

**Universal Periodic Review  
(12<sup>th</sup> session, 3-14 October 2011)**

**Contribution of UNESCO**

**UGANDA**

**I. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO**

1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declaration s/reservation s</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education 1960	09/09/1968	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. 1989	-			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	20/11/1987			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	13/05/2009			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005	-			Right to take part in cultural life

2. Uganda submitted to UNESCO in 2006 a report on the measures taken for the implementation of the Convention against Discrimination in Education within the framework of the Seventh Consultation of Member States (covering period 2000-2005).

## **II. Promotion and protection of human rights on the ground**

### **1. Right to education<sup>1</sup>**

#### **A. *Normative framework***

##### **a) Constitutional framework**

3. The Constitution of Uganda of 1995 has been last revised in 2005. It enshrined the right to education in Article 30 by providing that “All persons have a right to education.” Article 34 adds that “A child has a right to basic education which is the responsibility of the State and the parents of the child” and “No child shall be deprived by any person of...education...by reason of religious or other beliefs.” Paragraph XVIII on Educational objectives sets out that “The State shall promote free and compulsory education” and “take appropriate measure to afford every citizen equal opportunity to attain the highest educational standard possible”.

##### **b) Legislative framework**

4. The Education (pre-primary, primary and post-primary) Act of 2008 amends, consolidates and streamlines the existing law relating to the development and regulation of education and training, repeals the Education Act and provides for other related matters. According to Article 4 (2) “Basic education shall be provided and enjoyed as a right by all persons.” According to Article 10 (3) (a) “primary education shall be universal and compulsory for pupils aged 6 (six) years and above which shall last seven years”.

5. The Universities and other tertiary institutions Act of 2001, Section 28, provides for non-discrimination at the University level and for “affirmative action in favour of marginalised groups on the basis of gender, disability and disadvantaged schools.”

#### **B. *Policy Measures***

6. The Education Sector Strategic Plan (ESSP) (2004-2015) framework that forms the basis for planning and investment over the medium term. The National development plan (2010/11 – 2014/15) was launched in April 2010.

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*Sources:*

Uganda Country Status Report on Progress towards Achievement of the Dakar 2000 EFA Goals, Ministry of Education and Sports, 2006,

[http://planipolis.iiep.unesco.org/upload/Uganda/UGANDA\\_Progress\\_EFA\\_2006.pdf](http://planipolis.iiep.unesco.org/upload/Uganda/UGANDA_Progress_EFA_2006.pdf) (14/02/2011).

## **2. Freedom of opinion and expression**

### Achievements, best practices, challenges and constraints

7. Generally Uganda has made significant strides in the enjoyment of press freedom and freedom of expression in the last two decades. The decision to enshrine the right to freedom of expression and access to information in the Constitution was an important recognition of the importance of free media and freedom of expression in a democracy.

8. However freedom of expression is still subject of restrictions. Uganda legal regime governing the media has several laws, including provisions of the Penal Code, that undermine constitutional guarantees of freedom of expression and contradict the government's expressed commitments to free expression.

9. The Press and Journalist Act and the Electronic Media Act introduce two statutory bodies, the Media Council and Broadcasting Council respectively, in contravention of the principles of independence of regulatory bodies from the government. The Minister of Information has broad powers in the appointment of the members and operation of the two councils.

10. The Press and Journalist Act also introduces restrictions on who can be a journalist, which in effect limits freedom of expression through the media to people with university degrees or professional qualifications.

11. The Anti-Terrorism Act, the Police Act, the Penal Code contain provisions that criminalize publication offences. That is, journalists could be imprisoned for violating these laws in the exercise of their duties. These provisions introduce a "chilling effect", by scaring away both journalists and ordinary citizens from certain forms of legitimate publication.

12. In the past two years, the government has continued to propose and pass laws that significantly threaten free expression and press freedom. The Regulation of Interception of Communications Act 2010, the proposed Press and Journalist (Amendment) Bill 2010 and the Public Order Management Bill 2010 all threaten freedom of expression and other fundamental liberties and are likely to contribute to an environment of self-censorship.

13. The biggest affront on freedom of expression and press freedom in recent years was the closure of four radio stations after the riots that followed a standoff between the Buganda Kingdom and the central government in September 2009. Four stations were accused of inciting violence, promoting sectarianism, campaigning against the government and abusing the President. Three radio stations were allowed back on air within a few weeks and months under strict conditions that were not discussed transparently through the established regulatory process. The fourth one remained off air until October 2010.

14. UNESCO Director-General condemns the killing of radio news presenter Dickson Ssentongo on Monday 13 September 2010 and the death of Paul Kuggundu, correspondent of Top Radio and several TV stations on 10 September 2010. UNESCO requested authorities of Uganda to investigate these killings and provide information about the results of the investigations.

#### Capacity-building and technical assistance provided and/or recommended by UNESCO

15. Consistent with its mandate, UNESCO collaborates at different levels with Uganda to reinforce the right to freedom of expression. UNESCO contributed to the studies and consultations that were part of the national communication and information policy formulation. A policy blue print was developed with UNESCO's support and this policy contributed to the media law that was passed by the country's parliament.

### **III. RECOMMENDATIONS**

#### **Right to education**

16. Uganda should be encouraged to ratify the 1989 UNESCO's Convention on Technical and Vocational Education.

#### **Freedom of opinion expression**

17. There are several opportunities for developing and protecting Freedom of expression in Uganda. UNESCO recommends:

- to improve the safety of journalists;
- to investigate the crimes against media workers and report on these investigations to counter impunity;
- to reassess the media legislation provisions in order to guarantee that it is not in contradiction with the government's expressed commitment to defend freedom of expression;
- to not use the defamation law as an excuse to restrict freedom of expression.