Re: The Prohibition and Prevention of Torture Bill 2010

Dear Hon. Member Tashobya,

The Commonwealth Human Rights Initiative (CHRI) writes to encourage you to place the Prohibition and Prevention of Torture Bill 2010 (“Prevention of Torture Bill”) before Parliament and to support and endorse the passage of the Bill.

CHRI applauds the thorough process that the government has undertaken in holding numerous stakeholder meetings, dialogues and discussions regarding the Prevention of Torture Bill. However we note that this process has taken six years, and that it is time to finally legislate on this critical issue.


At the recent review of Uganda under the United Nations Universal Periodic Review process, numerous international governments called on Uganda to adopt anti-torture legislation as a priority. CHRI joins these nations, the UN Special Rapporteur on Torture, the African Commission on Human and Peoples Rights, International Convention on Civil and Political Rights and the United Nations Convention Against Torture.

Such action will ensure that the government meets its legal obligations and its pledge to both the African Commission on Human and Peoples Rights and the United Nations Human Rights Council to enact a specific law against torture.

As you may know, while the Constitution of Uganda guarantees freedom from torture, it is not an offence under the penal law. This is in contravention of the Convention Against Torture which Uganda ratified 25 years ago, in 1986. Existing offences, such as assault or grievous bodily harm, fail to capture the gravity of torture and offer inadequate protection. CHRI thus welcomes the Bill, because it fills the gap in national law by expressly making torture a criminal offence. It gives a comprehensive definition of torture and imposes sanctions appropriate to the severity of the offence. This will strengthen the legal frameworks and practice to confront and combat acts of torture.

CHRI agrees with the analysis of the Bill submitted to the Committee on Legal and Parliamentary Affairs by the Coalition Against Torture (CAT), a collective of national and international NGOs and actors.
The significance of this Bill is immense, and it is important that Parliament expedites the process to pass this legislation. In this context, CHRI asks you to:

1. Place the Bill on the Parliamentary Order List for the next session of Parliament;
2. Include the amendments to the Bill recommended by the CAT; and
3. Support the passage of the Bill, amended to include the recommendations of the CAT, through Parliament.

The successful passage of the Bill will be an achievement for the Ugandan Parliament ahead of the upcoming Inter-Parliamentary Union meeting in April.

Sincerely

Maja Daruwala
Director
Commonwealth Human Rights Initiative