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"Search Of Future Ideas, Models Us Now"

COMMITTEE:
HUMAN RIGHTS COUNCIL

CHAIRPERSON:
MIHNEA STOICA & MARTINA
BOYUKLIEVA

TOPIC: (A)
HUMAN RIGHTS SITUATION IN UGANDA

UNITED NATIONS HUMAN RIGHTS COUNCIL (HRC)



The United Nations Human Rights Council is created in March, 2006 and is the successor to the United Nations Commission on Human Rights, which was often criticized for the high-profile positions it gave to member states that did not guarantee the human rights of their own citizens. The Council is considered an international body within the United Nations System and its purpose is to address human rights violations.

The Council assumes all the mechanisms, mandates, functions and responsibilities of the Commission for Human Rights. At the same time, it is tasked with the review, rationalization and improvement of these. This makes up the bulk of the Council's work in its first year.

"Special procedures" is the name given to the mechanisms established by the former United Nations Commission on Human Rights and continued by the Human Rights Council to monitor human rights violations in specific countries or examine global human rights issues. Special procedures can be either individuals who are leading experts in a particular area of human rights, or working groups usually composed of five members. In order to preserve their independence they do not receive pay for their work.

More at: www.un.org/rights



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Uganda: a brief overview

Uganda is a land-locked country in Eastern Africa which shares a Northern border with Sudan, to its South it borders Tanzania and Rwanda, East Kenya and to its West lies the Democratic Republic of Congo. When discovered by English colonialists, most of the territory of current Uganda was a very wealthy and well organized kingdom, with its own army and navy. Between 1894 and 1961, the country was a British Protectorate, often addressed to as "the pearl of East Africa".

After a very difficult period for Uganda, which had to function almost 20 years with its Constitution suspended, in 1985 the National Resistance Army came to power and was seen by many as a factor of stability. However, Yoweri Museveni - the new president of the country - established a "no party" system of government with members of the resistance movement leading on local and regional levels.



1992 was the year when Uganda had a new Constitution and in 2001, president Museveni (who is still leading the country today) even allowed political parties to be created and compete in national elections. The current president developed very good relations between Uganda and Rwanda and Tanzania.

Demographics

Uganda has a population estimated to 32,369,558 in 2009, with a growth rate of 2.692% and life expectancy of 53 years. According to the 2002 census, there is a large variety of ethnic groups, spread in small percentages of the population. These are: Baganda 16.9%, Banyakole 9.5%, Basoga 8.4%, Bakiga 6.9%, Iteso 6.4%, Langi 6.1%, Acholi 4.7%, Bagisu 4.6%, Lugbara 4.2%, Bunyoro 2.7%, other 29.6%. The same census revealed that the Roman Catholics and the Protestants represent equal parts of the population – each 42% - while Muslims represent 12%¹.

Socio-economic situation

The economic and social progress that Uganda has made since president Museveni came to power is considered to be one of the main factors moving the country from recovery and reconstruction toward sustainable growth and poverty reduction.

¹ http://www.indexmundi.com/uganda/demographics_profile.html



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fled north. In its fight against the current government, the Lord's Army also uses children as young as only five years of age and other young people who are sometimes forced to kill their own parents. NGOs concerned about human rights violations in the region of Northern Uganda consider that there is an overall number of 3,000 children kept in slavery by this so-called "army". In addition, all those who do not give their full support to the group lead by Kony are threatened to be killed, as the leader considers them unworthy to live since they failed to follow him on the right path. The LRA rebels say their aim is to establish a government based on the biblical Ten Commandments.



The Lord's Resistance Army is considered by some to be financially sustained by Sudan, as an answer to the alleged accusations that Uganda in turn is supporting the Sudan People's Liberation Army (SPLA), a group active in Sudan and hostile towards its government. The Secretary General of the United Nations, in his Report pursuant to resolutions 1653 (2006) and 1663 (2006) of the Security Council, recommended the establishment of a panel of experts who could identify the sources of material and financial support for the Lord's Resistance Army. What is more, His Excellency invited states in the region to examine what actions they could take in order to stop the actions of LRA.

The United Nations Organization has given great attention to this rebellious group and the Security Council Resolution 1653 (2006) on the Great Lakes Region of Africa referred to its action as a "long-running and brutal insurgency" and accused the Lord's Resistance Army of "the death, abduction and displacement of thousands of innocent civilians". What is more, the same resolution



condemned the group of destabilizing the state and asked its leaders to lay down their arms and stop the continuous attacks against civilians and United Nations personnel, as well as halt the ongoing human rights abuses that they are generating.

The situation between the Government of Uganda and the rebellious group of LRA seems to have reached a minimum of compromise, as peace talks between Government officials and leaders of the Lord's League officially opened in the summer of 2006 under the mediation of the Vice-President of Southern Sudan, Riek Machar. The Parties signed a formal Cessation of Hostilities Agreement on 26 August 2006, which was extended until 28 February 2007. Moreover, a few years



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ago, the Government offered amnesty to all LRA fighters, exempting them from prosecution, given that they surrender. This has proven to be a good strategy, as more and more leaders of the rebellious group come out to the light and share their experiences, but also hidden parts of their life as followers of Joseph Kony, who some still see as a man with godlike powers. Even so, the conflict is far from being over and its consequences are still felt.

4. Alleged violations of human rights in Uganda

Alleged violations by the Government of Uganda:

Political freedom



Although it ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment in 1986, the government of Uganda is still accused by various international organizations of employing torture and ill-treatment against all those who do not comply with the decisions taken by the leaders of the state. Human Rights Watch released a report in May 2005 accusing the Ugandan government of severely beating civilians in the North and members of the opposition Forum for Democratic Change (FDC). The report claims that the most dangerous and brutal abuses occur when suspects are arrested by the army or the intelligence services, which are accused of taking political opponents and other "uncomfortable" people for the regime to unauthorized places of detention, where torture can be carried without any restraint. Although he has repeatedly denied the accusations, the Minister of Defense never gave permission to human rights observers to visit unofficial places of detention.

Political freedom remains another very sensitive issue, despite the political reforms president Yoweri Museveni carried out in recent years. In 2001 after accusing the Government of harassment, Kiiza Besgye, the president's strongest opponent, fled the country. The rest of the opposition, mainly active in the FDC, is accused by officials of being actively involved in the People's Redemption Army, a rebellious group coming from the eastern Democratic Republic of Congo. However, until now no trial has shown any link between the FDC and the Redemption Army. There are also





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accusations of ongoing illegal arrests amongst more or less prominent political figures or critics of the government.

Because of the very tense situation in Northern Uganda, this territory has always been a place where violations and abuses of human rights could easily be generated. The Ugandan People's Defense Force detached there by the government was not just once accused of qualifying civilians as "rebel collaborators" and then tortured or subjected to cruel treatment. Other people are accused by the Defense Force of having different links with the Lord's Resistance Army and thus receive the same treatment.

The Anti-Homosexuality Bill



The anti-homosexuality bill was published in September 2009 in the Uganda Gazette, one of the state's official publications and since then, various NGOs concerned about human rights violations in the region have been advocating against it. It is considered that if enacted as a law, it would violate the principle of non-discrimination, the freedom of expression, freedom of thought, conscience and religion, freedom of peaceful assembly, freedom of association, liberty and security of the person, privacy, the highest attainable standard of health, and life. The *offence of*

homosexuality - defined in clause 2 - criminalizes engagement in consensual sex with someone of the same sex, but also the 'intention of committing the act of homosexuality'. The incrimination of both the act and intent is considered to make the definition of the offence excessively broad, imprecise, arbitrary and open to abuse.

It has been suggested that given the possibility for it to become a law, the bill would go not only against international documents and regional treaties to which Uganda is a party, but it would also contradict the state's Constitution. The latter guarantees equality and freedom from discrimination: "All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law". Even article 2 of the African Charter – signed and ratified by Uganda - provides that individuals should receive equal treatment in front of the law "without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national or social origin, fortune, birth or any status".

The Government considers the bill to be a very useful instrument in fighting against the spread of HIV in the country. However, the United Nations Human Rights Committee previously has noted that "the criminalization of homosexual practices cannot be considered a reasonable means or proportionate measure to achieve the aim of preventing the spread of HIV/AIDS" and also noted



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that "criminalization of homosexual activity thus would appear to run counter to the implementation of effective education programmes in respect of the HIV/AIDS prevention".

Women's rights

Uganda is also accused of having an unfortunate situation regarding the respect for the rights of women. Domestic and sexual violence are considered to be some of the most pressing issues in respect to human rights violations. The Uganda Demographic and Health Survey found that almost one in four women aged 15 to 49 reported that their first sexual intercourse was forced against their will. One of the most negative effects of such a situation is HIV/AIDS contraction which poses a serious threat, as Uganda is still facing serious problems on this issue, despite the great progress it has made during the last years.



This situation might also be a result of a too loosened up legislation. The Penal Code identifies rape and sexual violence not as crimes against the physical integrity of a woman or as an act that can threaten her mental integrity, but as a crime against morality or honour. Moreover, marital rape hasn't been a criminal offence since March 2010, when domestic violence was incriminated.

The main obstacles that women in Uganda face whenever they want to address authorities about the sexual abuses they are subjected to are considered to be the following:

- parts of the country have few or no police officers;
- police often try to persuade women not to pursue cases;
- police often illegally demand money to investigate cases and arrest suspects;
- many women cannot afford to pay for a medical examination;
- lack of legal aid;
- inadequacies in the system for collecting forensic evidence;
- the prosecution and court systems are slow and under-resourced.



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Alleged violations by the LRA



Given the tensioned situation in the Northern part of the country and the attacks coming from the rebellious group of The Lord's Resistance Army, Uganda seems to be dealing with a double-facet issue regarding the respect of human rights. There are, on the one hand, the restraints that the Government is being accused of, and on the other hand, there are the alleged crimes by the LRA. The latter is believed to have abducted over 20,000 people during the course of the conflict and since June 2002 there has been a sharp rise in abductions. Children end up being recruited as child soldiers and forced to work to the benefit of the group. Moreover, in order to escape from the threat of abduction by the LRA, children and their mothers flee their homes each night seeking refuge and searching for places to sleep in churches and hospitals. This is the phenomenon usually referred to as "night commuting", which led to a drastic increase of internally displaced persons from 450,000 to over 1.6 million people.

But the most serious and harmful threat to human rights comes from the killing by the LRA of civilians, abductees, refugees and internally displaced persons. Between June and December 2002, the LRA is reported to have killed 539 civilians and by 2003 approximately 3,000 people. Their methods of killing are also some of the cruelest ones, usually by beheading and burning or hacking to death. Other human rights violations refer to torture and sexual violence of civilians, abductees and internally displaced people, including rape and sexual enslavement⁴.

5. Efforts to address the issue

The United Nations has repeatedly issued reports and adopted resolutions that would try to put an end to the violence and demand respect for human rights. Some of these are:

Secretary General's Report pursuant to Resolution 1653 (2006) and 1663 (2006) containing recommendations and proposals on how UN agencies and missions could more effectively address the problem of LRA;

Secretary-General's Report on Children and Armed Conflict in Uganda issued May 2007 and a second one in June 2008, which specify incidents of children's rights violations and abuses, indicative of their nature and trends in Uganda;

⁴ <http://www.humanrightsfirst.org/cah/ij/regions/uganda/uganda.aspx>



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Security Council Resolution 1653 (2006) and 1663 (2006), which stress the need for disarmament and demobilization of armed groups in Africa's Great Lake Region, including the LRA.

Moreover, in respect to the human rights violation threats posed by the anti-homosexuality bill, the UN High Commissioner for Human Rights Navi Pillay said that "the bill would bring Uganda into a direct collision with established international human rights standards aimed at preventing discrimination"⁵. Other UN experts urged the Parliament not to transform the bill into law, as that would give space to a breach of fundamental freedoms and rights.



Apart from the United Nations resolutions and recommendations addressing the issue of human rights violations in Uganda in general and Northern Uganda especially, there is also a strong willingness to tackle these alleged violations by the civil society. Some examples:

CEGUN – The Campaign to End Genocide in Uganda is an NGO created in April 2006 by citizens from San Diego (California) that show concern towards the crisis in Northern Uganda. They describe their mission as one concerned with advocating to end the ongoing dangerous situation in Northern Uganda through a campaign to create awareness and mobilize support of advocacy and awareness.

Uganda Child Rights NGO Network, which is a coalition of child focused civil society organizations advocating for the rights of children in Uganda.

Women of Uganda Network (WOUGNET) - a non-governmental organization working for more than 10 years with the aim of making women in Uganda acknowledge their rights, as well as develop the use of information and communication technologies amongst each other as tools to share information and address issues collectively.

⁵ <http://www.un.org/apps/news/story.asp?NewsID=33491&Cr=discrimination&Cr1=>



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6. The Human Rights Council's tasks

Given this very complicated situation that Uganda is facing, SOFIMUN's Human Rights Council will have to come up with solutions that can answer to - if not all - most of the accusations of human rights violations. Delegates should address the situation of the Lord's Resistance Army, within the mandate of the HRC, and try to put a halt to its abuses in Northern Uganda, as well as try to solve the various delicate situations that different social actors and social groups are confronted with.

Suggested Reading and Additional Sources

Topic A: Human Rights situation in Uganda

For a better understanding of the issue, the following sources should be consulted, but they are not exhaustive, therefore it is recommended that the delegates research the topic on their own, both through academic sources, as well as informal channels.

Mandatory

The following materials should be read by the participants in order to gain an in-depth view on the issue.

1. [UNSC Resolution on Great Lakes Region in Africam](#)
2. [The Lord's Resistance Army \(LRA\)](#)
3. [Victims of rape and sexual violence denied justice in Uganda](#)
4. [African Human Rights Defenders acknowledge gains but concerns remain deep...](#)
5. [Ugandan 'anti-homosexuality' bill threatens liberties and human rights defenders](#)
6. [Campaigning to End Genocide in Uganda... Now!](#)
7. [Background on the Conflict in Northern Uganda](#)

Short documentaries on the Lord's Resistance Army:

8. <http://www.youtube.com/watch?v=x8BTbpCLWnM>
9. <http://www.youtube.com/watch?v=uYURvi8WXFU>

Suggested

For information on the topic these links might be useful. Also search the sites for additional articles on the subject.

10. Check the information provided by the national authority of the state which you represent or the cooperation with the NGO which you represent.
11. Any other relative materials.