

UGANDA

CERD A/39/18 (1984)

378. The initial report of Uganda (CERD/C/71/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

379. The Committee commended the Government of Uganda for its initial report prepared in accordance with the Committee's guidelines and congratulated Uganda for its policy on national reconstruction, unity and development after the long period of military dictatorship and violence. However, members requested that detailed information should be included in the next periodic report on how that policy was being implemented, taking into account the statement in the report that the Government's efforts to ensure security have been hampered by recourse to violence by certain isolated political groups and that the Government had not promulgated a law to enforce the Convention in domestic legislation. The Committee also pointed out that it was difficult for it to assess the situation in Uganda since, although various provisions of the Constitution and national legislation were cited in the report, it did not give an authentic picture of the prevailing situation in the country, or a description of the practical measures adopted to enforce those provisions. The Committee requested further information on that point. Moreover, members agreed that specific information should be provided on the demographic breakdown of various ethnic groups, especially since the previous régime had fomented ethnic antagonisms, and on the multi-ethnic institutions, movements and organizations existing in the country and their functions. It was also asked whether Uganda had signed any treaties with its neighbours; whether political exiles were accorded refugee status; what steps had been taken to bring the Bagandans into the mainstream; how many Asians had applied for repossession of their property; how many had been found eligible for certification to possess property in Uganda; and how many had received compensation.

380. The Committee drew particular attention to the question of refugees in Uganda and the way in which the Government was resolving that massive and serious problem. A member noted that there was a large flow of refugees between Uganda and Rwanda and that the Office of the United Nations High Commissioner for Refugees (UNHCR) had been involved in negotiations regarding movements of refugees across the frontier between Rwanda and Uganda and within Uganda itself. However, in the absence of a representative of the State party the Committee did not know precisely what had happened. He suggested that the Committee should adjourn its consideration of Uganda's report to a later date so that the necessary information could be obtained. After an exchange of views the Committee agreed to adjourn the discussion of the report, on the understanding that the decision would not set a precedent.

381. At a later meeting, the member proposed that, in accordance with article 9, paragraph 1, of the Convention, the Government of Uganda be requested to furnish the Committee with additional information as to whether the manifestations of ethnic antipathy, mentioned in paragraph 18 of the report of Uganda, concerned the movements, in October 1982, of thousands of refugees and displaced persons which had caused UNHCR to make special appeals to the Head of State in the interest of

securing guarantees for the safety of the affected persons; and, if that were the case, why and to what extent □ enforcement measures to ensure security and tranquillity for all □ were necessary in order to control those movements.

382. Another member stated that, while he had no objection to a request being directed to the Ugandan Government in that regard, such a request should be made routinely through the Committee's report. He said that the situation must be seen in perspective. From 1971 to 1979, Uganda had suffered widespread destruction and its people had been subjected to worse treatment than in an armed conflict. The r□ gime of Idi Amin had been based on ethnic differences which had resulted in massive violations of human rights. The present Government had assumed power after a war and when undisciplined soldiers were still on the rampage. It was committed to national reconciliation but faced a difficult situation and must be given credit for its efforts. As for the refugees, if the problem had arisen as a result of ethnic differences, it was unfortunate and the Government must be called upon to correct the situation.

383. On a proposal by the Chairman, the Committee agreed that the Government of Uganda should be requested to include, in its second periodic report, replies to all the questions and requests for clarification raised during the discussion of its initial report and that the various points raised during that discussion would be reflected in the relevant summary records and summarized in the Committee's annual report to the General Assembly, which the Secretary-General would bring to the attention of the Government of Uganda when requesting the submission of its second periodic report.

384. In connection with the implementation of article 4, members regretted that there was no reference to special articles in the Penal Code to punish and prevent racist acts. It was noted that the provisions of the Penal Code, summarized in the report, covered only incitement to violence but did not take into account the requirements of article 4 (a), (b) or (c) of the Convention. The Committee expressed confidence that new criminal legislation would be enacted to provide for the punishment of acts of racism and racist organizations.

385. With reference to article 5, the Committee requested more specific information on the provisions of the Constitution which provided a legal basis for a set of fundamental rights and the practical evidence of their implementation concerning, in particular, the freedom of the press.

386. In connection with article 6, information was requested on action taken in cases where the administration had failed to offer protection to the life and property of vulnerable groups, whether the Government contemplated holding official inquiries in such cases, whether the groups received adequate compensation, whether there were any rehabilitation programmes for those made homeless as a result of ethnic tension and whether non-citizens of Uganda could claim compensation.

CERD A/46/18 (1991)

333. At its 921st meeting, on 13 August 1991 (see CERD/C/SR.921), the Committee reviewed the implementation of the Convention by Uganda based on its initial report (CERD/C/71/Add.2) and its consideration by the Committee (see CERD/C/SR.680 and 687). The Committee noted that no report had been submitted since 1984.

334. Members of the Committee recalled, in connection with the consideration of the initial report, that Uganda was an extremely complex multiracial country with more than 40 ethnic groups living there, although precise figures for the number of persons in each ethnic group were not available. It was also recalled that the Committee had been of the opinion that the provisions of article 20 of the 1967 Constitution, which was still in force, were not adequate to ensure the implementation of the Convention and that no specific legislative measures for the direct application of provisions of the Convention in Ugandan tribunals had been promulgated. Concerning the implementation of article 4 of the Convention, the Committee had been of the view that while the provisions of the Penal Code addressed incitement to violence they did not deal with other eventualities, such as simple incitement to racial hatred. As regards article 5, the Committee had sought more specific information on the provisions on the Constitution that provided the legal basis for the protection of fundamental rights covered therein.

335. Members of the Committee noted that a number of changes had taken place in Uganda since 1984. A new constitution was to be adopted based on the will of the people; the provisions of the 1967 Constitution concerning legislative and executive powers had been suspended; and, in general, a great deal still needed to be done to re-establish the primacy of the law in the State. Members also noted that, owing to the systematic shortage of resources, the judicial process was slow and difficult and that in certain matters of a political nature, the judicial power was not independent from that of the executive.

336. Members of the Committee noted with appreciation the efforts being undertaken by the present Government to ensure the unity of Uganda, but underlined that ethnic divisions, tribalism and religious intolerance continued to contribute to wars and political conflicts. In that connection, members of the Committee wished to receive information relating to the evacuation of villagers from the District of Kumi at the beginning of 1990 and the alleged massacres of civilians by the army in rural areas of Uganda. Noting that the mandates of the commissions of inquiry charged with examining abuses of human rights of former regimes had been expanded to cover inquiries into present day instances of human rights violations, members of the Committee requested information on the problems encountered by these commissions and the outcome of their inquiries.

337. With respect to the implementation of article 5 of the Convention, members of the Committee noted that the continuing conflicts in the North and the East had contributed to the deterioration of the social fabric of the infrastructure in Uganda and made it difficult to guarantee human rights on an equal basis. In that regard, particular mention was made of restrictions on freedom of opinion and expression. Concerning article 6, members of the Committee were of the opinion that specific laws to implement the provisions of this article should be promulgated since the recourse procedures in cases of discrimination did not appear to be adequate. Concerning the implementation of article 7, members

drew the attention of the State party to the additional reporting guidelines pertaining to that article that had been adopted by the Committee.

Concluding observations

338. In concluding its review of the report, the Committee regretted that Uganda's second periodic report, due in 1983, had not yet been submitted and that no representative had been in attendance for the reconsideration of the initial report. The Committee expressed concern about reports suggesting that because of the insurgency in the northern part of the country ethnic tensions were sometimes acute and led to loss of life. Great interest was expressed in receiving further information on the work of the Commission of Inquiry and of the Council of Investigation Division relating to human rights violations, particularly with regard to the ethnic dimension. The Committee hoped for a candid account of the problems encountered and any successes achieved in a forthcoming report.

CERD A/58/18 (2003)

263. The Committee considered the second to tenth periodic reports of Uganda, which were due biennially from 21 December 1983 to 21 December 1999, submitted as one document (CERD/C/358/Add.1), at its 1562nd and 1563rd meetings (CERD/C/SR.1562 and 1563), held on 7 and 10 March 2003. At its 1577th meeting (CERD/C/SR.1577), held on 19 March 2003, it adopted the following concluding observations.

A. Introduction

264. The Committee welcomes the second to tenth periodic reports as well as the additional information that the State party's delegation provided during its oral presentation, and expresses its appreciation for the opportunity to resume its dialogue with the State party after a lapse of 20 years. The Committee hopes that the State party will hereafter ensure the timely submission of its periodic reports, as required by article 9 of the Convention.

B. Positive aspects

265. The Committee welcomes the establishment of the Ugandan Human Rights Commission, which represents a positive step in combating violations of human rights and promoting the implementation of the Convention. In addition, the Committee commends the Commission for the important role it plays in disseminating human rights information, inter alia by introducing human rights education in training schools for police, army and prison officers.

266. The Committee notes with satisfaction that the State party enacted a new Constitution in 1995 which incorporates the basic provisions of the Convention, particularly the right to equality before the law and the prohibition of racial discrimination.

267. The Committee takes note of the adoption of legal measures taken to redress past cases of racial discrimination, namely those concerning compensation for Ugandans of Asian origin who were arbitrarily expelled and their property expropriated after 1971.

268. The Committee notes the considerable investment made by the Government in the area of education and welcomes the information provided by the delegation regarding the extension of the Universal Primary Education programme to all children of school-going age.

C. Factors and difficulties impeding the implementation of the Convention

269. The Committee acknowledges that the severe political, economic and social difficulties facing the State party have had a negative impact on the situation of the most vulnerable parts of the population, notably children, refugees and minorities. In particular, the Committee notes that poverty, internal armed conflict in the north, and the HIV/AIDS pandemic have added to the difficulties which may exist

in the implementation of the Convention.

D. Concerns and recommendations

270. Noting the current efforts made by the State party to develop and modernize its data processing, the Committee regrets the lack of disaggregated data or precise information on the ethnic composition of the population and on the socio-economic situation of ethnic and national groups. The Committee reminds the State party of general recommendations IV and XXIV and calls upon it to include in its next periodic report more complete information on this issue, as well as on the representation of the various ethnic groups in public bodies and institutions.

271. In the light of the constitutional provision stipulating that the State shall take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason, for the purpose of redressing imbalances which exist in relation to them, the Committee requests that the State party provide in its next periodic report additional information relating to the practical implementation of this provision in accordance with article 2, paragraph 2, of the Convention.

272. While noting with satisfaction the legislative measures and judicial mechanisms in place to ensure the return of property to persons of Asian origin, the Committee regrets that such measures have not been fully carried through, due mainly to insecurity in the country and the lack of adequate administrative measures. The Committee invites the State party to provide in its next periodic report additional information regarding further possible measures or mechanisms which may be adopted to fully indemnify all the victims of such expropriations and address the increasing number of applications.

273. The Committee notes with concern that no information has been provided in the report on cases relating to the offence of sectarianism, included in the Penal Code in 1998. Accordingly, the Committee recommends that the State party provide such information in the next periodic report, including information on the number of complaints received and cases prosecuted under the Penal Code, as well as on the sentences pronounced against those found guilty and remedies provided to the victims.

274. The Committee also expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention. The Committee recommends that the State party revise its Penal Code in order to implement fully the provisions of article 4.

275. The Committee notes the insufficiency of information on the participation of minorities in the economic and social development of the country. The Committee reiterates its request for disaggregated data on access to health care, housing and employment by persons belonging to ethnic and national minorities.

276. The Committee is concerned by reports of the difficult human rights situation of the Batwa people, particularly in relation to the enjoyment of their rights over lands traditionally occupied by them, and

requests information on their situation in accordance with general recommendation XXIII.

277. The Committee expresses concern about allegations of abuses committed by Ugandan forces against members of particular ethnic groups in the Democratic Republic of the Congo. The Committee urges the State party to comply fully with Security Council resolutions 1304 (2000) and 1332 (2000).

278. While noting the efforts made by the State party to resume the dialogue with rebels of the Lord's Resistance Army in the north of the country, the Committee remains concerned about reports of grave acts of violence against tribes in the Gulu and Kitgum districts committed in the course of internal strife. The Committee invites the State party to continue its efforts to restore peace in the region and to protect vulnerable groups from human rights violations, notably tribal groups and children.

279. The Committee encourages the State party to provide support to the Ugandan Human Rights Commission and to take into consideration the recommendations that the Commission submits to Parliament. The Committee requests that in its next periodic report, the State party provide additional information on the specific activities and achievements of the Commission, particularly with regard to the implementation of the Convention.

280. While acknowledging the efforts that the Government has made to combat HIV/AIDS, the Committee is concerned about the rapid spread of this disease which affects the population throughout the country, particularly marginalized ethnic groups. The Committee recommends that the State party continue to develop strategies in this regard and that, in this context, due consideration be given to the specific situation of women.

281. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and urges the State party to consider the possibility of doing so.

282. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meetings of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this connection, the Committee refers to General Assembly resolution 57/194 of 18 December 2002 in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.

283. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

284. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be

similarly publicized.

285. The Committee encourages the State party to consult with organizations of civil society working to combat racial discrimination during the preparation of the next periodic report.

286. The Committee recommends that the State party submit its eleventh periodic report jointly with its twelfth and thirteenth periodic reports, due on 21 December 2005, and that it address all points raised in the present concluding observations.