



## UGANDA HUMAN RIGHTS COMMISSION

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### CLARIFICATION ON THE NEW VISION ARTICLE TITLED “MPS WANT UHRC TO MAKE IMPROMPTU VISITS TO DETENTION CENTRES.”

The attention of the Uganda Human Rights Commission (UHRC) has been drawn to an article published on page 6 in the *New Vision* Newspaper of Thursday September 6, 2018, titled “MPs want UHRC to make impromptu visits to detention Centres.”

Whereas the article contained the views expressed by Members of the Human Rights Committee of Parliament during their meeting with officials from the African Center for Treatment and Rehabilitation of Torture Victims (ACTV), on how the UHRC should execute one of its constitutional functions of visiting places of detention in the country, it is imperative that the UHRC makes some clarifications on some of the issues published in the said article for the benefit of your esteemed readership.

The Uganda Human Rights Commission appreciates all the efforts made by the Human Rights Committee of Parliament in contributing to the protection of human rights in Uganda. We however, note that some of what was reported in the aforementioned newspaper article was not factually correct, particularly in regard to the alleged assertion that the UHRC first obtains permission before visiting places of detention.

Article 52(1) (b) of the Constitution mandates the UHRC to visit jails, prisons and places of detention or related facilities with a view to assessing and inspecting conditions of the inmates and making relevant recommendations. Other legal provisions and international standards that guide the UHRC in performing this function are Article 23 of the 1995 Constitution on the Protection of personal liberty; Article 24 on the respect for human dignity

and protection from torture and ill-treatment as well as the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). At all times and in all places, persons deprived of their liberty are vulnerable and at risk of being mistreated and even tortured. This therefore requires that they must be afforded enhanced protection by monitoring their conditions of detention and ensuring that they are treated with the respect due to their inherent dignity and value as human beings.

In fulfilment of this mandate therefore, the UHRC at its own initiative regularly makes unannounced visits to various places of detention around the country, including police stations and posts, prisons, remand homes, border-posts, military detention centres and other related facilities. The objective of these monitoring and inspection visits is to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, and that the rights of prisoners are protected. At no time therefore does the UHRC seek permission from any of the above-mentioned detention facilities before going to inspect them. All our visits are impromptu and unannounced. The Commission also freely chooses which prisons to visit and which prisoners or prison staff to interview and such interviews may be private and fully confidential. The Commission subsequently makes recommendations to the prison administration and other competent authorities on its findings without any limitation.

The Commission receives good reception and doors to detention facilities are always opened for the UHRC to inspect, without any challenges or limitation. This is because all prisons, police stations

and posts, remand homes, military facilities and other detention centres, are aware of the Commission’s mandate of inspecting their facilities and making regular and unannounced visits.

Last year alone, UHRC inspected 1,033 places of detention and this year we have so far inspected 658 unhindered. The places of detention so far visited this year include 258 Police stations, 288 Police posts, 02 Remand homes, 108 Prisons, and 02 Military detention facilities and no prior notice was given.

It is therefore imperative to note that with the guidance of the above legal framework, the UHRC has not had any challenges in accessing information regarding the inmates, including their conditions of detention, their records, numbers, places and locations of detention, as well as all information relevant to the treatment of prisoners.

The UHRC appreciates the continued support of all our stakeholders in ensuring that the rights of inmates are respected and protected.

Patrick Mabiho Nyakaana  
Secretary, Uganda Human Rights Commission