



**Presentation By Mrs. Margaret Sekaggya, Chairperson, Uganda Human Rights  
Commission**

**Experiences of the Uganda Human Rights Commission in fulfilling its mandate**

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## **1.1 Introduction**

The endorsement of the Paris Principles by the UN Commission on Human Rights in 1992 saw a new era for national institutions where their status, power and functions were to be based on fundamental features. These minimum standards provide guidance for the establishment, competence, responsibilities, composition, including pluralism, independence, and methods of operation and quasi-judicial activities of such national bodies. (Human Rights Watch 2001:10) . For the last the ten years in operation Uganda Human Rights Commission has experienced achievements on a large scale but not without challenges. This paper discusses both achievements and challenges that the Uganda Human Rights Commission has faced within the context of best practices of national institutions within the Common wealth.

## **1.2 Achievements of the Uganda Human Rights Commission**

### **Establishment of the Uganda Human Rights Commission**

The establishment of the Uganda Human Rights Commission was seen as a ray of hope for the promotion and protection of human rights . The sentiments of the general populace were well captured by the Commission of inquiry into the violation of human rights which recommended that the people wanted an institution which would act as a watch dog over Government actions, this was later entrenched in the 1995 Constitution.<sup>1</sup> From its inception the Uganda Human Rights Commission has been perceived as an institution that will put the Government to task if there is any violation.

### **Opening up regional offices**

Since its inception the Uganda Human Rights Commission has managed to open up seven regional offices in an effort to reach out to the people . This has also posed different challenges in the form of effective coordination between the regional offices and headquarters , uniformity in messages that are give to the public in form of radio programs

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<sup>1</sup> Article 51

and civic education materials and the appreciation of the peculiar problems that each region has like conflict , land issues , security risks , cattle rustling and disarmament .

### **Accountability to the Public**

The Uganda Human Rights Commission has an annual strategic plan and provides some measure of accountability to the public in its annual reports . However the Commission is yet to evaluate the effectiveness of its activities, the quality of its programs and find out if they have sufficiently addressed human rights issues in the country . This holistic and systematic approach to evaluate the effectiveness of the Commission could be taken in the event of availability of funds.

### **Relations with Parliament**

The Uganda Human Rights Commission submits its annual reports to Parliament to recommend effective measures to promote human rights . Several of the Commission's annual reports have been debated in Parliament which has there after made its recommendations. This has provided the Parliament and public opportunity to audit the performance of the Commission . However the Commission is still in the process of lobbying Parliament to have its 8th Annual report debated and to consider the pertinent recommendations on the human rights situation in Uganda.

### **Relations with the Executive**

The Uganda Human Rights Commission has the daily challenge of maintaining a cordial relationship with the Government which is because it is established and mainly financed by the Government . When there is appreciation of the complimentary role of the Commission in the promotion and protection of human rights relations with the Executive are cordial . However at times this role has not been appreciated and there has been a proposal to merge the Commission with the Inspectorate of Government.<sup>2</sup> This recommendation was dropped following an out cry from the public.

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<sup>2</sup> 6<sup>th</sup> Annual Report pg 99-100

## **Relations with the media**

The media plays a crucial not only in education , information but in the creation of perceptions. The Commission, has a challenge to ensure that the reporting is objective and based on reliable sources of information . It is a daily task to keep the media interested in the activities of the Commission which many not necessary make headlines but have very significant implications on the state of human rights in the country. The Commission usually has informal meetings with the press where different issues are clarified .

## **Networking with other Government institutions and NGOs**

The Uganda Human Rights Commission realises that for the effective realisation of its mandate it needs to partner with other Government institutions and networking with NGOs. This usually necessities the Commission to clarify its role and mandate in order to alleviate unnecessary suspicion and criticisms from its partners . For Government institutions this involves reassuring them that the Commission is independent in spite of having other donors while with NGOs the Commission has to point out that even though it is established and funded by the Government it is independent and in partnership with them.

## **Security Organisations**

The Uganda Human Rights Commission initially encountered challenges while dealing with security organs which involved prompt responses to investigation inquires , having representation at the tribunals and allowing the commission to inspect places of detention . However today through education of security agents there is greater appreciation of human rights with the army opening up a human rights desk. In addition the Commission has been allowed to freely inspect places of detention including police cells, prisons and military detention centres which require forty eight hours notice .

## **Systemic Issues**

Since its inception the Commission has taken up individual complaints and resolved them on an individual basis. This has mainly involved complaints of torture , liberty , property and maintenance . Today the Commission realises that the approach to dealing with human rights violations needs to be holistic taking into account the root causes , analysing the

trend of violations and the main perpetrators . Thereafter developing a strategy to deal with the various human rights violations.

### **1.3 Challenges of the Uganda Human Rights Commission**

#### **Wide Mandate**

The wide mandate of the Uganda Human Rights Commission is vested in it by the Constitution of Uganda<sup>3</sup>. This includes investigations, visiting places of detention, research and education , making recommendations to Parliament and monitoring Government compliance with international treaties . This mandate needs financial and human resources which are not adequately provided for within the budget allocations to the Commission . This in turn has inevitably affected the effectiveness of the Uganda Human Rights Commission in responding to demands from various groups such women, children, refugees, people with disabilities and ethnic minorities.

#### **Financial resources**

The Uganda Human Rights Commission has not been exempt to meagre budget allocations to its wage, non wage and capital development budget which has affected some of its core activities . In spite of this the Uganda Human Rights Commission has continued to carry on various activities like human rights education of the police and army that has led to better cooperation within the institutions in regard to investigations and inspections, visiting places of detention and making recommendations to Parliament . These activities have helped to create and sustain within a wide section of the public awareness of their rights.

#### **Human rights protection in Conflict areas**

Uganda has had part of the country riddled with conflict and in spite of this the Uganda Human Rights Commission has had to operate in these tough situations where investigations and documentation of human rights violations is harder. The Uganda Human Rights Commission has opened up regional offices in these areas to address human rights violations that are peculiar to those regions. Specifically in northern Uganda , civil military operation

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<sup>3</sup> Article 52 of the 1995 Constitution

centres were opened in each districts . These would receive human rights complaints and have taken human rights services closer to the communities.

### **Implementation of decisions/orders/advice/recommendations**

The Uganda Human Rights Commission has powers to make recommendations, give advice or make decisions and orders .The Uganda Human Rights Commission still faces the challenge of ensuring that victims of human rights violations are paid the amounts awarded by the Tribunal as compensation in time. In 2005 alone Government had accumulated Ug. Shs. 275, 278,000/= .<sup>4</sup> The Uganda Human Rights Commission is in close contact with the Ministry of Justice to find ways to expedite payments and has also proposed having a victims compensation fund.

### **Donor funding**

The Uganda Human Rights Commission relies on donor funding to supplement the funding received from the Government but this funding is in regard to particular programmes or projects. The Commission is still faced with the challenge of ensuring that its mandate is met within the different budget allocations. Ideally today the Uganda Human Right Commission should have a continuous civic education, which is core to the respect of human rights however the National Civic education program that commenced in 2004 was aimed at promoting citizens participation in the constitutional and democratic progress leading to the 2006 election.<sup>5</sup>

### **Human rights values vs. cultural traditions**

The enforcement of human rights in Uganda is still hampered by cultural traditions that are detrimental to the human rights culture. These widely accepted cultural practices like polygamy, payment of bride price, female genital mutilation and wife inheritance, which are contrary to international human rights standards can only be eroded with continuous human rights education.

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<sup>4</sup> 8<sup>th</sup> Annual Report pg 112

<sup>5</sup> 8<sup>th</sup> Annual Report pg 29

## **Visibility at regional and international level**

Establishment of a National Institution is not sufficient; the National Institution should be visible at the regional and international level,. The Commission still faces a challenge of better collaboration with national institutions , international and regional bodies . Each of these fora have knowledge and expertise that is vital to effective realisation of the mandate of the Commission . The Commission still has to find ways on how best practices can be adopted by it and shared within limited financial resources

## **Operating in a Multiparty System**

The Uganda Human Rights Commission has found that operating in the dispensation of the multiparty systems a new and challenging experience after nine years under the movement system. This has called for Commission to adopt a proactive and reactive response. Today the challenge is in each political party understanding the independence of each organ of government where there is independence of the judiciary and the Commission. In addition there is need to understand the separation of powers of the various organs of the state.

## **Conclusion**

The achievements made by the Uganda Human Rights Commission are enormous from making human rights a house hold name to being regarded as a strong institution at the international level . Members of the Commission and staff have gone out to other countries sharing their experiences on the activities of the Commission . However the dawn of each day present a new challenge to the commission. As human rights evolve the old rhetoric and solutions will fade in the light of new thinking and applications. The future represents a unique opportunity for the Uganda Human Rights Commission and other national institutions to make an imprint in history where challenges are opportunities that call national institutions to raise above the everyday tread mill to set a standard for generations to come .

Thank you

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