

Torture in Uganda

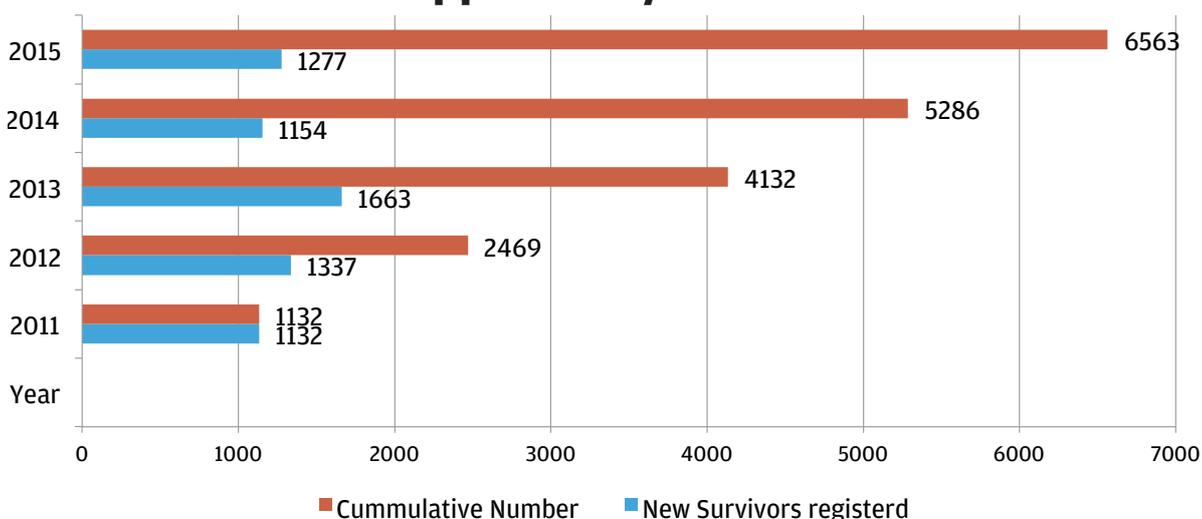
Uganda has seen significant progressive trends in the protection and promotion of human rights in the past three decades. The 1995 Constitution of Uganda guarantees freedom from torture and other cruel, inhuman and degrading treatment while in 2012 the Prevention and Prohibition of Torture Act was enacted giving effect to an important 2011 UPR review recommendations. In addition, Uganda is a party to all other major international human rights instruments, which outlaws torture and other forms of ill-treatment in any circumstances to all human beings.

However, while human rights laws and mechanisms exist, practical enforcement has been a challenge. Various reports over the years indicate allegations of widespread torture, committed with impunity by both state and non-state actors. In the year 2015, torture was reported by Uganda Human Rights Commission (UHRC) as the highest of all human rights violations in the country comprising 37.95% of all reported violations. The Uganda Police Force, which is charged with protecting people and their property, unfortunately continues to be ranked number

one among alleged perpetrators of torture. ACTV annual reports indicate that over 6563 new torture survivors have been registered for care in the past five years. Survivors of torture suffer injuries, ill health, disability and death in some circumstances. Further, torture survivors in Uganda face direct socio-economic repercussions, such as lost education and employment opportunities, astronomical costs of physical and psychological treatment, loss of income and livelihoods. In circumstances where accountability for acts of torture is pursued through courts of law and tribunal processes, awards of compensation to survivors are unduly delayed. And even where offered, such awards are often not proportionate to the devastating impact and level of suffering of the victims and survivors, which hinders more victims coming forth.

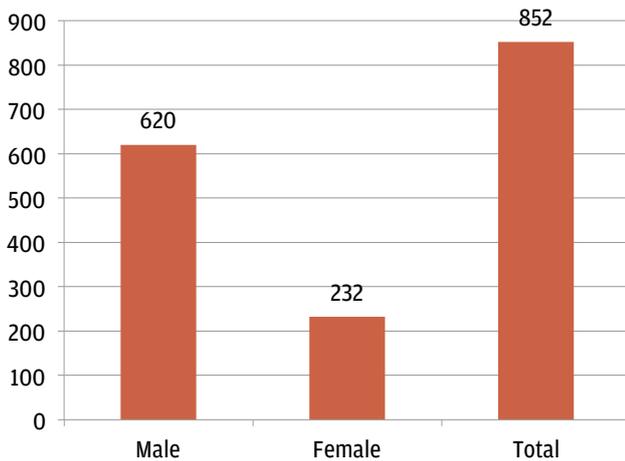
The data presented in this report is drawn from the experiences of torture survivors supported by ACTV and thus represents the collective experience of ACTV's client group.

Torture survivors supported by ACTV



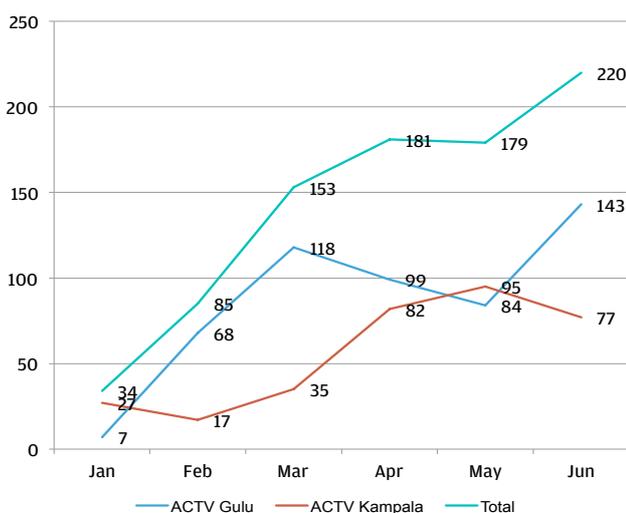
By the end of June 2016, 852 (620 Male, 232 Female) new survivors of torture had approached ACTV for support in various ways as shown in the graph below.

ACTV clients in 2016



Despite the many torture cases noted, no alleged perpetrator of torture has been prosecuted under the Prevention and Prohibition of Torture Act to date. The trend of torture seems to also be an increasing one in the first half of 2016 as shown below;

ACTV client intake in 2016

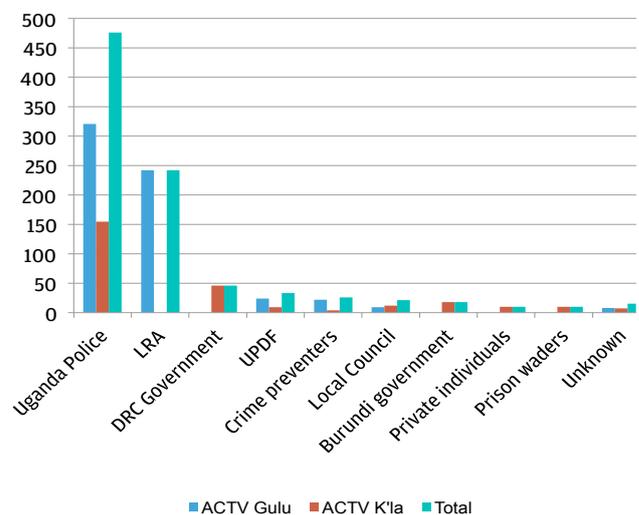


The following text highlights three major challenges to effectively addressing issues of torture in Uganda;

1. Ineffective investigations and monitoring

The government has not fulfilled the commitment to undertake impartial and independent investigations into allegations of torture and ill treatment with a view to bringing perpetrators to justice. In fact, the Uganda Police Force which is charged with carrying out investigations into all human rights violations has turned out to be the number one alleged perpetrator of torture as shown below.

Alleged perpetrators



Regulations to facilitate the implementation of the anti torture law have been drafted, but are yet to be issued or signed by the line minister for justice and constitutional affairs.

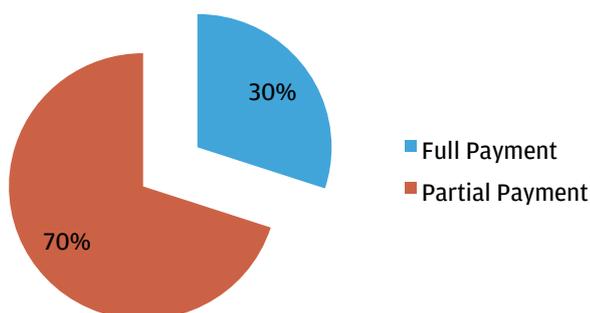
Finally, the commitment made during the 2011 UPR to establish a national preventive mechanism against torture and allowing NGOs to have access to detention facilities has not been effectively implemented. The OPCAT has not been ratified, no NPM has been established and NGOs still face serious challenges to with gaining entry to places of detention.

Unlike the Uganda Human Rights Commission, NGOs continue to need permission before accessing detention facilities. With permissions often denied or significantly delayed, this has hampered their ability to effectively monitor human rights violations including torture and ill-treatment.

2. Compensation

Despite compensation being awarded to survivors of torture, payment of these awards takes many years to be executed. A study conducted by ACTV on “Effects of compensation to survivors of torture” showed that 70% of the survivors who were awarded compensation had not received all their payment while only 30% had received all the awarded compensation. The delay is attributed to the government taking a long time to release the funds through the ministry concerned. However, many survivors don’t know why they have not received the funds despite courts having awarded them. In addition, survivors cited long distances, fear of the court, the time taken to be compensated and threats from the perpetrators as challenges faced during the process of compensation.

Compensation payments



3. Access to rehabilitation

In recent years, there have been multitude of initiatives and actors addressing human rights violations in general and some components of torture. However, most of the response mechanisms are ad-hoc and in most cases "stand alone" and none of them focus on implementation of torture victims right to rehabilitation. Besides ACTV, there is no other provider of a complete rehabilitation package for torture survivors in Uganda. Last year 2015, ACTV reached out to 1,277 new survivors of torture compared to 1,154 new survivors of torture in 2014 indicating an increase and a very high demand for rehabilitation services. This high demand for treatment and rehabilitation services cannot be met by only ACTV and the few partners that provide some of the required services for a survivor of torture. The government it's self has not established or supported any rehabilitation centres for those affected despite the high occurrence of torture acts.

Recommendations

In order to ensure that the UPR continues to be an effective mechanism for eradication of torture and ill-treatment, we urge States to issue strong, focused and specific recommendations in relation to torture and ill-treatment in Uganda and consider the following issues as priorities.

1. Adopt the Prevention and Prohibition of Torture Act Regulations to fully operationalise the Prevention and Prohibition of Torture Act, 2012.
2. Establish an effective and independent mechanism to investigate allegations of torture and ill-treatment in accordance with the Istanbul Protocol.
3. Set up a compensation policy to ensure that relevant government institutions act as focal points for paying out compensation awards to torture victims and establish an adequately funded rehabilitation programme.
4. Train police investigation officers and state attorneys on the provisions of the Prevention and Prohibition of Torture Act, 2012 to ensure effective application of the Act.
5. Ratify the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 to allow for free and independent inspections in places of detention.

About the data in this report:

The data presented in this briefing note is based on the clinical records of ACTV. The data is currently being processed into a global database aimed at fighting impunity through clinical data collection supported by the European Union.

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The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) is the only NGO organisation in Uganda dedicated to the provision of quality medical treatment and rehabilitation services to victims of torture.

The mandate and mission of ACTV is to provide quality treatment and rehabilitation services to victims of torture as well as to advocate against torture. Since 1993 when ACTV was founded, hundreds of torture victims in Uganda, as well as refugees from neighbouring countries in the Great Lakes region have been provided with holistic treatment and rehabilitation services.

The International Rehabilitation Council for Torture Victims (IRCT) is a health-based umbrella organisation that supports the rehabilitation of torture victims and the prevention of torture worldwide.

Our members comprise more than 150 independent organisations in over 70 countries. Our work is governed by these member organisations. Today, we are the largest membership-based civil society organisation to work in the field of torture rehabilitation and prevention.

This publication has been produced with the assistance of the European Union. The contents of this publication are the sole responsibility of ACTV and can in no way be taken to reflect the views of the European Union.



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