



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture Seventy-fifth session

Summary record of the 1951st meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 9 November 2022, at 10 a.m.

Chair: Mr. Heller

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* No summary record was issued for the 1950th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Second periodic report of Uganda (CAT/C/UGA/2; CAT/C/UGA/Q/2)

1. *At the invitation of the Chair, the delegation of Uganda joined the meeting.*
2. **Mr. Kiwanuka** (Uganda), introducing his country's second periodic report (CAT/C/UGA/2), said that his country's participation in the dialogue was informed by its anti-colonial struggles and its resistance to unconstitutional and fascist rule marked by extrajudicial killings, torture and inhuman treatment. Against that historical backdrop, the Government was committed to putting an end to human rights violations. Indeed, following the change of Administration in 1986, Uganda had become one of the first countries to ratify the Convention.
3. Protection from any form of torture and ill-treatment was enshrined as a non-derogable right in articles 24 and 44 of the Constitution. The Prevention and Prohibition of Torture Act of 2012 incorporated the definition of torture set out in article 1 of the Convention into national law and broadened its scope to apply to private individuals. As the first country in Africa and the second in the world to enact a law against torture, Uganda had served as an example to other States in the region for the development of their own anti-torture legislation.
4. The implementing regulations for the Act, adopted in 2017, provided for a user-friendly complaints procedure. The national courts had strictly upheld the non-derogable nature of the prohibition of torture, awarding compensation to victims, discontinuing criminal proceedings in which suspects had been tortured and holding perpetrators of torture personally accountable. The Government continued to invest in continuous training on compliance with the Act for all security forces, including the army, the police and the prisons service.
5. The Government had put in place a standing committee on human rights which was mandated to provide a national response to human rights concerns, periodically report to Parliament on action taken regarding human rights and advise the cabinet on ways of rectifying human rights abuses. The army had developed a human rights training manual covering the Prevention and Prohibition of Torture Act for its personnel. The provisions of the Act had been incorporated into the internal regulations of the Uganda Prisons Service, and the police force had adopted a policy to strengthen its officers' observance of human rights standards.
6. The Uganda Human Rights Commission (UHRC), which was accredited with category A status by the Global Alliance of National Human Rights Institutions, was mandated under the Constitution to promote and protect human rights and received the full support of the Government to carry out its work. As part of its training efforts, UHRC had developed an interpretative guide to the Prevention and Prohibition of Torture Act for judges, magistrates, prosecutors, civil society organizations and other stakeholders in the criminal justice system. The guide clarified the provisions of the Act and relevant international law concepts. UHRC had also raised public awareness of the Act through community dialogues and media and other outreach actions.
7. The Government had invested in the use of technology to help ensure that investigations and interviews were conducted in line with international human rights standards. It had deployed surveillance tools to monitor the actions of security personnel as a way of helping to ensure that evidence was never obtained under duress. The heads of the security forces regularly issued directives reiterating the Government's policy of zero tolerance for torture. Pursuant to the Human Rights (Enforcement) Act of 2019, public officials could now be held personally liable in criminal, civil and administrative proceedings for human rights violations perpetrated in the course of their duties. That provision had contributed to greater accountability and placed human rights at the centre of the government service.
8. Uganda was proud of its contribution to the internationally shared responsibility of hosting refugees. Its refugee population of over 1.5 million persons was the largest in Africa

and among the top five in the world. Refugees felt safe and secure in Uganda, where they were afforded all constitutional rights except the right to political participation, including the right to protection from abuse, violence or ill-treatment.

9. Child diversion guidelines had been issued to police officers to ensure that children in conflict with the law received child-friendly justice services. Children who committed minor offences were no longer incarcerated but were instead issued verbal or written warnings, instructed to take part in victim and offender family conferencing, make an apology and/or engage in reconciliation and restitution efforts. Children were incarcerated only as a last resort and always in child remand homes. Between July 2020 and June 2021, 2,587 of 3,585 cases involving children had been diverted from formal judicial proceedings. Specialized courts for children had been established at all regional levels, and local councils had been set up to handle juvenile justice proceedings at the community level in a non-traumatic environment. The Government of Uganda was proud of the progress it had made in promoting and protecting human rights and would continue its efforts, not because of outside pressure but based on a firm belief that it was for the good of the people of the country.

10. **Mr. Tuzmukhamedov** (Country Rapporteur) said that he would like to know whether the State party intended to ratify the Optional Protocol to the Convention and the International Convention for the Protection of all Persons from Enforced Disappearance. He would appreciate comments on the reasons why Uganda had not recognized the competence of several human rights treaty bodies to receive individual communications and had not made a declaration empowering the African Court of Human and Peoples' Rights to consider individual complaints. He would be interested to hear about the practical application of the Refugee Act of 2006 and to know whether Uganda intended to withdraw the declarations and reservations made upon its accession to the Convention relating to the Status of Refugees.

11. He would appreciate an explanation of the term "person acting in private capacity", as used in the definition of torture in the Prevention and Prohibition of Torture Act and its interpretation in judicial and administrative practice. To assess the severity of fines applicable under the Act, it would be useful to know what the average salaries of officials such as police inspectors or prison personnel were. He would be interested to hear about the application of the Act in practice, including the number of cases brought before the courts under the Act and their outcomes.

12. He wished to have clarification as to whether international treaties prevailed over domestic law in the event of a conflict. In that connection, reference to specific legal acts and judicial decisions would be helpful. Had the national courts ever cited the Convention? He would like to hear about the training provided to judges and wished to know more about the selection process for judicial appointments and the measures taken to ensure its independence and impartiality. He also wished to know which laws were applied by the country's approximately 56,000 lower-tier courts and wondered whether Islamic law or elements of traditional justice were applied in any part of Uganda and, if so, how they were harmonized with common law.

13. It would be helpful to receive information about the composition of the International Crimes Division of the High Court, the qualifications of its judges, its case law and terms of reference. He would like to know whether the crimes prosecuted by the Division included torture as a war crime or crimes against humanity under the Rome Statute of the International Criminal Court.

14. Information would be appreciated about the steps taken by the Director of Public Prosecutions and the Inspector General of Police to enforce the judgment in the case of *Behangana and Anor v. Attorney General* by investigating and taking action against the officers responsible for holding the petitioners incommunicado. He would like to know whether the Constitutional Court had handed down a decision on the constitutionality of corporal punishment following the referral to it by the Supreme Court of the case of *Kyamanywa v. Uganda* or whether corporal punishment had been prohibited by other, presumably legislative, means, given that the provision under which it had been allowed did not appear in the current version of the Penal Code. He would appreciate the delegation's comments on the decision in the case of *Attorney General v. Susan Kigula and 417 Others*,

in which the Constitutional Court had found that the mandatory death sentence in murder cases was unconstitutional but that the death sentence itself was not.

15. The Penal Code provided that persons convicted of certain offences were “liable to suffer death” and that those convicted of other offences “shall be sentenced to death”. He wished to know whether the former wording allowed for a degree of judicial discretion and the latter indicated that the death sentence was mandatory. If his interpretation of the latter wording was correct, he wondered how the State party reconciled it with the Constitutional Court ruling handed down in the Susan Kigula case. He would like to know whether the bill passed by Parliament in 2019 that provided for the abolition of the mandatory death penalty for certain crimes had been signed into law by the President and, if so, which laws had been amended as a result. As he noted that several crimes under the Anti-Terrorism Act were also punishable by death, he was curious to know how many offences in total could carry the death penalty. He would be grateful if the State party could confirm reports that, while the death penalty was provided for in law, no actual executions had been carried out since 2005. If the courts continued to hand down death sentences, he would be interested to hear how many such sentences had been issued since the submission of the State party’s initial report ([CAT/C/5/Add.32](#)) and how many convicted persons whose appeals had been rejected currently remained on death row. Might their sentences be commuted?

16. He was eager to know whether measures taken under the Anti-Terrorism Act had affected human rights safeguards in law and in practice and how the State party ensured that those measures were in keeping with its obligations under international law, particularly the Convention. According to the State party’s second periodic report ([CAT/C/UGA/2](#)), terrorist groups had been “neutralized”; he would be grateful if the State party could clarify what was meant by that term. He would appreciate receiving statistics, disaggregated by gender, age and nationality, on the persons that had been convicted under the Anti-Terrorism Act. Furthermore, he would like to know whether the State party had received any complaints regarding the failure of public officials to observe international standards, whether any such complaints had led to administrative or judicial proceedings and, if so, what the outcomes of those proceedings had been.

17. The Prevention and Prohibition of Torture Act stipulated that persons found guilty of torture could be extradited except where they themselves faced the risk of being subjected to torture; however, international practice allowed for extradition under those circumstances upon receipt of diplomatic assurances that the person being extradited would not be subjected to torture. He wished to know whether the State party had extradited any persons on the basis of such assurances and whether other States had sought such assurances from Uganda. He would be grateful if it could provide specific examples in that regard.

18. Although the State party’s report contained numerous references to the training of public officials, it did not contain responses to specific questions posed in the list of issues prior to the submission of that report ([CAT/C/UGA/Q/2](#)). Therefore, he wished to know what steps the State party had taken to develop and implement a methodology for evaluating the effectiveness of training and educational programmes and, if it had done so, how that methodology had helped to reduce the number of cases of torture and ill-treatment in the State party.

19. Updated information would be welcome on the course offered by the Police Senior Command and Staff College which covered universal and regional mechanisms for human rights protection as, according to the college’s website, the course was the only one of its kind and had last been delivered in March 2018. He would be interested to hear whether any other such training had been provided to police officers. In addition, he wished to know whether pre-deployment training for military and police personnel covered international rules and standards applying to participants in United Nations and African Union peace missions and other such global and regional initiatives. More generally, he would like to know what steps were being taken to ensure that such personnel were aware of the Prevention and Prohibition of Torture Act and relevant international legal norms, including the torture-related provisions of the Geneva Conventions of 12 August 1949 and their Additional Protocols. He wondered at what unit level of the Uganda People’s Defence Forces (UPDF) legal officers were assigned to commanding officers, whether UPDF and the Uganda Police

Force (UPF) trained together, and in what specific circumstances UPDF and UPF operated jointly.

20. The State party had asserted in its report that it did not have or use ungazetted or unauthorized places of detention; however, UHRC had devoted an entire chapter of its 2021 annual report to enforced disappearances, while the parliamentary standing committee on human rights had noted in a report of November 2019 that the Minister of Security had refused its requests to visit alleged unauthorized detention centres. He would welcome the State party's comments in that regard.

21. **Mr. Rouwane** (Country Rapporteur) said that he appreciated the State party's continuing efforts to develop a legal and institutional framework for the promotion and protection of human rights and, in particular, to prohibit and prevent torture in accordance with the Convention. However, according to information received from UHRC, the African Centre for Treatment and Rehabilitation of Torture Victims and a number of other sources, torture and ill-treatment continued to be widespread in Uganda. Indeed, UHRC had stated in its 2021 annual report that the right to freedom from torture was statistically the most frequently violated human right in the country. He was particularly concerned by reports that hundreds of protesters demanding social equality during the coronavirus disease (COVID-19) pandemic, and particularly during the 2021 national general elections, had been beaten and even shot by UPF and UPDF officers. There had also been reports of consistent and systematic torture and ill-treatment of arrestees and detainees. He would be interested to hear the State party's response to those reports and was curious to know whether the Government was working with UHRC to address such issues. He would be grateful to know what steps had been taken by UPF, the Uganda Prisons Service and UPDF to establish a comprehensive system for the collection and storage of data on alleged cases of torture and ill-treatment. Furthermore, he would like to know how many such cases had been brought before the domestic courts, how many perpetrators had been convicted and what sentences had been handed down.

22. The Committee had received reports that the Office of the Director of Public Prosecutions had failed to institute criminal proceedings in respect of a number of cases of torture and ill-treatment that had been referred to it, some of which dated back several years, despite the fact that it was mandated under the Constitution to prosecute promptly all perpetrators of torture. He would therefore like to know precisely how many such prosecutions had been initiated. In the light of reports that the authorities' frequent failure to investigate and prosecute cases of torture and ill-treatment was partly attributable to the persistent use by UPF of outdated documentation procedures whereby acts of torture were recorded as assaults, he wished to know what steps the State party was taking to ensure the application of the Prevention and Prohibition of Torture Regulations of 2017, under which cases of torture should be examined and documented in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). He also wished to know what efforts the State party was making to raise awareness of the 2017 regulations among all criminal justice stakeholders and whether it planned to discipline officials who failed to observe them. Did police officers and health-care professionals receive training on the Istanbul Protocol?

23. According to information received by the Committee, victims and witnesses of acts of torture were reluctant to report them to the authorities for fear of reprisals. Whereas the Office of the Director of Public Prosecutions followed witness protection guidelines when handling cases of torture, those guidelines reportedly did not afford sufficient protection and were not publicly available. He wondered if any progress had been made in enacting the witness protection bill, which would encourage victims and witnesses to come forward and increase the chances of successfully prosecuting perpetrators of torture.

24. Although the law provided for the right to habeas corpus, there had been a number of cases in which applications for habeas corpus had been ignored. He therefore wished to know what was being done to ensure that the right to habeas corpus was respected in practice and how many habeas corpus applications had been filed with the courts during the period under review. The Committee would be interested to learn whether the opposition leader Robert Kyagulanyi Ssentamu had been able to file an application for habeas corpus in connection with his unlawful detention in January 2021 and, if so, what the outcome had been.

25. There had been several reports of people being arbitrarily detained by law enforcement officers and of the use of unauthorized places of detention where detainees had allegedly been subjected to torture and ill-treatment. He therefore wished to know what measures were taken by the Government to prevent unlawful detention, particularly in unauthorized places of detention, and to ensure that officials involved in cases of unlawful detention were prosecuted. He would be interested to learn if there were plans to establish independent bodies to investigate allegations of such human rights violations and ensure that victims of torture and unauthorized detention had access to adequate remedies.

26. He wished to point out that UHRC, which was currently the only body with a mandate to visit and assess places of detention and make recommendations concerning conditions of detention, could not effectively do so across the whole country because it lacked sufficient human and financial resources to discharge its broad range of responsibilities for the protection of human rights. He therefore wondered why the State party had not yet acceded to the Optional Protocol to the Convention and thereby established a national preventive mechanism.

27. It would be useful to receive information on the number of deaths in custody that had occurred since the initial State party report and the measures taken to investigate them, to prosecute and sentence any guilty parties and to provide compensation to victims' families. He wondered how the State party planned to strengthen the training of health workers in the identification of signs of torture in places of detention and to introduce guidelines on the treatment and rehabilitation of victims. In the light of the revised version of the Istanbul Protocol, he would like to know what measures the State party would take to promote the effective functioning of human rights committees in places of detention by ensuring that they were fully trained and had appropriate reporting channels. He wished to invite the delegation to indicate how many doctors worked in the country's prisons, whether they were trained in human rights issues and to what extent prisoners were able to exercise their right to receive a medical examination upon their arrival at a place of detention. He also wished to know if any measures were taken to raise awareness among prosecutors and judges of the negative consequences of delays in the workings of the court system in terms of prison overcrowding.

28. Reports suggested that many women who were prosecuted for offences such as murder, manslaughter or assault had been victims of long-term domestic violence. However, it appeared that, as a result of the lack of gender-sensitive training and a failure to take such circumstances into account, women prosecuted for those crimes often faced the death penalty. He would therefore appreciate learning how many women had been sentenced to death, how many were on death row and how many had been executed. Of the total number of murder cases in which women had been the defendants, he would like to know how many had claimed that they had acted in self-defence after having been victims of violence or abuse, whether the State party planned to review its legal and judicial practices and introduce reforms to protect women and girls from all forms of violence and whether there were plans to revise laws on murder and manslaughter to allow for the consideration of self-defence in cases involving domestic or gender-based violence. He wondered whether gender-sensitive training was provided to officials involved in the investigation, provision of legal counsel and prosecution of crimes involving women and what the current legal provisions were for the investigation, prosecution and sentencing of perpetrators of domestic violence and sexual assault. He also wished to know what measures had been taken in response to reports of sexual violence and harassment targeting women in vulnerable situations, especially refugees, internally displaced women and sex workers.

29. He was aware that a bill to prohibit corporal punishment against children in all settings had been proposed in 2015 but had later been withdrawn and that amendments passed in 2016 had provided for the right of children to be protected from all forms of physical and emotional abuse and had promoted positive, non-violent forms of discipline; however, in the light of the recommendation accepted by Uganda during its second universal periodic review to prohibit violence against children in all contexts, he wondered if there were plans to introduce further legal reforms to prohibit the corporal punishment of children.

30. Since victims of torture currently faced an average wait of seven years to receive compensation, he wondered if there were plans to create a fund to ensure the timely payment of compensation to them and to victims of other human rights violations. There were

reportedly no government-run rehabilitation programmes for victims of torture and no funding for non-governmental organizations (NGOs) that were willing to provide such programmes. He was therefore eager to know if there were plans to introduce a public policy on the comprehensive rehabilitation of victims of torture in accordance with the Committee's general comment No. 3, on the implementation of article 14 by States parties.

31. The refugee population of Uganda was reportedly the third largest in the world, and it was thought that many of those refugees had been victims of torture or ill-treatment. He would therefore be interested to know what measures were planned to reinforce the capacity of State agencies to identify victims of torture and wondered how those agencies coordinated their work with international organizations, such as the Office of the United Nations High Commissioner for Refugees. He also wondered how the State party planned to strengthen cooperation between the national and international NGOs working to protect refugees in order to ensure that rehabilitation services were available to refugees and asylum-seekers who had been victims of torture.

32. The State party's Prevention of Trafficking in Persons Act was considered progressive and comprehensive, but there were numerous challenges involved in detecting, documenting and preventing trafficking in persons, such as the insufficient availability of training for duty bearers, a shortfall in the capacity of the public prosecution service to pursue such cases and a lack of cross-border coordination. He would therefore appreciate learning who was responsible for documenting cases of trafficking in persons among refugees, what kind of information was collected on such cases and how it was shared with other stakeholders. He would like to know whether trafficking cases involving refugees were referred to competent judicial authorities, how many such cases had been prosecuted to date and whether there were plans to reinforce the training of duty bearers in the detection and prevention of trafficking. He wondered if there were plans to establish a victim-centred data collection system which would ensure respect for the dignity of victims and avoid potentially harmful questioning procedures. Information regarding measures taken to improve coordination between refugee protection systems and anti-trafficking authorities would be appreciated.

33. In view of the passage of amendments to the Anti-Terrorism Act in 2017 which established a mandatory death penalty for acts of terrorism, he would like to know what safeguards were in place to avoid the misuse of that provision and to ensure that people were not charged with terrorism-related offences for expressing opposition to the Government or support for opposition parties.

34. The Committee would welcome further information on the measures taken to ensure that acts of mob justice and customary or ritualistic torture were investigated and that those responsible were brought to justice. It would also be useful to hear more about the measures that had been taken since 2005 to ensure that, from the outset of their detention, all persons deprived of their liberty had access to an independent doctor and a lawyer and that they could contact members of their families. He invited the delegation to update the Committee on any progress made towards the adoption of the National Legal Aid Policy and Bill. He would be interested to know when the Government expected to enact that bill into law and to introduce the new legal aid framework.

35. He would also welcome an update on efforts to fast-track the adoption of a new national action plan on human rights. He invited the delegation to explain how the proposed action plan had been formulated and whether UHRC and civil society had been consulted during that process. It would be useful to understand whether it contained any references to recommendations issued by the Committee and whether the State party intended to take the outcome of the current dialogue into account when it proceeded to the adoption and implementation of the plan. He also wondered whether the proposed action plan made any references to strengthening the capacities of the competent authorities to prevent and investigate acts of torture and to ensure reparation for victims and their rehabilitation.

36. The fact that UHRC was represented in the State party's delegation at the current meeting called into question its independence from the Government. He invited the delegation to comment on the independence of the Commission and to inform the Committee of any steps that Uganda had taken to implement the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.

37. **Mr. Liu** said that he would like to know whether victims of enforced prostitution could face prosecution under section 139 of the Penal Code, in which it was stated that any person who practised or engaged in prostitution committed an offence and was liable to imprisonment for seven years.

38. **Ms. Racu** said that, according to information received by the Committee, over 17,000 cases of domestic violence had been reported in Uganda in 2021. She would like to know what action the State party was taking to combat domestic violence, to investigate those cases and to bring those responsible to justice. Further information on any measures taken by the Government to provide victims and survivors with support, redress and rehabilitation services would also be of interest.

39. **Mr. Buchwald** said that he would be interested to know how successful the International Crimes Division had been in securing convictions related to the offences established under the Rome Statute of the International Criminal Court. In that regard, he would appreciate an update on the case of Thomas Kwoyelo, whom he understood had yet to face a full trial despite having been held in custody for some 15 years. Since no minimum penalty was provided for under the International Criminal Court Act, it would be useful to know whether there was any provision under Ugandan law to ensure that anyone found guilty of torture received a penalty that was commensurate with the grave nature of the crime. Could persons who committed torture be granted amnesty or pardon under Ugandan law?

40. It was his understanding that, under the International Criminal Court Act, senior public officials could be held criminally liable if their failure to properly supervise someone who reported to them resulted in a crime. He would therefore be interested to learn whether any State officials, such as military commanders or senior police officers, had been successfully convicted for failings that had directly resulted in an act of torture.

The meeting was suspended at 12.05 p.m. and resumed at 12.35 p.m.

41. **Mr. Kiwanuka** (Uganda) said that he wished to apologize on behalf of his Government for the late submission of his country's report to the Committee. Every effort would be made to ensure that future reports were provided in a more timely manner.

42. Judges in Uganda were appointed by the Judicial Service Commission through a constitutionally prescribed process that guaranteed their independence from the Government. Judges had ruled against the State on many occasions. In general, the Government recognized the importance of a strong, independent judiciary for the socioeconomic development of the country and was actively working to appoint more judges.

43. The Constitution and Acts of Parliament took precedence over public international law. In order to become legally binding in Uganda, the provisions of international treaties and conventions first needed to be incorporated into national legislation, as had been the case with the Convention against Torture. It was therefore rare for the Convention to be cited in court rulings, since its provisions were applied by judges as a matter of law. All principles of international law were recognized, and it was not unknown for courts to hand down rulings citing treaties or conventions that had not even been signed by Uganda and had thus not been incorporated into domestic legislation.

44. UHRC was not independent from the Government; indeed, the two entities could be considered one and the same. The Government did not necessarily agree with all the opinions expressed by UHRC, but it still considered it to be an important partner in its efforts to promote human rights. There was an ongoing dialogue between the two, and the Government treated UHRC recommendations with the utmost seriousness. The Government also paid close attention to all reports on the situation in Uganda published by national and international civil society organizations. It was always prepared to act on the recommendations made in those reports, including where problems had allegedly been caused by its own failings. Nonetheless, it was also true that the Government found many of the allegations contained in reports by civil society organizations to be somewhat fanciful.

45. The term "person acting in a private capacity" had been used in the Prevention and Prohibition of Torture Act to ensure that the offences defined therein applied to everyone, not just to public officials. Pursuant to separate legislation passed in 2019, the death penalty was no longer mandatory in murder cases. That amendment had been made following the

adjudication of the case of *Attorney General v. Susan Kigula and 417 Others*, in which it had been found that a mandatory death sentence was unconstitutional. It was now at the discretion of judges whether or not convicted murderers would be sentenced to death.

46. The Government did not operate any safe houses or ungazetted detention facilities. All sites that had been called into question had been visited, and nobody had been found to have been unlawfully detained there. Anyone who illegally kept others in detention in Uganda was acting of his or her own accord, not under the orders of the Government. In general, although prison overcrowding was a problem, the Uganda Prisons Service had a very good reputation and had become something of an example for other countries to follow. He also wished to confirm that the Government did not and would not extradite anyone to a country where they would face a threat of torture.

47. It was true that there had been an increase in the reported number of incidents of gender-based violence during the COVID-19 pandemic. Such acts remained worryingly commonplace in certain areas of the country, mainly owing to the persistence of traditional attitudes towards women and family relations. The Government was therefore taking specific measures to educate people and to raise awareness about gender-based violence. However, it ultimately believed that the best way to deal with gender-based violence was to ensure that more women were financially independent. In response to Mr. Liu's question, forcing someone to engage in prostitution was indeed a criminal offence and it was, under certain circumstances, punishable by the death penalty.

48. With regard to the principle of superior responsibility, the Government wished to encourage people to take responsibility for their own actions. That aspiration was reflected in both the Prevention and Prohibition of Torture Act and the Human Rights (Enforcement) Act. Even the most junior officers had a duty to make sure that the orders they received were legitimate and lawful before carrying them out.

49. **Mr. Tuzmukhamedov** said that the Supreme Court had cited the Convention directly, not the Prevention and Prohibition of Torture Act, in its ruling in the Susan Kigula case in order to demonstrate that the Convention was not at odds with the death penalty. To that effect, it had found that pain or suffering arising only from, inherent in or incidental to the lawful application of the death penalty did not fall under the definition of torture set out by the Convention.

50. **Mr. Kiwanuka** (Uganda) said that, as he had mentioned, the Government recognized public international law and that courts were entitled to cite the principles of international treaties and conventions. However, according to the hierarchy of laws, primary domestic laws would always take precedence over international law in cases where their provisions were found to be incompatible with one another.

51. **Mr. Rouwane** said that he had been surprised to hear the delegation say that UHRC was not independent from the Government. It was true that the Global Alliance of National Human Rights Institutions advised that such bodies should work in cooperation with the executive and legislature of a country. However, despite being publicly funded, national human rights institutions must always maintain their independence from the Government.

52. **Mr. Kiwanuka** said that UHRC enjoyed full independence in the exercise of its mandate and was free to issue reports highlighting perceived failings on the part the Government. In turn, the Government cooperated and engaged with UHRC while being careful never to interfere in its work.

The meeting rose at 12.55 p.m.