking a temporary injunction challenging UCC's directive to 13 media houses to suspend staff for allegedly breaching minimum broadcasting standards. It is hoped that an appropriate decision in this matter will be reached.

Comment

We note that this matter is before court for determination and in the instance reserve any recommendations.

Blocking Opposition Political Party Activities and Meetings

During the reporting period, the ULS noted continued blocking/interfering of radio talk shows by opposition politician, disruption of peaceful demonstrations and rallies by armed security forces. It was reported that this continued suppression of opposition politicians by the Police and other security agents was further raised in Parliament of Uganda; which prompted the Deputy Speaker of Parliament to direct

¹ Misairi Thembo Kahungu, "MPS task government to explain UCC orders on journalists," *Daily Monitor*, May 3, 2019

² Sections 5 and 7 of the Press and Journalist Act Chapter 105, Laws of Uganda

³ Franklin Draku and Andrew Bagala, "UCC orders media houses to suspend programme bosses," *Daily Monitor*, May 2, 2019, p.7

the Government through the Ministry of Internal Affairs to explain why the Police keeps disrupting such activities.⁴

It is reported that at least five radio talk shows for opposition politician Dr. Kizza Besigye were stopped and several music concerts of Hon. Robert Kyagulanyi were cancelled.⁵

Freedom of speech and expression embodies the right to communicate one’s opinions and ideas regardless of the medium used and political affiliation. This freedom is the core of a functioning democratic system.⁶ The enjoyment of the freedoms to assemble and associate guaranteed by Article 29 (d) and (e) of the 1995 Constitution of Uganda and Article 19 of the International Covenant on Civil and Political Rights are also impaired by the actions of the Police.

On the positive side, it was reported that the issue of blocking activities of political parties was discussed by the leadership of the political parties under the auspices of the Inter-Party Organization for Dialogue (IPOD), and, consensus reached on conducting these activities within the law. The parties further resolved to review the Public Order Management Act, which as we have highlighted on several occasions, has been used to illegally thwart opposition activities.

Legal Issue arising:

- Whether the continued blocking of activities of opposition party activities amounts to a violation of Article 29 of the 1995 Constitution of the Republic of Uganda.

Recommendations:

- The security forces should refrain from interfering with the people’s rights to peacefully organize and assemble. Their role is to maintain law and order at such assemblies.
- The review of the Public Order Management Act should be expedited and all non-compliant police directives regarding public assemblies done away with.
- Enforce culpability of the sanctions against individual Police officers who violate the rights of individuals.

Economic Rights

Article 40 (2) of the 1995 Constitution guarantees the right to practice one’s profession and to carry on any lawful occupation, trade or business. Further, the International Covenant on Economic, Social and Cultural Rights to which Uganda is a party under Article 6(1) provides for the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and the state will take appropriate steps to safeguard that right.

However, despite the enabling legal provisions, incidents of disregard of this right by the state were noted. Of particular note during this reporting period was the prevention of Kyadondo East Member of Parliament, Hon. Robert Kyagulanyi to leave his home in Magere in Wakiso District.⁷ This was done allegedly for purposes of hindering him from performing at a musical concert which he had organized at his One Love beach in Busabala during Easter season.⁸ This in essence hindered his opportunity to enjoy a living as of right.

Legal issue:

4 Moses Mulondo and Nicholas Wassajja, “Government asked to explain disruption of opposition activities,” *NewVision*, April 24, 2019

5 Moses Kyeyune, “Parliament won’t intervene in Bobi Wine saga, says Oulanyah,” *Daily Monitor*, April 24, 2019, p.5

6 Available at <http://ccgea.blogspot.com/2014/10/freedom-of-speech-assembly-association.html> last accessed on June 18, 2019

7 Misairi Thembo Kahungu, “MPs grill minister over Bobi Wine house arrest,” *Daily Monitor*, April 25, 2019, P.4

8 *ibid*

Whether the right to practice one's profession and to carry on any lawful occupation is respected by the Police.

Recommendation:

The Police should protect and respect Constitutional rights as well as keep law and order rather than interfere with the rights of individuals who are lawfully earning a living.

Freedom from Torture, Cruel, Inhumane and Degrading Treatment

The 1995 Constitution of Uganda under Article 24 prescribes respect for human dignity and protection from inhuman treatment. Over the reporting period, the ULS noted the following incidences in which the right to freedom from torture, inhuman and degrading treatment were violated.

There were incidences of continued use of disproportionate force and brutality on fishermen by soldiers while allegedly carrying out their duty of curbing illegal fishing practices.⁹ It was reported that army officers arrested and tortured to death one Edward Lukaya a resident of Zenggebe Landing site in Nakasongola. Lukaya was arrested alongside 15 others who had been found fishing on Lake Kyoga in Nakasongola.¹⁰ It was further reported that other fishermen were arrested and taken into custody at Bangala Landing Site police post in Namasale which is said to be a place of illegal detention and torture.

It may be recalled that similar negative developments reported in the first ULS Quarterly Report of 2018¹¹ and nothing has been done despite the Speaker of Parliament's and the public's outcry against this brutality.

The ULS noted further media reports on May 27, 2019, which revealed that prisons officers were abusing the rights of inmates.¹² The report indicated that both women and men prisoners were subjected to inhuman and degrading treatment. They are allegedly forced to wade through swamps while barefooted while cultivating and searching for fodder to feed cows belonging to prison officers. In addition, the inmates are forced to cultivate at the same pace and those who lag behind are flogged. Although Regulation 40 of the Prisons Regulations, 2012 provides that a prisoner may be subjected to some labour, the conditions inmates are subjected to are inhuman and degrading.

Legal Issue arising:

- Whether the army has the primary mandate to maintain law and order through direct interface with citizens in the manner narrated above.
- Whether Section 126(e) of the Uganda Peoples' Defence Forces Act can be invoked in light of the above narrated actions by the army.
- What is acceptable labour for prisoners?

Recommendations:

- The Uganda Human Rights Commission should enquire into the highlighted human rights violations as well as intervene to address the same.
- The Ministry of Defense is urged to incorporate and ensure the rights-based approach in carrying out its mandate.
- The Parliamentary Committee on Human Rights and the Committee on Defense and Internal Affairs should engage the Minister of Defense on the role of the army in enforcing law and order.

9 Santo Ojok and Bill Oketch, "UPDF, fishermen clash on L. Kyoga," *Daily Monitor*, June 11, 2019 at p.9

10 Ibid

11 Available at http://www.uls.or.ug/site/assets/files/1340/5th_quarterly_rule_of_law_report.pdf last accessed on June 13, 2018

12 Vision Reporters, "How prisons officers abuse rights of inmates," *New Vision*, May 27, 2019, p.10

- The government together with the civil society should work towards reducing acts of torture through increased awareness and sensitization, including prison inmates about their rights.
- Officers that engage in acts of torture or inflicting degrading punishments should face administrative action
- Monitoring and evaluation measures like security cameras in police and prisons should be put in place to reduce acts of torture in those areas.
- There should be clarity by way of guidelines on what is acceptable labour by inmates so that they are not directly punished twice for the same offence. Labour mounted on prisoners should be in defined limits.
- Monitoring and supervision of prisoners should be strengthened.

Right to a Clean and Healthy Environment

Articles 39 of the 1995 Constitution of the Republic of Uganda provides that every Ugandan has a right to a clean and healthy environment. That notwithstanding, during this period, the ULS has observed abuse of the right to protect and preserve the environment from pollution and degradation thereby denying the right of some Ugandans to enjoy it.

The pending giveaway of Bugoma Central Forest Reserve

In the month of May were protests against the giveaway of the 410 square kilometer Bugoma Central Forest Reserve in Kikuube district, to Hoima Sugar Limited which intends to use up to 22 square kilometers of the Forest Reserve for sugar cane growing. The said forest reserve was gazetted in the 1930s and taken over by the National Forestry Authority in 2003.

It is reported that the High Court in Masindi in April 2019 dismissed a move by the National Forestry Authority to block a planned takeover of the forest by Hoima Sugar Limited¹³. It is reported that Bugoma Central Forest Reserve is endowed with a high Biodiversity.

It should be noted that the giveaway of this forest reserve will consequently threaten the ecosystem and endangered species, deplete the forest and in the presence of production of oil in the region, the forest would be crucial in absorbing the toxic gasses that will be originating from oil waste.

Failed attempt by Government to ban use of plastic bags

Backed by the 2009/2010 budget, the government of Uganda with the enactment of the Finance Act, 2009 banned polythene material as an environmental protection measure. This was in line with the decision of East African Community (EAC) member states to ban the plastic bags commonly known as kaveera. However, enforcement of the ban remains a challenge in Uganda. According to Julius Maganda Wandera, the State Minister for East African Community Affairs, government backtracked after a request from the manufacturers, to the president, for ample time to transfer the technology to producing heavier polythene material¹⁴.

Unlike Uganda, Rwanda, Kenya and recently Tanzania outlawed the manufacture, import, sale and use of plastic bags.

Although some entities within the country like schools and churches have taken a stage in banning polythene bags in their premises, President Museveni recently indicated that the problem is not the bags but their misuse and instead recommends recycling options.

It should be noted that the plastic bag has an impact on environment breaks down; plastic bags do not biodegrade, they photo degrade – breaking down into smaller and smaller toxic bits; plastic particles

¹³ <https://observer.ug/news/headlines/60636-protests-over-plans-to-cut-bugoma-forest>

¹⁴ <https://conservingnow.com/plastic-bag-environmental-impact/> last accessed July 1, 2017

contaminate soil and waterways and enter the food web when animals accidentally ingest them. On water bodies, when fish and other marine animals ingest plastic debris, they are also ingesting these toxins. If the food we eat is contaminated with toxins, we will be too.

Legal issue arising:

- Whether adequate measures have taken to ensure that little or no damage caused to the environment and the surrounding communities has been reversed to ensure enjoyment of the right to a clean and healthy environment.

Recommendations:

- National Environment Management Authority should scale up its environmental activities including sensitization programmes and prescribe better alternatives to the activities that are ruining the environment.
- The Government of Uganda should work towards the implementation of the EAC Regional Protocol on Environment and Natural Resources Management which aims at promoting the sustainable use and management of natural resources by preventing, arresting and reversing the effects of environmental degradation as well as promoting adaptations to climate change.

The Right to the Highest Attainable Standard of Health

Although the right to health is not expressly provided for in the 1995 Constitution of Uganda, it is increasingly recognized that the right to life subsumes other rights and freedoms such as the right to and attainable standard of life. Further, Uganda is a party to several International Instruments which guarantee the enjoyment of this right. These include Article 12 of the International Convention on Economic, Social and Cultural Rights, Article 16 of the African Charter on Human and Peoples' Rights and Article 25 of the Universal Declaration of Human Rights.

In this quarter reports of negative developments over the enjoyment of the right to health as subsumed under the right to life were received as follows:

- Sylvia Nantongo, a 19 year old resident of Kalangaala Sub County in Mityana District died shortly after developing intestinal obstruction on June 11, 2019.¹⁵ It is alleged that the deceased was rushed to Mityana General Hospital and needed an urgent operation to save her life, however, the doctor on duty instead demanded UGX 350,000 from the parents of the deceased which they did not have at the time. In the process of trying to raise the money, the patient died.
- Relatedly, on June 17, 2019, NBS television published an investigative report¹⁶ which revealed that health workers steal drugs from government referral hospitals and pharmacies. The report uncovered evidence of government pharmaceutical workers illegally selling life changing drugs meant for the sick.¹⁷ On that note, the ULS commends the work done by NBS television through investigative journalism to uncover the unethical and illegal practices of health workers.

It should be noted that several complaints of negligence in this particular hospital have been previously raised to the concerned officials but the vice continues.

On a positive note, the ULS commends the government for approving the National Health Insurance

¹⁵ Barbra Nalweyiso and Jessica Nabukenya, "Mityana hospital doctor on the run after patient's death," Daily Monitor, June 14, 2019. Available at <https://www.monitor.co.ug/News/National/19-yearold-mother-dies-failing-raise-Shs150000-doctor-bribe/688334-5156714-10jug1sz/index.html> last accessed on June 17, 2019.

¹⁶ Solomon Sserwanja, "Stealing from the sick," NBS Television, June 18, 2019. Available at <https://www.youtube.com/watch?v=vnpebHLM9m0> last accessed on June 18, 2019

¹⁷ ibid

Scheme Bill which will enable Ugandans access the provision of healthcare services at subsidized costs.¹⁸ However, issues of attitude and corruption should be dealt with before implementation. It is hoped that the administration of this Scheme will be benchmarked to deal with likely abuse.

Legal issue arising:

- Whether there are sufficient and strict measures put in place to curb theft of drugs in government hospitals.
- Whether there are adequate mechanisms in place to monitor negligence of duty and unprofessionalism in hospitals.

Recommendations:

- A centralized monitoring system with local decision making power should be put in place to curb unprofessionalism among health workers and negligence.
- Disciplinary action should be taken against unethical medical workers by the respective professional bodies for medical practitioners.

Children’s rights

Generally, children are entitled to a right to health, education, family life, play and recreation, an adequate standard of living and to be protected from abuse and harm. Article 34 of the 1995 Constitution of the Republic of Uganda provides for these rights.

That notwithstanding, the ULS has noted with great concern the findings of an investigative report on child prostitution which is thriving in Mbarara District. It was alleged that older women mobilize girls aged between 13 and 17 years to work as prostitutes in the suburbs of Mbarara town.¹⁹

It was also reported on June 22, 2019, that children aged between 8 to 17 years sleeping on streets suffer abuse by streetwise criminal gangs, security guards, police patrol officers and prostitutes.²⁰ During rainy seasons, security guards demand money between Shs. 1000 to Shs. 2000 per night for shelter and also lure girls into sex leaving them with fatherless children in exchange to sleep on the verandahs.²¹

In other words the safety and security street children is not guaranteed as it has even been seen to bear hazardous consequences. Case in point is the reported collapse of a wall fence at Lohana Academy on Old Kampala Road during a heavy downpour on Sunday, June 23 instantly killing six street children and severely injuring two²². According to the school headmaster, Mr. John Bosco Mutebi, the Kampala Capital City Authority (KCCA) is faulted for having delayed to clear Lohana Academy to demolish the wall²⁵.

The ULS appreciates the effort by the Ministry of Gender, Labour and Social Development (MGLSD) to address the issue of the influx of children on streets like the development of the Street Children Multi-Sectoral Strategy as indicated in the Ministerial Policy Statement FY2016/1723, partnering with the Ministry

18 Available at <https://www.independent.co.ug/national-health-insurance-scheme-bill-approved-by-cabinet> last accessed on June 26, 2018

19 Rajab Mukombozi, “Child prostitution thrives in Mbarara,” *Daily Monitor*, May 27, 2019, p.14.

20 Gabriel Buule, “In Kampala, the homeless pay ‘rent’ for sleeping on verandahs,” *Daily Monitor*, June 22, 2019. Available at <https://www.monitor.co.ug/News/National/In-Kampala-homeless-pay--rent--sleeping-verandahs/688334-5167058-3alxeo/index.html> last accessed on June 26, 2018.

21 *ibid*

22 See Article “KCCA delayed to approve demolition of collapsed wall, says Lohana school” *Daily Monitor* Tuesday June 25 2019. Retrieved from <https://www.monitor.co.ug/News/National/KCCA-delayed-approve-demolition-collapsed-wall-Lohana-school/688334-5170150-ny5r12/index.html> last accessed on July 2, 2019

23 See page 48

24 Julius Ocungi, “child labour persists in Nwoya farm despite council directive,” *Daily Monitor*, May 29, 2019, p.13

25 *Ibid*

of Internal Affairs and KCCA to withdraw, rehabilitate and resettle up to 8,070 children in the past operations. This was declared by the Minister of State for Youth and Children Affairs, Florence Nakiwala Kiyingi addressing the media on measures being taken to address the street children challenge in Uganda at the MGLSD on Thursday, June 6, 2019.

And recently Ministry of Gender Labour and Social Development has joined the Kampala Capital City Authority (KCCA) to enforce the Kampala Child Protection Ordinance 2019, a law prohibiting individuals from giving money to street children.

In addition, it was reported that child labour is on an increase in Nwoya District.²⁴ It is reported that several commercial farms are continuing to recruit children as labourers coupled with poor working conditions despite the interventions of the District Council.²⁵

Legal issue arising:

- Whether the legal framework protecting the rights of children in Uganda is adequate and well enforced.

Recommendations:

- The National Children's Authority should be established and facilitated by government to run independently in managing issues affecting children in the country including child labour and child prostitution.
- The government should develop a comprehensive solution to street children like carrying on investigations and undertaking a comprehensive study on the influx of street children as a basis towards developing policies to remove children from the street.
- The MGLSD should advocate for the implementation of the Street Children Multi-Sectoral Strategy to ensure that children and adults resettled are fully integrated in the community.
- In a bid to implement the Kampala Child Protection Ordinance 2019, the KCCA should ensure the surveillance of streets to warrant no children on streets as well as carrying out surveillance on vehicles that ferry unaccompanied children to the streets of Kampala.

CLIMATE OF LEGALITY AND DUE PROCESS

The wave of criminal activity in the country

During the reporting period, the ULS noted a wave of criminal activities across the country that has raised questions about security of persons and property. These range from cases of murder, robbery, rape, defilement and assault among others. Some cases like murder and theft of property were reported as elaborated below;

- On the May 29, 2019, six armed thugs riding on motorbikes raided Cheap General Hard Ware in Nansana, Wakiso District killing two people before grabbing and fleeing with unspecified amount of money.²⁶ During the scuffle, they injured three people with bullet wounds and one died later after

26 Nakisanze Segawa and Doreen Nanziri, "16 days later, Nansana is still shaken by killings," *The Observer*, June 12, 2019. Available at <https://observer.ug/news/headlines/61020-16-days-later-nansana-still-shaken-by-killings> last accessed on June 14, 2019

27 Stuart Yiga, "Robbers shoot dead 2 mobile agents," *New Vision*, June 12, 2019, p.4

28 Ibid

being admitted to Mulago Hospital. It should be noted that this incident happened in Nansana which is roughly 8 kilometers from the city centre and its main road is fitted with surveillance cameras manned by the Uganda Police Force.

- In a separate incident, armed robbers travelling on three motorcycles and a black Toyota Premio were reported to have killed and taken an unspecified amount of money from a one Harriet Nalwadda and her employee, Moreen Nakabuubi; who was operating a mobile money business in Zzana trading centre, in Makindye, Wakiso District.²⁷ It is alleged that Nalwadda was once attacked and shot at by robbers on April 21, 2015 and the matter is still in court pending judgment.²⁸

The ULS also notes that there are a number of unresolved matters arising out of violent crimes over the years. The ULS has in her previous reports highlighted and recommended the investigation and conclusion of a number of murders to list but a few, Assistant Director of Public Prosecutions Joan Kagezi, AIGP Andrew Felix Kaweesi, several Muslim clerics, killings of women in Entebbe and Wakiso districts and the Hon. Ibrahim Abiriga²⁹. The question as to whether there is sufficient political will and commitment to have these matters concluded still lingers.

Legal issues arising:

- Whether government has taken adequate and appropriate measures to regulate the use of guns and curb incidences of official guns ending up into the hands of rogue and criminal elements and reduce guns that are circulating among the public.

Recommendation:

- Government needs to step up the level at which criminal investigations department investigates and collects evidence that will stand the test of time in courts of law including handling of scenes of crime and exhibits.
- The government should institute measures to curb the growing breakdown of the rule of law by strengthening the police to keep law and order.
- The Government should institute a specific inquiry into the serial killings and the unresolved murder cases in recent years and publish a report on the same. Those found culpable should face the full force of the law.

Protection of the Right to Life and Security of Persons

The ULS further noted the absence of the rule of law manifested through increasing breakdown in security through audacious attacks to persons and property cases of loss of lives and property. It should be recalled that the right to life is so fundamental that Article 44 of the 1995 Constitution of Uganda prohibits any derogation from its enjoyment. Examples of murders/aggravated over the reporting period are:

- The ULS received reports on April 23, 2019 of panga-wielding men attacked a family at midnight in Masanyalaze zone, Najjanankumbi off Entebbe road, killing the head of the family Mr. Yunus Kiriggwajjo injuring three other members of the family.³⁰ The thugs further took off with a car, mobile phones, handbags and an unknown amount of money.³¹ Such acts are criminal and perpetrators

29 http://www.uls.or.ug/site/assets/files/1303/uls_2017_rule_of_law_3rd_quarterly_report_september_2017.pdf and http://www.uls.or.ug/site/assets/files/1321/uls_2018_rule_of_law_4th_quarterly_report_dec_2018.pdf

30 Vision Reporters, "Panga men attack family, kill head," *New Vision*, April 23, 2019, P.8
31 *ibid*

should be apprehended under the criminal laws in Uganda.

Death under unclear circumstances

- On May 19, 2019, a boat transporting football players and fans from Fofu landing site in Baseruka Sub-county to Runga Landing site in Kigorobya Sub-county capsized on Lake Albert killing 16 people. 32 people were reported to have survived the accident.³² It is alleged that the boat was overloaded and hence the accident. The ULS previously noted people dying in similar circumstances

Legal issue arising:

- Is the right to life guaranteed in Uganda?

Recommendations:

- Justice should be reinforced by apprehending the perpetrators of the stated crimes.
- The circumstances that led to the occasion of these deaths should be investigated.
- The boat navigators need to be trained and licensed before navigating. In addition the Inland Water Transport (Control) Act of 1939 should be revised provide for clear licensing standards, require navigators to own permits, sailors to wear life jackets to enable modern trends of maritime safety.

TRANSPARENCY AND ACCOUNTABILITY

Under these two principles, public officials, civil servants, managers and directors of organizations and companies have a duty to act transparently, predictably and understandably to promote participation and accountability; as well as being answerable for their actions and that there is redress when duties and commitments are not met.³³ This is also provided for under Objective XXVI of the 1995 Constitution of Uganda which places a responsibility on all persons in positions of leadership to be answerable to the people.

During the reporting period, the ULS noted cases of transparency and accountability in the following government ministries, departments and agencies;

- On June 6, 2019, it was reported that some senior officials of the Uganda Human Rights Commission (UHRC) and the Equal Opportunities Commission (EOC) were accused of abuse of office, causing financial loss and embezzlement in their respective office.³⁴ This was brought to light by a whistle blower who lodged a complaint through State House Anti-Corruption Unit. Following investigations, it was reported that UGX 100 million had been irregularly disbursed to private accounts of senior officials in UHRC and 1 Billion shillings misappropriated in EOC.
- In another incident, the ULS noted with great concern the alleged disappearance of money meant for the construction of an international hospital in Lubowa.³⁵ It is alleged that Shs. 139.4 billion out of the Shs. 1.4 trillion passed by Parliament to build the hospital disappeared mysteriously. It was stated by a whistle blower in Parliament that the Eastern and Southern Development Bank released Shs. 327 billion but only Shs. 188 billion was received by Stanbic Bank.³⁶

32 Francis Mugerwa, "L. Albert death toll rises to 16, fire razes houses," *Daily Monitor*, May 22, 2019 at p.3

33 Available at <https://www.quora.com/What-is-transparency-and-accountability> last accessed on June 13, 2019.

34 Ephraim Kasozi, "State House probes UHRC officials over corruption," *Daily Monitor*, June 6, 2019, p.10

35 Mosese Kyeyune, "Kadaga orders probe into Lubowa hospital as Shs. 130b disappears," *Daily Monitor*, May 30, 2019 p.9

36 Moses Kyeyune, "Kadaga orders probe into Lubowa hospital as Shs. 130b disappears," *Daily Monitor*, May 30, 2019. Available at <https://www.monitor.co.ug/News/National/Kadaga-orders-probe-into-Lubowa-hospital-Shs130b-disappears/688334-5137562-vck7grz/index.html> last accessed on June 25, 2019.

Legal issue arising:

- Whether there is political will to fight corruption and embezzlement of funds in government agencies.

Recommendation:

- Government should thoroughly investigate the alleged misuse of funds and bring the perpetrators to book.

Conclusion

This Report has made observations about the review period (April-June) with an aim to highlight rule of law breaches and re-echo repetitive incidents undermining the rule of law. The ULS has managed to follow up with some stakeholders as a way of endearing them to act upon the recommendations made in the earlier Reports.

It is still the aspiration of ULS that the responsible and mandated institutions take into consideration of the recommendations brought to their attention periodically.

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