



THE REPUBLIC OF UGANDA

**RESPONSES TO THE RECOMMENDATIONS MADE BY THE UGANDA
HUMAN RIGHTS COMMISSION (UHRC) IN ITS 28TH ANNUAL REPORT
ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA
2025**

**BY THE HON. SAM MAYANJA
ATTORNEY GENERAL**

AUGUST 2026

PARLIAMENT OF UGANDA

RESPONSES TO THE RECOMMENDATIONS MADE BY THE UGANDA HUMAN RIGHTS COMMISSION (UHRC) IN ITS 28TH ANNUAL REPORT ON THE STATE OF HUMAN RIGHTS AND FREEDOMS IN UGANDA 2025

The Chairperson, Standing Committee on Human Rights

Hon. Members of the Standing Committee on Human Rights

Ladies and Gentlemen

We would like to express our gratitude to you for inviting us to come and make a presentation on the recommendations contained in the 28th Annual Report of the Uganda Human Rights Commission.

The 28th Annual Report of the Uganda Human Rights Commission made several recommendations; however, in giving responses, we have specifically addressed those recommendations pertaining to the Ministry of Justice and Constitutional Affairs.

Hon. Chairperson, Hon. Members of the Committee, I proceed to address you as hereunder-

1.0. INTRODUCTION

Uganda is a constitutional democracy and a country governed by laws. Chapter Four of the Constitution contains the Bill of Rights which provides for the protection and promotion of fundamental rights and freedoms. The Government of Uganda is committed to the meaningful realisation of the rights of individuals. The commitment is in line with the obligation bestowed upon Government by the National Objectives and Directive Principles of State Policy under principle V of the Constitution.

Principle V provides that-

“The State shall guarantee and respect institutions which are charged by the State with responsibility for protecting and promoting human rights by providing them with adequate resources to function effectively.”

1.1. It is against this background that we are pleased to report that Uganda has made progressive improvements in protecting and promoting human rights, notwithstanding the challenges.

2.0. Responses to the Recommendations made by the Uganda Human Rights Commission in its 28th Annual Report

3.0. Recommendation

3.1. **The Ministry of Justice and Constitutional Affairs should advocate for statutory amendments that allow for the extension of detention periods in exceptional cases requiring more time for investigations.**

3.2. Response

3.3. The Government recognises that the investigation and prosecution of certain serious and complex offences, including organised crime, terrorism, treason, transnational organised crime, terrorism financing, money laundering, corruption, cybercrime and other offences involving multiple suspects or cross-border investigations, may present unique operational and evidential challenges that cannot always be completed within the constitutional forty-eight-hour period. We believe that it is in this context that the Uganda Human Rights Commission recommended consideration of a statutory framework permitting judicially supervised extensions of detention in exceptional circumstances. The recommendation was informed by comparative practices in certain jurisdictions where limited extensions may be authorised by an independent judicial authority under strict statutory safeguards.

3.4. The Government, however, notes that Uganda’s existing constitutional framework establishes the forty-eight-hour rule as a mandatory

constitutional safeguard intended to protect the right to personal liberty and to prevent arbitrary arrest and detention. Once an arrested person is produced before a competent Court within the prescribed period, any further deprivation of liberty is thereafter subject to judicial determination in accordance with the Constitution and applicable law.

- 3.5. Consequently, any proposal to introduce a statutory mechanism permitting detention beyond the constitutional period for investigative purposes would raise significant constitutional questions requiring careful examination. In particular, such a proposal would require consideration of its compatibility with articles 23, 24, 28 and 44 of the Constitution, including the constitutional guarantees relating to personal liberty, the presumption of innocence, protection against arbitrary detention, the right to a fair hearing, and the broader objectives of Uganda's criminal justice system founded on due process and judicial oversight. It would equally be necessary to assess the proposal against Uganda's obligations under the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and other applicable international and regional human rights instruments.
- 3.6. In view of these constitutional and human rights considerations, the Government considers that any proposal to amend the existing legal framework must be approached cautiously and through a comprehensive, evidence-based and consultative law reform process. Such a process would necessarily include a detailed assessment of the operational challenges experienced by investigative and prosecutorial agencies, comparative legal analysis, constitutional scrutiny, and broad stakeholder consultations to determine whether legislative reform is both necessary and constitutionally permissible.
- 3.7. For instance, consultations would have to be undertaken across the Justice, Law and Order Sector (JLOS) and would involve, among others, the Ministry of Justice and Constitutional Affairs, the Uganda Law Reform Commission, the Judiciary, the Office of the Director of Public Prosecutions, the Uganda Police Force, the Uganda Prisons Service, the

Uganda Human Rights Commission, the Uganda Law Society, relevant Parliamentary Committees, academia, civil society organisations and other stakeholders involved in the administration of criminal justice.

- 3.8. The Government, therefore, reiterates that the existing constitutional framework governing arrest and detention remains fully applicable and continues to guide all criminal justice institutions. Any future legislative proposal arising from the recommendation will be considered strictly within the parameters of the Constitution and will seek to maintain an appropriate balance between safeguarding individual rights and enabling the effective investigation and prosecution of serious crime. The Government remains committed to strengthening the efficiency of criminal investigations through institutional reforms, enhanced coordination among JLOS institutions, improved investigative capacity and technological advancement, while preserving the constitutional guarantees of personal liberty, due process and judicial oversight.

4.0. Recommendation

- 4.1. **The Ministry of Justice and Constitutional Affairs and Parliament of Uganda should initiate a law reform process aimed at explicitly abolishing corporal punishment in all customary justice processes in Uganda.**

4.2. Response

- 4.3. The Government notes the recommendation to initiate a law reform process aimed at explicitly abolishing corporal punishment in customary justice processes.
- 4.4. We wish to note, however, that Uganda's existing constitutional and legal framework already prohibits corporal punishment, irrespective of the forum in which it is administered. Articles 24 and 44 of the Constitution absolutely prohibit torture and cruel, inhuman or degrading treatment or punishment, and these rights are non-derogable. Accordingly, no person or

institution, whether exercising statutory, administrative or customary authority, may lawfully subject another person to corporal punishment.

- 4.5. This constitutional position was authoritatively affirmed by the Constitutional Court in *Kyamanywa Simon v Uganda (Constitutional Reference No. 10 of 2000)*. In that case, the Court considered whether corporal punishment and sentence of six strokes of the cane, imposed as a judicial sentence was compatible with the guarantees under Articles 24 and 44 of the Constitution which prohibits torture, cruel, inhuman, or degrading treatment or punishment. The petitioner had initially been convicted of aggravated robbery and sentenced to death by the High Court, but the Court of Appeal reduced the conviction to simple robbery and imposed a six-year prison term with six strokes of the cane. The Supreme Court referred the matter to the Constitutional Court to determine the constitutionality of corporal punishment. By a majority decision, the Constitutional Court held that corporal punishment in the form of caning is inherently cruel, inhuman, and degrading, thus contravening Article 24.
- 4.6. In reaching its decision, the Court emphasised that the rights guaranteed under articles 24 and 44 are absolute and non-derogable, and that evolving constitutional values require the administration of justice to respect the inherent dignity and bodily integrity of every person. The Court observed that practices which may previously have been regarded as acceptable forms of punishment can no longer be sustained where they offend contemporary constitutional standards and internationally recognised human rights principles. Accordingly, the Court declared corporal punishment unconstitutional.
- 4.7. Although the decision arose in the context of judicial sentencing, the constitutional principles enunciated by the Court are of general application and are not confined to the criminal justice system. The prohibition derives directly from the Constitution and applies to all persons and institutions exercising authority, whether under statute, administrative practice or customary law. Consequently, any act of corporal punishment administered by clan leaders or other customary

authorities is equally inconsistent with articles 24 and 44 of the Constitution and cannot be justified based on custom or tradition.

- 4.8.** The constitutional prohibition was subsequently reinforced through legislative reforms. The Penal Code (Amendment) Act, 2007 [Now Penal Code Act, Cap. 128, Revised Laws of Uganda 2024], in Section 1 abolished corporal punishment as a criminal sentence by repealing all statutory provisions authorising it. In addition, section 106A of the Children (Amendment) Act, 2016 [Now Children Act, Cap. 62, Revised Laws of Uganda 2024] expressly prohibited any form of corporal punishment in educational institutions and prescribed sanctions against offenders, including imprisonment for a term not exceeding three years or to a fine not exceeding one hundred currency points or both. The Prevention and Prohibition of Torture Act, Cap. 130 criminalises acts of torture and other cruel, inhuman or degrading treatment or punishment, whether committed by public officials or private persons acting in any capacity. These legislative measures collectively demonstrate the Government's commitment to the complete eradication of corporal punishment.
- 4.9.** Furthermore, article 2 of the Constitution establishes the Constitution as the supreme law of Uganda and provides that any law, custom or practice that is inconsistent with the Constitution is void to the extent of the inconsistency. Therefore, while article 37 guarantees every person's right to enjoy, practise, profess, maintain and promote his or her culture, that right cannot be exercised in a manner that derogates from the constitutional rights and freedoms of others. Accordingly, customary justice processes remain subject to the Constitution and cannot lawfully impose corporal punishment under the guise of enforcing cultural norms or traditions.
- 4.10.** The Government considers that the existing constitutional and statutory framework already unequivocally prohibits corporal punishment, including within customary justice processes. The challenge identified by the Uganda Human Rights Commission relates primarily to enforcement,

awareness and compliance rather than the absence of an adequate legal framework. The Government will, therefore, continue to strengthen human rights education among cultural institutions, enhance public awareness of constitutional standards, and support the effective investigation and prosecution of acts of corporal punishment wherever they occur.

5.0. Recommendation

- 5.1. The Ministry of Health should collaborate with the Ministry of Justice and Constitutional Affairs, Parliament and Uganda Law Reform Commission to review and amend Section 193 of the Penal Code Act, decriminalising attempted suicide.**

5.2. Response

- 5.3.** The Government has taken note of the recommendation to review and amend section 193 of the Penal Code Act, Cap. 128 to decriminalise attempted suicide. The recommendation reflects the growing recognition, both nationally and internationally, that attempted suicide is principally a public health and mental health concern requiring prevention, treatment, rehabilitation and psychosocial support, rather than criminal sanction.
- 5.4.** The Ministry of Justice and Constitutional Affairs acknowledges that the World Health Organization has encouraged States to review legal provisions criminalising attempted suicide, noting that criminalisation may discourage individuals experiencing suicidal ideation or mental distress from seeking timely medical and psychological assistance due to fear of arrest, prosecution or social stigma.
- 5.5.** The Government further recognises that persons who attempt suicide are frequently experiencing severe psychological distress, mental illness, trauma or other socio-economic vulnerabilities that require appropriate healthcare interventions. As highlighted by the Uganda Human Rights Commission, stigma associated with mental illness and suicidal behaviour

continues to impede access to treatment, while resource constraints, shortages of specialised mental health professionals, inadequate community-based mental health services and limited availability of essential medicines remain significant challenges in the delivery of mental healthcare.

5.6. The Government has continued to address these challenges through implementation of the Mental Health Act, Cap. 308, integration of mental health services into primary healthcare, expansion of community mental health interventions, and strengthening specialised mental health services across referral hospitals. The Government also notes that the Mental Health Act, establishes a modern legal framework for the protection, treatment, care and rehabilitation of persons with mental illness, founded on respect for human dignity, non-discrimination and the promotion of the highest attainable standard of mental health. The Act reinforces a rights-based approach to mental healthcare and provides safeguards for the protection of persons with mental illness, including access to treatment, rehabilitation and community-based care.

5.7. In light of the evolving understanding of mental health and suicide prevention, the recommendation to review section 193 of the Penal Code Act remains under consideration through the established law reform processes. Any proposal to amend the existing legal framework will be undertaken following appropriate stakeholder consultations and careful consideration of constitutional principles, public health policy, comparative jurisprudence and Uganda's international and regional human rights obligations. Government remains committed to strengthening mental health services, reducing stigma associated with mental illness, improving access to psychosocial support and ensuring that persons experiencing mental health crises receive appropriate care and protection.

6.0. Recommendation

6.1. **The Ministry of Justice and Constitutional Affairs should fast-track the tabling to Cabinet and approval of the National Civic Education Policy so as to guide harmonised, coordinated, adequately funded,**

continuous and countrywide civic education and address current challenges in the delivery of civic education.

- 6.2. Government has continued to strengthen civic education through constitutional, institutional and collaborative frameworks. The Constitution entrusts the Uganda Human Rights Commission with the mandate to promote civic education and constitutional awareness under article 52(1) (c), (e), (f) and (g), while various Government institutions continue to implement civic education within their respective mandates.
- 6.3. The Ministry of Justice and Constitutional Affairs has continued to advance the development and approval of the National Civic Education Policy in response to the recommendation to establish a harmonised framework for civic education. The proposed Policy is intended to provide a coordinated, adequately funded and nationwide framework for the delivery of civic education, clarify institutional mandates, establish common standards and content, and strengthen oversight and collaboration among State and non-State actors.
- 6.4. Following the Ministry's guidance that a Regulatory Impact Assessment (RIA) be undertaken in accordance with the Government policy development framework, the Uganda Human Rights Commission which has the constitutional mandate to oversee civic education, completed the RIA with technical support from the Cabinet Secretariat. The RIA examined the existing civic education landscape and confirmed the need for a comprehensive National Civic Education Policy to address fragmented implementation, inadequate coordination, limited financing, and the absence of a harmonised national framework.
- 6.5. The RIA was validated in January 2025 through a multi-stakeholder process involving the Ministry of Justice and Constitutional Affairs, the Cabinet Secretariat, relevant Ministries, Departments and Agencies, constitutional bodies, civil society organisations, faith-based organisations, media representatives and development partners. Following the validation process, the draft National Civic Education Policy and its Implementation

Action Plan were revised and aligned to the findings of the RIA in accordance with the Government policy formulation guidelines.

- 6.6. In May 2025, the Uganda Human Rights Commission submitted the revised Draft National Civic Education Policy and its Implementation Action Plan to the Ministry of Justice and Constitutional Affairs for further processing under the Government policy approval process. The Ministry is progressing the necessary internal consultations and procedures required for submission of the Policy to Cabinet for consideration and approval.
- 6.7. Pending approval of the Policy, civic education continues to be implemented through existing constitutional and institutional frameworks. In particular, the Uganda Human Rights Commission continues to implement its constitutional mandate through nationwide civic education programmes, while the Government also promotes civic awareness through collaborative initiatives such as the National Initiative for Civic Education Uganda (NICE-Uganda), which was launched to strengthen coordinated, value-based civic education through collaboration between Government, constitutional bodies, civil society, development partners, the private sector, and cultural and religious institutions. In addition, the Department of National Guidance under the Ministry of ICT and National Guidance continues to implement programmes promoting civic awareness, national values, patriotism and responsible citizenship.
- 6.8. Although the National Civic Education Policy is still under development, civic education is presently undertaken through institutional frameworks, including the Uganda Human Rights Commission, the Electoral Commission, the Department of National Guidance under the Ministry of ICT and National Guidance, as well as multi-stakeholder initiatives such as the National Initiative for Civic Education Uganda (NICE-UG).
- 6.9. The National Initiative for Civic Education Uganda, a Presidential Initiative launched in 2019 constitutes the first structured collaboration between the Government of Uganda, the United Nations, civil society, the

private sector, and cultural and religious institutions to promote coordinated, value-based and inclusive civic education. The initiative was established to harmonise civic education efforts among State and non-State actors, promote constitutional values, peaceful civic participation, national cohesion and democratic governance, and complement the implementation of Uganda Vision 2040, the Third National Development Plan (NDP III), and the Sustainable Development Goals.

- 6.10. In addition, the Department of National Guidance under the Ministry of ICT and National Guidance continues to implement programmes aimed at strengthening civic awareness, national values, patriotism, citizen participation and ideological orientation. The Department's mandate includes promoting awareness of Uganda's national vision, national values, national identity and the common good as foundations for responsible citizenship and sustainable national development.
- 6.11. The Ministry of Justice and Constitutional Affairs has continued to coordinate the development of the National Civic Education Policy to provide a harmonised framework for the delivery of civic education nationwide.

7.0. Recommendation

- 7.1. **The Ministry of Justice and Constitutional Affairs should review the requirement of short-term staff contracts in order to enhance staff morale.**
- 7.2. The use of short-term staff contracts referred to by the Commission arose in the context of the Government's Rationalisation of Government Agencies and Public Expenditure (RAPEX) Programme. Accordingly, the arrangement was not a human resource policy specific to the Ministry of Justice and Constitutional Affairs, but formed part of a broader Government rationalisation process affecting the Commission.
- 7.3. Notwithstanding the foregoing, the Ministry continues to engage the relevant Government institutions on matters arising from the implementation of the Rationalisation Programme to ensure that legal and

administrative measures are aligned with the applicable legal framework while supporting institutional effectiveness and staff welfare. The Ministry of Justice and Constitution remains committed to providing the necessary legal guidance on matters relating to the implementation of Government rationalisation policies, as appropriate.

8.0. Recommendation

- 8.1. Update Parliament on the expeditious transfer of civilian cases from the General Court Martial to civilian courts.**
- 8.2.** Following the Supreme Court judgment of 31st January 2025 in *Attorney General v. Michael A. Kabaziguruka, (Constitutional Appeal No. 2 of 2021)*, which declared the trial of civilians before military courts unconstitutional, the Government immediately commenced implementation of the Court's directives. Indeed, on 4th February 2025, the Hon. Attorney General informed Parliament that all pending criminal trials involving civilians before the General Court Martial should cease forthwith. He further advised that the General Court Martial, in liaison with the Uganda Prisons Service, compile and transmit a list of all pending civilian cases, while the Office of the Director of Public Prosecutions (ODPP) would liaise with the military authorities to take over the conduct of criminal proceedings identified for transfer to the ordinary courts. The Hon. Attorney General also advised that the Uganda Prisons Service await the completion of the transfer process and the orders of the competent civilian courts regarding the continued detention of affected persons.
- 8.3.** The Attorney General further reported that the Government had sought the advice of the Chief Justice in regard to the person with whom the Office of the Director of Public Prosecutions should liaise for purposes of effecting the court orders.
- 8.4.** The implementation of the Supreme Court judgment progressed through the administrative transfer of case files from the General Court Martial to

the Office of the Director of Public Prosecutions. In February 2025, the Hon. Deputy Attorney General confirmed before Parliament that the required case files involving civilians had been transmitted to the ODPP for review and further management in accordance with the Supreme Court's directives. ODPP subsequently constituted a dedicated team of prosecutors to receive, review and manage the transferred files, thereby facilitating their onward handling before the competent civilian courts.

- 8.5. The Judiciary has continued to give effect to the Supreme Court judgment in subsequent proceedings. In March 2026, the Court of Appeal, in *Matia Kiiza Bukenya & Derrick Jumba v. Uganda (Criminal Appeal No. 0380 of 2023) [2026] UGCA*, suspended the convictions and sentences imposed on two civilians who had previously been tried and convicted by the General Court Martial for murder and aggravated robbery. Relying on the Supreme Court's decision in *Attorney General v. Michael A. Kabaziguruka*, the Court held that the military court lacked jurisdiction to try civilians and ordered that the matter be referred to a competent civilian court for review and/or retrial. The appellants were remanded pending the fresh determination of the charges by the civilian court.
- 8.6. The Government has taken concrete measures to implement the Supreme Court's decision regarding the trial of civilians before military courts. The cessation of pending civilian proceedings before the General Court Martial, the administrative transfer of affected case files to the Office of the Director of Public Prosecutions, and the continued implementation of the Supreme Court's directives by the Courts demonstrate Government's commitment to ensuring that the affected matters are dealt with by the competent civilian courts in accordance with the Constitution and applicable judicial decisions.

9.0. Conclusion

- 9.1. The Government remains committed to implementing the recommendations of the Uganda Human Rights Commission in accordance with its constitutional and statutory mandate. As demonstrated

in this Report, significant progress has been made in a number of areas through legislative reform, policy development, institutional coordination and legal advisory services. The Ministry of Justice and Constitutional Affairs will continue to work closely with the relevant Ministries, Departments and Agencies to address the outstanding recommendations, strengthen the promotion and protection of human rights, and enhance access to justice in Uganda.

I thank you.

I beg to submit

For God and our country

Hon. Sam Mayanja

ATTORNEY GENERAL