



# Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana  
NGO in Special Consultative Status with the Economic & Social Council of the United Nations

**Director**  
Maja Daruwala

Mr. Stephen N Tashobya  
Honourable Member of Parliament  
Uganda

**International Advisory  
Commission:**  
Sam Okudzeto - Chairperson

9 March 2012

**Members:**  
Alison Duxbury  
Yashpal Ghai  
Neville Linton  
B.G. Verghese  
Zohra Yusuf  
Maja Daruwala

## **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.

**Executive Committee (India):**  
B.G. Verghese - Chairperson

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.

**Members:**  
B. K. Chandrashekar  
Nitin Desai  
Wazahat Habibullah  
Harivansh  
Sanjoy Hazarika  
Kamal Kumar  
Poonam Muttreja  
Ruma Pal  
A.P. Shah  
Maja Daruwala

The Prevention of Torture Bill criminalises torture and takes the Ugandan government closer to the realisation of its obligations under the national constitution, African Charter of Human and Peoples Rights, International Convention on Civil and Political Rights and the United Nations Convention Against Torture.

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, the Uganda Human Rights Commission and other national, regional and international actors in calling for the government to discharge its obligations and enact the proposed anti-torture legislation.

**Executive Committee (Ghana):**  
Sam Okudzeto – Chairperson

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.

**Members:**  
Anna Bossman  
Neville Linton  
Emile Short  
B.G. Verghese  
Maja Daruwala

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.

**Executive Committee (UK):**  
Neville Linton – Chairperson

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.

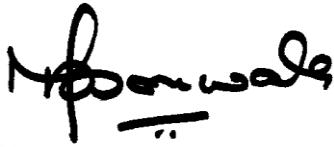
**Members:**  
Richard Bourne  
Frances D'Souza  
Meenakshi Dhar  
Derek Ingram  
Claire Martin  
Syed Sharfuddin  
Joe Silva  
Sally-Ann Wilson

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

Maja Daruwala  
Director  
Commonwealth Human Rights Initiative

