

Uganda Human Rights Commission



Statement on the state of human rights and the fight against COVID- 19 in Uganda

Friday, 24th April 2020

Introduction:

Following its statement that was issued on the 25th of March 2020 on the human rights concerns in dealing with Covid-19, the Uganda Human Rights Commission (UHRC) continues to monitor the observance of human rights, duties and responsibilities in the fight against Covid -19 in line with its mandate under Article 52 of the Constitution of the Republic of Uganda.

The Commission has been monitoring the human rights situation in the last three weeks of the lockdown and now wishes to appreciate the good work done by the Government of Uganda under the strategic leadership of His Excellency the President, and under various Ministries, Departments and Agencies, with the Ministry of Health at the helm in conjunction with all security agencies, particularly for the well-designed multi-sectoral preventive and response measures to COVID-19 in the country.

The Commission equally appreciates the cooperation and largely positive response made by the majority of the people of Uganda. In this regard, the Commission makes special appreciation of the positive response, cooperation and support offered by various religious and cultural leaders, Civil Society Organizations, the media as well as the majority of the leaders of the various political groups and parties. Similarly, the Commission recognizes and commends the moral support and material donations made by various people towards the cause of fundraising in support of the vulnerable people, more especially the people with very little or no any income who have made a lot of sacrifice in order for them also to donate. The Commission particularly commends and welcomes the government's response to curb the spread of COVID-19 pandemic that has led to limited spread of the virus amongst the general public in this country. As of today, Uganda has a total of 74 confirmed and registered cases, 46 recoveries and no registered death. This progressive and positive response to avert the spread of corona virus is attributed to the robust commitment of the frontline officers, majorly the health workers and security agencies to implement the Ministry of Health (MOH) guidelines and enforcement of the Presidential directives respectively.

The Commission further commends government for providing timely, regular, consistent, accurate and easily accessible information to the public, including the implications of non-compliance with government directives and the Ministry of Health guidelines, through the addresses to the nation that are delivered by His Excellency the President and the media statements that are read out by various duty bearers on almost a daily basis at the Uganda Media Centre.

Interventions by the Commission in Response to COVID-19 in the last three weeks

The stay home directive by the Government of the Republic of Uganda notwithstanding, the Commission has continued to offer services to the country using online platforms and other approaches that fully comply with the Standard Operating Procedures issued by the Ministry of Health and the Presidential Directives. During the ongoing lockdown period, the Commission has come up with several interventions that are vital for the protection and promotion of human rights as well as the observance of the relevant duties and responsibilities, as highlighted below:

- The Commission issued a press statement on 25th March, 2020 to support the measures that had been put in place by Government in response to the COVID-19 pandemic, and to guide the public on the human rights concerns in dealing with COVID-19 and the implications of the preventive measures that had been announced by Government on 18th March 2020 on human rights.
- The Commission, through its Directorate of Complaints, investigations and Legal Services, has received complaints of human rights violations through the use of toll free telephone lines, allegedly perpetrated by some security agents while enforcing the government directives during the lockdown and curfew time. These include: alleged deprivation of the right to freedom from torture and cruel, inhumane or degrading treatment or punishment and the right to personal liberty contrary to articles 24, 44(a) and 23(4) (b) of the constitution of Uganda, respectively. During the intervening period, the Commission has received 128 complaints including: 60 concerning violation of the right to freedom from torture, 39 on the right to personal liberty, 14 on child

maintenance, 10 on domestic violence, 2 on the right to life, and 3 on the right to property. The Commission has taken up these complaints for further investigations, in order to ensure that once actual violation is established, then the victims of the relevant human rights violations can get justice. The Commission has also referred some of the complaints requiring immediate action to both the National Task Force on COVID-19 and the relevant District Task Forces for appropriate management and these include complaints of alleged unfair confinement in quarantine as well as lack of access to food and medical care during the lockdown period.

- The Commission has also maintained cordial and effective contacts with the heads of the various security agencies, and pointed out wherever necessary pertinent issues of human rights concerns particularly in connection with the enforcement of the curfew and lockdown regulations by security personnel, and the concerns reported have been addressed expeditiously and reasonably well.
- The Commission through the Directorate of Research, Education and Documentation has been sensitizing and continues to sensitize both the duty bearers and the rights holders on the human rights implications of COVID-19. This has been done through print, electronic and social media with special focus and emphasis on preventive measures to avoid contracting the corona virus, the duties and responsibilities of citizens, and limitations on human rights as essential pre-requisites for complying with the Government Directives from an informed position.
- The UHRC is airing out spot messages as a campaign against COVID-19 pandemic from a human rights angle. The messages are running on various radio stations in the country.

Human Rights concerns arising out of implementation of the Preventive Measures issued by the Government of Uganda

While the Commission commends the Government of Uganda for coming up with various preventive measures and acknowledges the fact that the current Covid-19 pandemic calls for extraordinary emergency response strategies and unity of purpose to mitigate the spread of the corona virus and the effects of the COVID-19 pandemic, it is critical that all responses by all actors should strictly adhere to the rule of law by following the country's legal framework. In this regard, the Commission wishes to bring to the fore the following concerns:

- 1. The emerging vice of stigma and discrimination:** The Commission notes with concern the increasing cases and practices of discrimination and stigmatization by some members of the general public against suspected victims of COVID-19 and the persons discharged by the Ministry of Health from Hospitals and Institutional quarantine. There are also reports of discrimination against cargo truck drivers, as was evidenced by the incident that occurred on 15th April, 2020 at Corner Kamudini in Oyam District, where a truck driver enroute to South Sudan from Kenya via Malaba border was intercepted after testing positive. Consequently, some of the community members are stigmatizing truck drivers and in some places especially in Lira and Bukedea, the drivers are not being allowed to stop or buy anything on the way, and the people who are suspected to have had contact with the same drivers are discriminated against and also unfairly treated by some of the community members. Similarly, in Morulem Sub-County, Abim District, a woman who had returned to the village from Entebbe survived lynching by some of the community members on suspicion that she might have been infected with COVID-19. In Hoima, some of the people who have been in institutional quarantine are being referred to as "Owa Corona", meaning the one infected with the corona virus, although those people have been tested, found to be negative, and therefore duly discharged.

In this regard therefore, the Commission wishes to remind the general public that the right to equality and non-discrimination on any ground, is well provided for under article 21 of the Constitution of the Republic of Uganda which should be observed by every person.

- 2. Domestic violence;** The Commission is equally concerned about the increasing rates of violence in various homes, as has been evidenced by the spikes in domestic violence in various parts of the country. There have been cases of spouses who have been clobbered to death. For example, one Leo Muhairwe of Kituuru LCI, Igwanjuru Parish, Kabwoya Sub-county in Kikuube District was allegedly killed because of selling a family radio to raise money for use during the lockdown. The wife is alleged to have accused him of selling the only radio they had for use to receive covid-19 related messages.

It is important to note that domestic violence has a direct implication on the enjoyment of the fundamental human rights of every person and more specifically women and children as provided for under Articles 33 and 34 of the Constitution, respectively. The Commission therefore calls upon all members of the various families and communities in this country to step up their vigilance and report such cases to the Local Council One leaders and the Child and Family Protection Unit of the Uganda Police Force. The aforementioned leaders and police officers are also urged to be vigilant and to respond expeditiously, positively and effectively whenever they receive any reports and complaints on cases of domestic violence.

- 3. Distribution of relief food:** The Commission further appreciates government for meeting its obligation to fulfill the enjoyment of the right to food by providing relief food to the vulnerable persons who cannot feed themselves because of the lockdown in the Kampala Metropolitan Area. The Commission also commends government for addressing the challenges that were experienced at the initial stages of food distribution regarding the quality of posho and beans as well as the speed at which the distribution of food was being done and determination of the beneficiaries which was fully resolved by

yesterday, 23rd April 2020. The Commission further appreciates Government's response to calls by some people from upcountry urban areas and extending the distribution of food to the most vulnerable persons in major hospitals and Health Centre 4's in other areas of the country. However, the Commission has noted further demands to government by more people calling for food aid in urban centers upcountry. The Commission wishes to urge members of the general public to take note of the fact that in reality, government cannot distribute food to all Ugandans including those who are not vulnerable as a result of the lock down. In this regard, the public should join government in assisting to identify those who are extremely vulnerable and in dire need of food instead of taking advantage of the food distribution exercise to defraud government through false declaration of family members who do not actually belong to certain families, hopping from one village to another disguising as members of different villages and targeting the food being distributed for selling.

- 4. Unwarranted attack on security agents by some civilians:** The Commission also commends the majority of the public for having responded very positively and patriotically to the Government Directives and the Ministry of Health guidelines in the fight against COVID-19. This is a sign of fulfillment of the citizens' duties and responsibilities as they enjoy their rights as stipulated under article 17 of the Constitution of the Republic of Uganda. However, the Commission is deeply concerned about some reported attacks on security agents while they enforce government directives especially during the curfew time by some people in various communities who have decided to take the law into their own hands contrary to article 17 of the Constitution. Specifically, the Commission has noted the reports about the recent attacks on one of the UPDF soldiers in Amuru District that has resulted into loss of one of the soldier's eyes; and the boda boda cyclists who caused physical injuries to a traffic police officer in defiance of government directives on 17th April, 2020 in Mbale District. The police

officer who was knocked down by the boda boda cyclist is currently hospitalized.

5. **Use of excessive force by some security officers:** To begin with in this respect, the Commission highly commends the good work being done by the various security agencies in enforcing the Government guidelines to prevent the spread of COVID-19. The Commission also appreciates tremendously the unequivocal stern warning that was issued by His Excellency the President, and also repeated by the Inspector General of Police and the Chief of Defense Forces to all the personnel in the various relevant security agencies to refrain from beating up people during their respective operational activities for enforcement of the curfew and lockdown measures. The Commission has also noted with great appreciation the positive response to the aforementioned warnings by the personnel in the various security agencies thus, resulting into significant reduction in the acts of beating of civilians during their respective operations.

However, the Commission still remains concerned about the continued or lingering use of excessive force by some members of the security officers operating outside the aforementioned official government policy thus, leading to violations of the right to freedom from torture and cruel, inhumane and degrading treatment or punishment, right to life and deprivation of the right to personal liberty, specifically detention beyond 48 hours as evidenced by the 128 complaints received by the Commission during the period under review.

The Commission therefore wishes to reiterate the fact that there are non-derogable rights that are stated under Article 44 of the Constitution of the Republic of Uganda, such as the right to freedom from torture and cruel, inhuman or degrading treatment or punishment, the right to fair hearing and the right to an order of habeas corpus. The Commission would therefore like to remind all the officers and personnel of the various security agencies that they are all expected to strictly observe and fulfill their obligations to respect

and protect the aforementioned non-derogable rights, even in cases of emergencies.

6. Rights of inmates in detention facilities: As mandated under Article 52 of the Constitution, the commission is concerned about the rights of inmates especially in prisons and police cells who constitute one of the major category of vulnerable persons in detention facilities during this time of preventing the spread of corona virus. Given the congestion that prevails in prisons as has been reported by the Commission over the years, and since several people have been arrested and detained for violating lockdown and curfew regulations, the current situation requires that measures be taken in good time to decongest prisons and police cells. In this regard therefore, the Commission welcomes the measures undertaken by the Uganda Prisons Service by designating specific prisons (Gilgil in West Nile, Bubulo for eastern Uganda, Busesa for Busoga region, Gulu old prison for northern region, Kwania for mid north, Nyakatunya for Teso, Moroto prison for Karamoja, Kyenjojo for western, Saaza prison for southern region, Sheema for south western, Rubanda for Kigezi, Masindi old prison for mid-western and Kitalya prison for Buganda region) to accommodate prisoners being received during the lockdown period as a preventive measure to guard against the spread of the virus to those people already in Prison. The Commission also welcomes the restriction on visitors and the proposal by the Commissioner General of Prisons to seek approval from the prerogative of mercy committee for the release of all the prisoners being currently detained for petty offences and those who have served a good amount of their sentences for such offences. The continued detention of prisoners who have completed the mandatory remand periods of 60 and 180 days as provided for under article 23 (6) (b) and (c) of the Constitution of the Republic of Uganda, respectively could also be considered as one of the possible avenues of decongesting prisons at this time. The Commission also calls upon the Uganda Police Force to take all necessary measures to ensure that suspects in police cells are either released on police bond or taken to

court expeditiously where they can obtain court bail or be remanded in facilities that have been specially designated by the Uganda Prisons Service.

7. The culture of lawlessness, impunity and lack of respect for the rule of law:

The Commission is deeply concerned by the apparent lawlessness and failure by a cross section of the population to adhere to the lawful directives issued by His Excellency the President and Government generally. There is apparent lack of appreciation by some members of the public, of the danger associated with the corona virus. This explains the continued arrests by the security agents of the people found holding congregational prayers, those forging stickers to travel at whatever cost, those found defying or in breach of the curfew regulations, the traders who insist on currying out the usual business operations while they do not fall under the category of those dealing in food and agricultural items, the people found hiding and drinking in bars, as has for example been reported by the Police in the Districts of Kisoro, Mpigi, Mitooma, Bushenyi, Mukono, Wakiso(Kakiri) and Tororo among other places in the country.

The Commission would therefore like to strongly warn all the people who are continuing to defy and disobey the Presidential directives and the guidelines issued by the Ministry of Health, that their actions are very likely to endanger their own lives and the lives of all the people of Uganda; and to strongly advise them to strictly follow the directives and guidelines for the common good.

8. Vulnerable and marginalized groups need support: The disadvantaged and marginalized groups are severely affected by the current crisis. The elderly, People With Disabilities, those with pre-existing health conditions and compromised immune systems such as the HIV/AIDS patients and pregnant women, are particularly vulnerable to the serious health consequences of COVID-19 and the lockdown. The Commission notes that many of these groups are experiencing serious challenges in accessing health facilities, medicine and treatment. However, the Commission welcomes the directives that were made by His Excellency the President to enable

pregnant women access antenatal services without hindrance or much difficulty, and for those due for delivery to be taken to medical facilities with minimal inconveniences. The onus lies with security agencies to ensure that this directive is strictly adhered to. However, the Commission still also notes that due to the effects of low immunity, some of the aforementioned people are also at a high risk of contagion and as such, they should be particularly supported and also sensitized on how to keep safe. The other groups that are at greater risk of contagion include persons living in slums and communal living arrangements, as well as the persons in detention facilities and the communities lacking adequate access to water, soap or sanitizers.

9. **Access to justice in criminal matters through courts of law:** The Commission notes that the judicial processes have also been affected by the corona virus pandemic. The Commission particularly notes that the court sessions have been reduced, with only the Chief Magistrates country wide working in the magisterial areas on selected days identified by key stakeholders. This was intended to help magistrates hold sessions only when the inmates are available. However, as a result of this arrangement many suspects have to wait in police custody for days before the magistrates can attend to their matters, and this results into congestion in police cells. A case in point is Fort Portal Magistrate's Court where matters are not being heard, at all and suspects are therefore still waiting to be produced before court.

Access to lawyers. The Commission takes note that 1,099 persons have been charged with offences relating to disobeying lawful orders, of whom 116 have been convicted and 983 remanded. While the numbers of the people defying lawful orders keep increasing, the Commission notes that a number of lawyers have raised concern over their inability to have access to their clients who are in detention. While the Commission recognizes the

need for limiting access to inmates by people from outside prison in order to stop the spread of the corona virus in prisons, nevertheless it is important that the rights of the inmates should be observed as much as possible. Therefore, consideration should be made to the possibility of using communication technologies that can facilitate contacts between inmates and their lawyers but without breaching the measures put in place to prevent the spread of corona virus to prisons.

10. Displacement of people due to evictions, and effects of landslides: The Commission is also concerned about the plight of people who continue to be evicted from their land despite the government ban on evictions during the lockdown period, for example the eviction that took place in Luwero District recently. Furthermore, the onset of the rainy season has triggered the perennial problem of landslides in some parts of the country such as the Rwenzori region and in particular, Kasese District. Displacement of people at this time, increases their risk to contracting the corona virus and at the same time, it exacerbates the problem of accessing basic necessities of life including food, shelter, water and medical care.

Recommendations

In line with its constitutional mandate to protect and promote human rights in Uganda and given the aforementioned issues and human rights concerns that are summarized in this statement, the Commission would like to make the following recommendations:

1. All stakeholders to ensure that all covid-19 related responses are designed and implemented in a human rights based manner.
2. All persons are urged to receive and embrace the people who have recovered from Covid-19 without discrimination and stigmatization; and to ensure that those who are discharged from institutional quarantine after testing negative

are also treated with dignity and are not subjected to attacks and discriminatory treatment.

3. The Child and Family Protection Unit of the Uganda Police Force should closely work with the Local Leaders especially the LC I Councils at village level to fast track the management of cases of domestic violence and ensure that victims of such violence get justice.
4. The Ministry of Health should step up counselling and psychosocial support for the victims of covid-19 and the people affected by the economic impact of the pandemic, in order to enable them cope with the challenging situations.
5. Wherever possible, the E-Justice video links and conferencing in courts should be considered for use in magisterial areas in order to ensure access to justice; and courts without magistrates during the lockdown period should be considered by the Judiciary for the provision of emergency deployment of Judicial Officers under special emergency arrangements.
6. The Judiciary should respond to the request made by the Uganda Prisons Service in respect to the issue of remand prisoners who have clocked the mandatory remand periods as provided for under article 23(6) of the Constitution of the Republic of Uganda in a bid to decongest prisons. In the same vein, the Attorney General should do the same in respect of the request made by the Uganda Prisons Service for those prisoners who qualify to benefit from the prerogative of mercy.
7. The security agencies are further urged to enforce government directives against the spread of the corona virus while respecting human rights in line with the provisions of article 221 of the Constitution of the Republic of Uganda.

8. Government should ensure that the human rights of the most vulnerable persons in society, such as the Persons with Disabilities, the Elderly, the refugees, women, children and the sick people in detention are given special attention and protection during the lockdown period.
9. In order to uphold the rights of inmates, Uganda Prisons Service should put in place feasible and convenient arrangements beyond what is ordinarily done to enable inmates to access their lawyers, for instance through telephone contacts since the former cannot be physically visited.
10. The Office of the Prime Minister should take appropriate and timely action to address the plight of the people affected by landslides. In addition, the Police should refrain from enforcing eviction orders during the lockdown period.
11. All the people in this country without exception, are strongly urged to enthusiastically cooperate with law enforcement agencies as provided for under Article 17(f) of the Constitution of the Republic of Uganda, and to avoid defying the lawful directives and guidelines issued by Government and its various agencies for the prevention of the spread of the corona virus in this country, and do so without waiting to be coerced or arrested, and with conviction that they are acting as such in the interest of everyone in this country.

Conclusion

The Uganda Human Rights Commission would like to reiterate its position as it was communicated in its press statement that was issued on 25th March, 2020, and therefore to further remind the general public that the guidelines that are issued by the Government of the Republic of Uganda in respect to the lockdown and the curfew, are consistent with the provisions of Articles 23 (1) and 43 of the Constitution of the Republic of Uganda.

Once more, the Commission appreciates all the stakeholders that are involved in the fight against the COVID-19 pandemic, both duty bearers and rights holders alike ranging from H.E The President and the Cabinet, the Ministry of Health and all health workers at different levels, the various Task Forces at national and local levels, and the public that has positively responded to Government's call by contributing money, food and other items to respond to the pandemic.

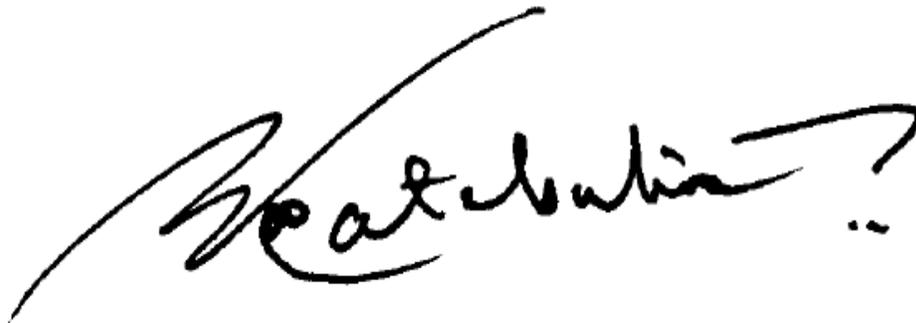
The Commission remains committed to the cause of protecting and promoting human rights through human rights/civic education, resolution of complaints on human rights violations, monitoring the human rights situation in the country during the lockdown period and addressing any emerging human rights issues and concerns. The public is further urged to contact the Commission both at the Headquarters and in its ten Regional Offices and twelve Field Offices through the following toll free telephone numbers, for assistance in all matters concerning the protection and promotion of human rights.

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| 1. HEAD OFFICE. | 0800 100 766 |
| 2. UHRC JINJA REGIONAL OFFICE | 0800 144 201 |
| 3. UHRC FORTPORTAL REGIONAL OFFICE | 0800 144 202 |
| 4. UHRC MBARARA REGIONAL OFFICE | 0800 144 203 |
| 5. UHRC CENTRAL REGIONAL OFFICE | 0800 122 444 |
| 6. UHRC GULU REGIONAL OFFICE | 0800 144 166 |
| 7. UHRC MOYO FIELD OFFICE | 0800 144 209 |
| 8. UHRC HOIMA REGIONAL OFFICE | 0800 144 204 |
| 9. UHRC KAPCHORWA FIELD OFFICE | 0800 144 205 |
| 10. UHRC SOROTI REGIONAL OFFICE | 0800 144 206 |
| 11. UHRC ARUA REGIONAL OFFICE | 0800 144 207 |

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| 12. UHRC LIRA FIELD OFFICE | 0800 144 208 |
| 13. UHRC KABERAMAIDO FIELD OFFICE | 0800 144 210 |
| 14. UHRC KOTIDO FIELD OFFICE | 0800 144 211 |
| 15. UHRC MOROTO REGIONAL OFFICE | 0800 144 212 |
| 16. UHRC KITGUM FIELD OFFICE | 0800 144 214 |
| 17. UHRC PADER FIELD OFFICE | 0800 144 213 |

Finally, I would like to wish all the Muslims in Uganda a blessed holy month of Ramadan. Ramadan Mubarak.

For God and My Country

A handwritten signature in black ink, appearing to read 'Katebalirwe Amooti Wa Irumba', with a large flourish at the end.

Dr. Katebalirwe Amooti Wa Irumba

ACTING CHAIRPERSON