



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
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**List of issues to be taken up in connection with the consideration of the
initial report of UGANDA (CCPR/C/UGA/2003/1), adopted by the
Human Rights Committee on 28 October 2003**

Constitutional and legal framework (art. 2)

1. Please elaborate on the status of the Covenant in domestic law. Please provide examples of cases, if any, in which the Covenant was directly invoked before or by domestic tribunals, and with what results.
2. What measures has the State party taken to fight impunity for violations of the Covenant committed by State agents? What measures are in place to ensure that persons guilty of human rights violations are effectively prosecuted and punished?
3. According to the report (para. 249), legal services are unavailable to the majority of citizens. What measures are envisaged to ensure effective remedies to victims of human rights violations?
4. Please explain further the composition and functioning of the Commission of Inquiry into violations of human rights (Legal Notice No. 5 of 1986). What have been the results of its activities?
5. Please explain the functioning of the National Human Rights Commission, and its powers to investigate allegations of human rights violations. Please clarify what resources are available to the Commission.
6. Please address the compatibility with the Covenant of counter-terrorism measures taken by the State party, including those reported pursuant to Security Council resolution 1373 (2001).

Gender equality and prohibition of discrimination (arts. 3 and 26)

7. What progress has been made to secure better participation of women in political life and in positions of responsibility, both in the public and the private sector? (See paragraphs 70 to 96 of the report.)
8. Please clarify whether and, in the affirmative, what traditional, historical, cultural and religious practices prevent the implementation of the Covenant. What measures are taken to overcome such practices? Does the State party envisage eliminating the existing provisions in the law governing marriage? Please provide further information on the law governing inheritance and succession.
9. What measures have been taken to address instances of violence against women? Does domestic violence (particularly against women and girls) constitute a criminal offence? How are complaints of domestic violence treated, and with what results?
10. According to the report (para. 547), female genital mutilation remains widespread in some areas of Uganda. What is being done to eradicate this practice?
11. Please provide additional clarifications about access to education for all children of school age, as well as the implementation of the Universal Primary Education Programme (paragraph 189 of the report), which facilitates the enrolment of girls in school?

Right to life (art. 6)

12. Under article 6, paragraph 2, of the Covenant, the death penalty may only be imposed for “the most serious crimes”. How does the State party consider the imposition of the death sentence for defilement or aggravated robbery (paragraph 136 of the report) consistent with article 6, paragraph 2? Please provide updated statistics on the number of death sentences, the number of inmates currently on death row and the number of executions over the past five years. Does the State party plan to abolish the death penalty?
13. Please provide information about the extent of extrajudicial executions alleged to have occurred in northern Uganda, investigations carried out into these executions and whether criminal proceedings have been instituted against those held responsible.

Prohibition of torture; obligation to treat detainees humanely (arts. 7 and 10)

14. According to the report (paras. 147-148), the Human Rights Commission has received information about cases of torture committed by soldiers and members of the security forces. What regulations govern the use of force by the security forces and the army? Do members of the security forces and armed forces receive training with respect to avoiding excessive use of force? To the extent that such violations have been reported, have they been duly investigated, and have victims been compensated?
15. Please clarify the number of “violent offenders” who have been subjected to solitary confinement as a disciplinary measure (paragraph 149 of the report). What is the current status of the proposal to amend the Penal Code (Cap. 106), so as to bring it into conformity with the Ugandan Constitution? (See paragraph 160 of the report.)

16. What has been the fate of the draft Prison Bill 2001, which would outlaw corporal punishment and solitary confinement as a disciplinary sanction? (See paragraph 160 of the report.)
17. What measures have been taken to improve the administration of juvenile justice and to ensure that minors are kept separately from adult detainees? (See paragraph 287 of the report.)
18. What steps have been taken to improve general prisons conditions, conditions of detention in police stations and other institutions, to ensure that conditions of detention are compatible with article 10 (paragraph 307 of the report)? Has the State party taken measures to abolish unofficial places of detention such as the “Safe Houses”? (See paragraphs 236 to 241 and 298 to 302 of the report.)

Prohibition of slavery, servitude and forced or compulsory labour (art. 8) and protection of children (art. 24)

19. What is done in practice to ensure that the provisions of the legislation about the minimum age for the employment of children are actually implemented by employers? Many children are said to be victims of abuses by their employers (paragraphs 182 and 184 of the report): what action does the State party concretely take to protect children from economic and sexual exploitation?
20. What is done to secure the return of and reintegration into society of abducted children (see paragraphs 206 to 211 of the report)? What measures are taken to ensure that the minimum age of 18 years is respected for enrolment in the armed forces? What support is available for children who have formally served as child soldiers?

Right to liberty and security of person (art. 9)

21. Are those held on remand in the circumstances envisaged in paragraph 220 of the report afforded the appropriate procedural safeguards, such as access to a legal representative or family members, during their detention and before their presentation to a judge or magistrate?
22. According to the report (para. 228), the police frequently arrest and detain individuals without having conducted sufficient preliminary investigations. During the 48 hours of detention allowed by law, the police often conduct these investigations. What measures are taken or envisaged to avoid the arrest and detention of individuals on mere suspicions and/or unsubstantiated allegations?

Freedom of movement and prohibition of arbitrary expulsion of aliens (arts. 12 and 13)

23. Please provide additional information on the implementation of the national policy for Internally Displaced People and its results. (See paragraphs 344 to 349 of the report.)

Right to a fair trial (art. 14)

24. According to the report (para. 408), the slow pace of the judicial system remains a matter of concern, as 70 per cent of Uganda's prison population consists of pre-trial detainees, because trials in Uganda are very slow. What measures are envisaged to reduce the current backlog in trials and speed up judicial procedures?

Right to privacy (art. 17)

25. According to the report (para. 416), some places may be searched without any search warrant. Please provide additional information on this issue, the frequency with which such searches are conducted, and the compatibility of this practice with article 17.

Freedom of opinion and expression (art. 19) and freedom of assembly and association (arts. 21 and 22)

26. What measures, if any, have been taken by the State party to sanction the harassment of independent journalists? Please provide more information about the possibility for the Government to suspend publication of newspapers and to deny access to State information, and the number of publications that were so suspended over the last five years. How is this considered compatible with article 19 of the Covenant? (See paragraphs 432 to 439 of the report.)

27. Please provide further information on the limitations imposed on the rights to freedom of peaceful assembly and freedom of expression. What is done to ensure that public rallies organized by political opposition groups can be conducted without undue restrictions, and that political parties in particular those belonging to the political opposition, can conduct their activities without undue restrictions?

Right to family (art. 23)

28. Is polygamous marriage still permissible under domestic law? If so, is it envisaged to rescind the relevant provisions? Early and forced marriages exist in certain areas. What measures has the State party taken, or does it envisage to take, to change this situation?

Rights of minorities (art. 27)

29. Are the rights of ethnic and religious minorities to have their own cultural life and practice guaranteed in practice in Uganda as required under the Constitution?

Dissemination of the Covenant

30. Please provide information on measures taken to disseminate the contents of the present report. Do programmes exist for the training of members of the judiciary, law enforcement officers and other public officials about the provisions of the Covenant and their application? If not, are such programmes envisaged?
