



Uganda's adherence to the rule of law and human rights: A critical analysis of compliance with the ICCPR and the ACHPR

Daniel Lubowa*

Lecturer, Department of Law, Tanzania Law School, St. Augustine's University, Mwanza, Tanzania

DOI: <https://doi.org/10.66856/ijl.2026.12.2.12176>

Abstract

Like most African states, Uganda has had a concerning history. Since Uganda's independence in October 1962, the country has experienced a tumultuous past, characterized by despotism, contested electoral outcomes, civil wars as well as armed incursions. Several factors account for the repeated episodes of political hostility and state crumble in Uganda. The outcomes of all this turbulence have been recurrent human rights abuses and violence meted out on the country's citizens. This Paper makes an investigation on Uganda's compliance with rule of law in light of the International Covenant on Civil and Political Rights [ICCPR], 1966 and the African Charter on Human and Peoples' Rights [ACHPR], 1981. Apparently, Uganda's rule of law record is stained by repression and lack of accountability. The Ugandan authorities' abuse of core rule of law principles contravenes Uganda's 1995 constitutional provisions, the ICCPR/ACHPR human rights treaties to which Uganda is a party. Other laws and constitutional provisions that do protect and promote rule of law in Uganda are also in practice ignored. This Paper seeks to ask the principal question: What are the emerging challenges/consequences facing Uganda for not adhering to the ICCPR/ACHPR legal framework on rule of law and the emerging implications? Basing on the human rights benchmark, the findings in this Paper demonstrate that Uganda has inefficient compliance with the ICCPR/ACHPR human rights instruments relating to rule of law. This Paper amongst others recommends, that Uganda's immediate efforts in strengthening rule of law ideals be geared towards addressing respect for human rights, and building cultures of peace in the country. All these comprehensive approaches put together are essential for fostering a more just, stable and equitable society for all in Uganda.

Keywords: Rule of Law, adherence, ICCPR, ACHPR, Uganda, human rights

Introduction

Uganda's rule of law journey has been a complex one, marked by persistent challenges involving Government actions that undermine fundamental rule of law principles [Human Rights Watch, 2025^[13]]. Since Uganda's independence in 1962, the country has experienced turbulent times characterized by autocracy, contested electoral outcomes, civil wars as well as armed invasions [Change the Truth, 2017]. Uganda experienced devastating civil wars, bringing about a near-total fall down of the state that led to Uganda's eighth change of Government within an interval of Twenty four years [from 1962- 1986]. Five of these eight changes of Government were brutal and undemocratic [Frederick Golooba Mutebi, 2008, p.1].

Uganda being a state Party and signatory to the ICCPR/ACHPR legal instruments and legally compelled to uphold the rule of law values enshrined in these treaties, currently faces a global backlash for not doing much in implementing these values she committed herself to [Human Rights Watch, 2025^[13]].

While Uganda's 1995 Constitution provides a framework for a democratic environment and rule of law to flourish in the country, Uganda, under Yoweri Museveni's National Resistance Movement [NRM] administration continues to witness rule of law violations by the authorities that contravene the ICCPR/ACHPR values [Human Rights Watch, 2025^[13]]. President Museveni and his Government now in power for now four decades and counting are synonymous with the abuse of rule of law principles, in contravention of the ICCPR/ACHPR legal standards. Specifically, there are concerns regarding the Government's

use of 'lawfare' in repressing dissent, enacting discriminatory legislation, interference with the operations of the country's Judicial institutions, allegations of grand corruption orchestrated by Government officials, and a pattern of arbitrary arrests and detentions, particularly targeting opposition figures [BTT 2022 Country Report].

Some of the prominent examples of cases that demonstrate Uganda's non-adherence to the rule of law in contravention of the ICCPR/ACHPR include Rtd Col. Dr. Kizza Besigye v. Electoral Commission, Yoweri Kaguta Museveni [Election Petition No. 1 of 2006 [2007] UGSC 24, 30th January 2007] and Kizza Besigye v. Attorney General [Constitutional Petition No. 13 of 2009 [2016] UGCC, 29th January 2016], along with many other such cases. In the mentioned cases, Besigye and his supporters alleged electoral irregularities and voter suppression in some of these elections, which raised questions about the fairness and transparency of Uganda's electoral processes and the rule of law. All these non-adherence to the rule of law concerns in contravention of the ICCPR/ACHPR by Uganda's Government are reflected in a number of studies, surveys and indices which confirm that Uganda performs poorly on the rule of law radar [Wesaka Anthony, The Daily Monitor, April, 21, 2021]. The above narrative demonstrates the numerous challenges faced by Uganda's rule of law system with the Government's actions often contradicting rule of law principles, the ICCPR/ACHPR. Ugandan authorities unwillingness to observe the established global, regional and domestic rule of law legal framework has continuously led to the numerous injustices that the country continuously experiences today.

This Paper calls upon the Ugandan Government not to abuse rule of law principles but implores it to take the necessary constitutional and other necessary legal measures in ensuring the compliance to the core rule of law values in line with the ICCPR/ACHPR rule of law instruments to which the country is a signatory.

The Development of Rule of Law

1. Traces of Rule of Law in Ancient Greece, Rome, Medieval Europe, Africa and Uganda

The Development of rule of law is traced back to the ancient times, particularly to ancient Greece where the city-state of Athens citizenry came up with a way of making decisions that was distinct from the despotic approaches of the ancient times[Skwirk, 2018^[30]]. Led by Cleisthenes [referred to as 'the father of Athenian democracy'], the Athenians put in place what is generally considered the first rule of law ideals in 508-507 Before Christ[BC][R Po-chia hsia, Lynn Hunt, Thomas R. Martin, Barbra H. Rosenwein & Bonnie G. Smith, 2007, p.44].

At about the same time that rule of law was taking ground in Greece; this mode of governance was also surfacing on the Italian Peninsula of the city of Rome[Encyclopedia Britannica, 2018^[30]]. The Romans called their system a *republica* or republic, thus a republic was the thing that belonged to the Roman People. The Roman Republic is considered to be the western world's first Government to have a Republic as a nation-state, even though this republic had little democracy. The Romans came up with the notion of classics conserving a lot of works from ancient Greece[Patrick Watson, 2002, p.285]. Today's representative global democracies emulate more of the Roman than the Greek models of democracy since the Roman state was a state in which supreme authority was held by the people and their voted representatives.

In Medieval Europe, the rule of law truly began taking form; following the collapse of the Roman empire and the struggle for authority amid the Church establishment as well as monarchs. In Medieval Europe, England's Parliament had its origins in the limitations on the authority of Kings written in the 1215 Magna Carta, a peace treaty between the King and the rebel barons. The treaty which was never a success provided a novel structure for the association between the King and his subjects, taking away part of the King's authority along with giving some rights and freedoms to the citizens[Claire Beary, Julian Harrison, 2018^[30]]. Three of the 1225 Magna Carta clauses do appear on the globe's statute books today, which has turned out to be, a potent global rallying point against the arbitrary use of authority and the advancement of rule of law values anywhere on the globe today.

In Africa, prior to colonialism, the continent's indigenous rule of law system was implemented basing on way of life along with practices of ethnic populations[African Trails, 2024]. Formal courts were uncommon, but the inhabitants followed these customs as a means of settling shared matters from which the process of such legal arbitration depended on the political growth of each native loop. In spite of these legislative advancements of the respective communities, several native laws were uncodified in addition to solely being managed through oral practices. An example here is ancient Egypt, where a civil code was used based on the concept of *Ma'at*. Tradition, rhetorical speech, social equality and impartiality were key principles. Judges kept records, which were used as

precedent, although the systems developed slowly. The Malian Constitution on the other hand, Kouroukan Fouga, was proclaimed in 1222-1236 AD, enumerating regulations in both constitutional and civil matters, transmitted to this day by griots under oath.

By the early 1900's the principal imperialist powers of France and Great Britain, Belgium, Germany, Portugal and Italy attained political control over many African nations[Michael Omolewa, 2012]. Upon colonization, British and European empires prioritized putting into place the Common and Civilian law systems respectively in their respective colonies. In response to this foreign politics, the African establishment promptly developed their native practices in addition to placing customs into a formal rule of law legal system introduced as Customary law, administered by the recently established inhabitant courts[Benson O Igbodin, 2011]. All these imported doctrines, efforts turned out to be unsuccessful. However on the other hand, the British policies made the customary laws function in the local communities under the governance structure of imperialist legislation executed by Judges and Magistrates; with its jurisdiction limited to only African citizens an aspect that promoted rule of law as well as human rights especially amongst the continent's local communities at the time.

Before colonial rule, Uganda's rule of law along with the country's rights system was primarily based on customary law, enforced by a council of elders, and varied across different regions and ethnic groups. This specific rule of law system addressed the aspect of rights through governance, trade and dispute resolution within specific societies[Oloka Onyango Joe, 2024].

During Uganda's colonial period, the British introduced and enforced a rule of law structure based on English Common law, while also incorporating and adapting aspects of local customary law, resulting in a dual legal system with English Common law applied in higher courts and customary law administered in native courts[Azresearchconsult, 2025].

The British imperialists used a strategy of 'indirect rule' where they worked with existing indigenous political structures and institutions in governing the colony. This strategy involved using local chiefs and their customary laws in managing local affairs[Nelson Kasfir Chapter DOI, 2024].

Currently rule of law in post independent Uganda, while constitutionally enshrined, faces significant challenges[Jamila Mulindwa, The Nile Post, 2025^[17]]. Uganda's 1995 Constitution provides a framework for rule of law observance, emphasizing that no one is above the law and protecting against arbitrary governance. However, despite all these efforts, the rule of law has been criticized for not being fully practiced in Uganda, particularly in the face of widespread corruption, abuse of power and limited access to justice, which continue to erode rule of law values in the country [Human Rights Agency, 2024^[15]].

Definition of Key Terms

1. Rule of Law

'Rule of Law' stems from the French phrase 'La Principe de Legality' [the Principle of legality] which refers to a Government that operates based on principles of law and not of men[Intolegalworld, 2022^[38]]. 'Rule of Law is defined as a range of principles that ensures an orderly and just society, comprising of rising and significant issues such as the propagation of hate speech and stimulation to violence; preventing radicalization/violent extremism; climate change

and the environment affecting the security. For purposes of this Paper, what is perceived as the most broadly-accepted-contemporary conceptualization of rule of law was formulated by former and deceased United Nations[UN] Secretary-General, Kofi Anan in 2004, when he defined the rule of law as:

A Principle of governance in which all persons, institutions and entities, public and private, including the state itself, are accountable to laws that are publically promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards.'

Kofi Anan's formulation in the same breadth is to the effect that the rule of law.....requires, as well, measures to guarantee observance to the principles of supremacy of the law; equality before the law; accountability to the law; fairness of the law; separation of powers; involvement in the decision making processes; legal certainty; forestalling of arbitrariness as well as procedural legal transparency[Charles Manga Fombad,2018,p.5].

2. Human Rights

Human Rights are fundamental entitlements that belong to every individual by virtue of being human regardless of any other characteristic or status[United Nations,2024^[35]]. They are not privileges granted by Governments or societies, but inherent rights that protect individuals from discrimination, injustice and other abuses. Human Rights include: right to life[ICCPR,1966,Art.6];liberty and security of the person; [ICCPR,1966,Art.9];freedom of thought,conscience and religion[ICCPR,1966,Art.18];the right to a fair trial[ICCPR,1966,Art.14]etc.

2.1 The Respect of Human Rights as a Global Bench Mark For Rule of Law

The Human Rights benchmark assesses the rule of law by ensuring that laws and legal systems protect fundamental freedoms and promote justice around the world.The rule of law principle which emphasizes the supremacy of law and fair application is intrinsically linked to the protection and promotion of human rights[Universal Declaration for Human Rights[UDHR,1948].Human Rights act as a standard against which the effectiveness and fairness of legal systems can be measured.

Philosophical Foundations of Rule of Law

1. Dicey's Classical Theoretical Account of Rule of Law

The recognition for the emergent notion of rule of law to the way we know it today, is attributed to Professor Albert Dicey who in his classic text, 'Introduction to the Study of the Law of the Constitution' published in 1885 developed the rule of law concept much further.According to Dicey,no man is punishable or can be legally made to endure suffering in body or goods with the exception of a different violation of the law established in the normal legal approach before the ordinary courts of the land. Dicey's statement puts in place the reality that the law is totally absolute and it solely discourages arbitrariness of any form.Dicey's ideas on rule of law evolve around three basic theories namely: Supremacy of the law; Equality before the law and the Predominance of the legal spirit.

The ICCPR and ACHPR Legal Framework on Human Rights

1. Uganda's Ratification Status of the ICCPR/ACHPR

The ICCPR,adopted by the United Nations General Assembly[UNGA] in 1966 and coming into force in 1976,is the most significant universal human rights instrument incorporating rule of law principles. Uganda ratified the ICCPR on 21st June 1995.

The ACHPR on the other hand, emerging under the aegis of the Organisation of African Unity [OAU]since replaced by the African Union[AU] at its 1979 Heads of State and Government Assembly, adopted a resolution calling for the creation of a committee of experts to draft a continental-wide human rights instrument. The Charter that came into force on 21st January 1986, is basically an international human rights instrument that promotes and protects human rights and basic freedoms on the African continent. Uganda signed and ratified the ACHPR on 22nd July 2010^[16].

The ICCPR/ACHPR function in advancing the fundamental freedoms and protecting the basic human rights of the human race. In this regard, this human rights legal framework is a useful tool in promoting rights at both global and regional levels.

Uganda's Legal Framework on Rule of Law and Human Rights

1. The Human Rights Bench Mark as Enshrined in Uganda's Human Rights Legal Infrastructure in Light of the ICCPR/ACHPR Legal Instruments

Human rights as a bench mark for rule of law is one of Uganda's aspects that commonly features in the country's legal infrastructure. This specific bench mark for rule of law is enshrined in Chapter Four of Uganda's 1995 Constitution and the Uganda Human Rights Commission Act[Cap24].

2. Chapter Four, Uganda Constitution, 1995 and the Human Rights Commission Act [Cap 24]

Uganda's Constitution provides for the Bill of Rights under its Chapter Four which embodies the values concerning good governance, including human rights and freedoms as well as due processes. The rights and freedoms enshrined in Chapter Four of the Constitution are to be respected, upheld and promoted by all Government agencies and by all persons[Constitution of the Republic of Uganda,1995,Art.20[2]. These rights and freedoms comprise of amongst others, equality and freedom from discrimination[Ugandan Constitution,1995,Art.21[2],Art.21[1]&22[1]&23[1]&28[3] [e]21[4][a]&[c];protection of personal liberty[Ugandan Constitution,1995Art.23[2],[3]&23[6],Art.23[6][a-c],& 24];rights of women[Ugandan Constitution,1995,Art.33[1],[3],[6],and many others. Chapter Four also allows Parliament to pass essential laws that put into practice policies and programmes intended at redressing social, economic, educational or other inequities in Ugandan society, as well as laws that offer any issue acceptable and demonstrably necessary in a free as well as democratic society[Ugandan 1995,Art 21[4][a]&[c]. In the same vein, Uganda also enacted the Uganda Human Rights Commission[UHRC]Act[Cap 24]whose roles are majorly based on the Paris Principles which are the core guide lines intended for the set up of a domestic human rights institution[Ugandan Constitution1995,Art.52].The UHRC, established by Uganda's 1995 Constitution is empowered to monitor the protection of human rights and

investigate complaints concerning human rights violations in Uganda[UHRC Act,Cap 24,Sec 7,Sec7[b];Sec 7[c].The Commission has powers similar to a court of law and makes decisions on compensation, in cases where human rights violations have been established.The UHRC Act is very important to Uganda's rule of law processes in the sense that the Ugandan Government's excesses in regard to human rights of its citizens are checked. The law in essence promotes an atmosphere where rule of law ideals are upheld[USAID,2025^[17]].

Challenges Facing Uganda for The Non-Adherence to the ICCPR and ACHPR Legal Framework on Rule of Law

Uganda, which is a state party to the ICCPR/ACHPR legal instruments connected to rule of law, faces numerous rule of law and human rights challenge[World Report 2022^[38]: Human Rights Watch 2022].Uganda's rule of law record in practice is questionable and subject to criticism.Definitely, this state of affairs in Uganda is a mismatch to the rule of law practices in Uganda viz-a-viz the global and regional requirements on rule of law. While President Yoweri Museveni's forty year reign brought relative stability and economic growth in Uganda, his administration's track record, respect for basic rights and freedoms is dismal. The human rights aspect in Uganda remains fragile[Amnesty International 2025^[14]].Human rights violations by Uganda's authorities such as violation of the right to life and physical integrity; violations of the right to liberty and security of the person; violations of the right to a fair trial and an effective remedy etc, take center stage in the country.The issuing discussion addresses the breach of the human rights rules of law benchmark in Uganda.

1. Breach of the Human Rights Rule of Law Benchmark in Uganda

1.1 Violations on the Right to Life and Physical Integrity in Uganda

The right to life is provided for by Article 6 of the ICCPR and Article 4 of the ACHPR.These two treaties recognize and protect the right to life of all human beings. In Uganda, the right to life is provided for by Article 22 of the Ugandan Constitution,1995. Right to life covers issues such as extra judicial killings by state agents, imposition of the death penalty and enforced disappearances. The sanctity and protection of human life is also upheld in the case of Suzan Kigula and 416 Others v. Attorney General[Constitutional Petition No.6 of 2003],[2005]UG CC8[10th June 2005].Most of the time, the country's security operatives are endlessly carrying out serious rule of law violations against the civilian population using lethal force against protesters as well as bystanders without justification in total disregard of the law[BBC News Africa,2018^[30]].A case in point is the 2021^[34] Presidential voting period, whereby the media reported of several murders plus violence aimed at opposition leaders, specifically in the south western part of Uganda. About fifty four civilians were shot dead by security at the peak of the 2021^[34] Presidential and Parliamentary elections when one of the Presidential contenders, Robert Kyagulanyi Sentamu was arrested[The East African, 6thDecember 2020^[33]].This state of affairs demonstrates a lack of respect for human life by Uganda's security forces, a sort of affair that is seen vehemently to erode rule of law principles in Uganda.

1.2 Violations on the Right to Liberty and Security of the Person in Uganda

Articles 9,10 of the ICCPR and Article 6 of the ACHPR provide for the right to liberty, protection against arbitrary detention and the right to expose the conditions of living in the penitentiary system. In Uganda, Article 22 of the 1995 Constitution states that no person shall be deprived of personal liberty whatever the circumstances. The right to personal liberty is one of the most central human rights on the globe as it is connected to the essentialist rudiments of an individual's physical freedom. The right to liberty requires that the arrest or detention of an individual must be in accordance with the law.Despite the ICCPR/ACHPR legal framework to which Uganda is a state party, when it comes to the aspect of liberty, subjective arrests and pre-trial detentions are still grave issues in Uganda[Fair Trials,2018^[24]].The case of Kyagulanyi and Another v. Attorney General and Others[Misllaneous Cause No.16 of 2021]2021 UGHCCD 1[23th January 2021]is one such case that demonstrates the violation of the right to liberty by the Ugandan Government. The case was an application filed under Articles 23[7] [9] and 44 [d] of Uganda's 1995 Constitution. The case involved Robert Kyagulanyi Sentamu who had since 14/01/2021^[34] been confined to his Magere home in Wakiso district, by Uganda's security operatives, comprising of the Police force and Uganda Peoples' Defence Force [UPDF] officers who barred him from leaving his home and having access to his lawyers, family, doctors or any one from the outside world who wanted to see him. The applicant had earlier been a Presidential candidate in the 2021^[34] Presidential and Parliamentary elections. The commanding officers of the said security agencies never gave any reasons for the detention of the applicant at his home. The actions of the security agencies to continuously and illegally detain the applicant are seen to have infringed on his right to liberty amongst other rights under the 1995 Ugandan Constitution, and to also erode the rule of law.

1.3 Violations on the Right to a Fair Trial and an Effective Remedy in Uganda

Various rights associated with a fair trial are explicitly proclaimed in Articles 14,16 of the ICCPR and Article 7 of the ACHPR.From a domestic point of view, the right to a fair trial is provided for in Article 42 of Uganda's 1995 Constitution.The right to a fair trial is one of the most litigated human rights globally and substantial case law has been established on the interpretation of this right. A fair trial is a trial 'conducted fairly, justly and with procedural regularity by an impartial judge. Despite the ICCPR/ACHPR legal framework on this aspect, Uganda's criminal justice system is riddled with wide spread corruption, technical as well as structured inadequacies, which continuously violates the right to a fair trial and effective remedy for many of the country's citizens[Cheyanne Scharb-Church,2018^[30]].The rising political meddling in the country's legal system especially by the country's executive arm of Government continues to hinder justice and fair trial procedures in Uganda. One of the best examples to illustrate the violation of the right to a fair trial in Uganda is Uganda's military court continued trial of civilians in military courts with impunity in total disregard of the constitutional court rulings on this aspect not to do so[J D Mujuzi,2002].In 2006, Uganda's constitutional court in Attorney General v. Uganda Law

Society[Constitutional Appeal No.1/2006],ruled that military prosecutions of Ugandan civilian individuals in military courts was unlawful. This declaration upheld on appeal by Uganda’s Supreme court in January 2009 and subsequent ruling in January 2025^[13] was coherent with International Law, which un mistakenly holds that martial tribunals are not skilled and experienced courts in trying civilian individuals accused of peace time criminal offences[Human Rights Watch,2021].Despite global condemnation of Uganda’s rule of law transgressions especially on this matter, Uganda’s military court system continues to try civilians with such impunity, ignoring calls by concerned stake holders to stop this practice, an aspect that violates the right to a fair trial and an impediment to rule of law in Uganda.

1.4 Violations on the Right to Freedom of Expression in Uganda

At the global and regional planes, it is a matter-of-fact that the right to freedom of expression is assured by Article 19 of the ICCPR, and Article 9 of the ACHPR. Freedom of expression basically refers to the capability of a person or group of persons to articulate their viewpoint, opinion, thoughts, and emotions about diverse issues, free from Government censorship. In Uganda, its Article 29 of Uganda’s 1995 Constitution that provides for freedom of expression. Despite the ICCPR and ACHPR and domestic framework on freedom of speech, the rights to freedom of expression and the press go on to be limited by the National Resistance Government in Uganda.[Civicus,2023^[28]].In this regard, journalists and media houses’ working spaces in the country as well as has steadily deteriorated in Uganda[Human Rights Watch, 2018^[8]].Reports by global as well as local human rights organizations demonstrate that a perturbing decline in freedom of expression and Press freedom in Uganda over the last two decades has been accompanied by an increase in self-censorship and attacks on journalists[Human Rights Watch,2022].In particular,journalists in Uganda’s countryside have been required to carry out their work in an atmosphere of extensive impunity and constant pressure from the system, especially Government’s Resident District Commissioners [RDCs] and District Internal Security Officers [DISOs] who make it impossible for journalists to carry out their operations. On several occasions, opposition members have often been turned away from radio stations when invited to air out their views to the public on the countries cross cutting issues on orders from RDCs and DISOs. Talk show callers also report of being followed up and warned by security agents and strangers. Perhaps the main affront to freedom of expression and Press freedom in recent years was the closing down of four radio stations after the riots that followed a disagreement between the Buganda Kingdom and the Ugandan Government in September 2009^[19].The shutting down of radio stations and the arrest of journalists critical of the Government as well as conditions that were silently negotiated for the re-opening of these stations sent a scary effect down the spines of both journalists as well as citizens. There are extra reports of self-censorship inside newsrooms today than at one time in the last twenty years of Uganda’s journalistic history.All these actions by Uganda’s Government are seen to erode the right to freedom of speech and an attack on the rule of law ideals.

1.5 Violations on the Right to Assembly and Association Freedom of in Uganda

The right to freedom of assembly and association is provided for by Article 21 of the ICCPR and Article 11 of the ACHPR. Domestically, Uganda’s Article 29[d] of the 1995 Constitution clearly states that every individual shall have free will to assemble and to demonstrate jointly with others quietly and without arms. The right to peaceful assembly includes the right to hold meetings, sit-ins, strikes, rallies, events or protests, mutually off line as well as online. Despite the ICCPR/ACHPR global, and domestic right allowing Ugandan citizens to assemble and associate freely in their country, the National Resistance Movement [NRM] Government continues to crack the whip on community gatherings as well as Civil Society Groupings [CSGs][World Report 2015^[36]: Human Rights Watch,2018^[8]].Pivotal to the Government’s rising posture is the passing of fresh laws to this effect. The right to holding public meetings as well as peaceful gatherings is sternly limited by the Public Orders Management Act[POMA],2013,which requires groups and organizations to register with the local Police before any meeting in any part of the country can take place. This law is usually used by the NRM Government in challenging every effort by verbal opposition in airing out their views against the excesses of the NRM[World Report 2017^[37]:Human Rights Watch,2018^[8]].Opposition Parties are the most affected, with demonstrations frequently blocked citing technical procedures on part of the Police for these groups not to assemble. In *Moses Mwandha v. Attorney General,Constitutional Petition No.5 of 2007*],the constitutional court’s ruling was to the effect that the Uganda’s Police Act provisions authorizing the Police to disperse public assemblies, including the broad power of the Police using force in dispersing an assembly under section 36 of the same law was unconstitutional.

Conclusion and Recommendations

This Paper has demonstrated that Uganda has a rigorous ratification structure of the ICCPR/ACHPR human rights instruments in place which it has made use of by being a Party to these instruments. Despite this being a positive effort for Uganda, this Paper ably demonstrates a major lack of compliance to the ICCPR/ACHPR human rights instruments especially by the Ugandan authorities. This aspect is clearly demonstrated by the Paper’s analysis of the constitutional law jurisprudence on this matter stemming from the country’s toxic politics of the day. Although the Ugandan Government continuously argues that it is taking progressive measures in ensuring adherence with its obligations under the ratified ICCPR/ACHPR human rights instruments, Uganda’s obligations to respecting rule of law ideals is yet to see the light of day, since Uganda’s authorities who are supposed to uphold these ideals are always the first ones to violate them. Some of the jurisprudence articulated in this Paper demonstrates impunity, arrogance and detachment on the part of Uganda’s authorities when it comes to the aspect of observing rule of law principles. Unless this state of affairs can be reversed, Uganda still has a long way to go in establishing and promoting a real rule of law democratic tradition in the country. Having said that, this Paper recommends amongst others that Uganda’s immediate efforts in amplifying the rule of law ideals in the country be geared towards addressing sole respect for human rights, and building

cultures of peace. All these comprehensive approaches are essential for fostering a more just, stable and equitable society for all in Uganda.

References

1. A Brief History of Democracy and Its Benefits. Skwirsk. Available from: http://www.skwirk.com/p-c_s-18-u-492_t-1338/a- [Accessed 10th March 2018].
2. About Uganda. Change the Truth. Available from: changethetruth.org/about/about/uganda [Accessed 5th October 2017].
3. African Culture and History. African Trails. Available from: <https://www.africantrails.co.uk/tour-info/africa-culture-and-history> [Accessed 13th May 2024].
4. Dicey A. Introduction to the Study of the Law of the Constitution. United Kingdom: Palgrave Macmillan, 1985.
5. Igbodin BO. Colonialism and African Cultural Values. African Journal of History and Culture, 2011, 3(6).
6. BTT 2022 Country Report: Uganda, 2022.
7. Scharb-Church CC. What Dynamics Drive Police and Judicial Officers to Engage in Corruption. Edacollaborative, 2016. Available from: edacollaborative.org/blog/dynamics-drive-police-judicial-officers-engage-corruption [Accessed 27th March 2018].
8. Fombad CM. Focus: The Rule of Law in Sub-Saharan Africa: Reflections on Promises, Progress, Pitfalls and Prospects. African Human Rights Journal, 2018, 8(1).
9. Breary C, Harrison J. Magna Carta: An Introduction. British Library, 2014. Available from: <http://www.bl.uk/magna-carta/articles/magna-carta-an-introduction> [Accessed 12th March 2018].
10. Democracy, Human Rights and Governance. USAID. Available from: <https://2012-2017.usaid.gov/uganda/democracy-human-rights-and-governance> [Accessed 13th April, 2023].
11. Mutebi FG. Collapse War And Reconstruction In Uganda: An Analytical Narrative On State Making. Makerere Institute of Social Research, Makerere University, 2008.
12. Hille P. Rule of Law Globally Under Assault. Available from: <https://www.dw.com/en/rule-of-law-globally-under-assault/> [Accessed 1st December 2024].
13. Hostile to Democracy, The Movement System and Political Repression in Uganda. Human Rights Watch. Available from: hrw.org/reports/pdfs/u/Uganda/998.pdf [Accessed 5th March 2025].
14. Human Rights in Uganda. Amnesty International. Available from: <https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/uganda/report-uganda/> [Accessed 1st December 2025].
15. Human Rights Issues in Uganda: Challenges and Recommendations. Human Rights Agency. Available from: <https://www.humanrightsagency.com> [Accessed 27th April 2024].
16. Increased Threats to Freedom of Expression in Uganda. Human Rights Watch. Available from: <https://www.hrw.org/report/2010/05.../increased-threats-freedom-expression-uganda> [Accessed 4th April 2018].
17. Mulindwa J. Upholding Justice; The State of Rule of Law in Uganda. The Nile Post. Available from: nilepost.co.ug/vianey%20besigenwe/191513/upholding-justice-the-state-of-rule-of-law-and-human-rights-in-uganda [Accessed 29th April, 2025].
18. Mujuzi JD. The Trial of Civilians Before Court Martial in Uganda, Analyzing the Jurisprudence of Ugandan Courts in the Light of the Drafting History of Arts 129[1][d] and 120[a] of the Constitution. PER, 2002, 25(n.1).
19. Omolewa M. The History of Colonialism-Revisted. The Journal of African American History, 2009, 94(2).
20. Kasfir N. British Colonial Policy of Indirect Rule Increased Ethnic Identification. Available from: doi.org/10.1525/9780520315617-018 [Accessed 22nd April 2024].
21. Oloka Onyango J. An Overview of the Legal System in Uganda. SSRN. Available from: <https://ssrn.com/abstract=3617283> [Accessed 1st November 2024].
22. Origin and Concept of Law. Available from: <https://www.intolegalworld.com/article?title=origin-and-concept-of-rule-of-law> [Accessed 1st May 2022].
23. Watson P. The Struggle for Democracy. Key Porter Books, 2002.
24. Pre-trial Detention in Uganda. Fair Trials. Available from: <https://www.fairtrials.org/pre-trial-detention-in-uganda> [Accessed 3rd April 2018].
25. Po-chia hsia R, Hunt L, Martin TR, Rosenwein BH, Smith BG. The Making of the West, Peoples and Cultures, A Concise History, Volume 1: To 1740. Boston and New York: Bedford/St. Martin's, 2007.
26. Righting Military Injustice: Addressing Uganda's Unlawful Prosecutions of Civilians in Military Courts. Available from: <https://www.hrw.org/report/2011/07/27/righting-military-injustice-addressing-ugandans-unlawful-prosecutions-of-civilians> [Accessed 4th July 2021].
27. Ocheni S, Nwankwo BC. Analysis of Colonialism and Its Impact in Africa. Cross Cultural Communication, 2012, 8(3).
28. Suppression of Freedom of Expression in Uganda Increases. civicus. Available from: <https://www.civicus.org/index.php/fr/medias-resources/122-news/interviews/2708-suppression-of-freedom-of-expression> [Accessed 25th November 2023].
29. The British Colonial Administrative Structure, During Colonial Period in Uganda. Azresearchconsult. Available from: <https://azresearchconsult.com.ng/the-british-colonial-administrative-structure-during-colonial-period-in-uganda/> [Accessed 1st November 2025].
30. The Roman Republic. Encyclopedia Britannica. Available from: <http://www.britannica.com/topic/democracy/The-Roman-Republic> [Accessed 4th March 2018].
31. Uganda Army in Rights Abuses. BBC News Africa. Available from: newsbbc.co.uk/2/hu/Africa/3071421.Stm [Accessed 14th March 2018].
32. Uganda: Stop Harassing the Media, See Police Shut Two Newspapers, Two Radio Stations Over Political Controversy. Human Rights Watch. Available from: <https://www.hrw.org/news/2013/05/20/uganda-stop-harassing-media> [Accessed 26th August 2022].

33. Violence, Death Continue Ahead of Uganda's Elections. The East African, 2020.
34. Anthony W. Uganda Ranked Worst in Rule of Law, Justice. The Daily Monitor, 2021.
35. What Are Human Rights. United Nations. Available from: [chchr.org/en/what are human rights](https://www.unhcr.org/en/what-are-human-rights) [Accessed 16th November 2024].
36. World Report 2015: Uganda. Human Rights Watch. Available from: <https://www.hrw.org/world-chapters/Uganda> [Accessed 22nd April 2018].
37. World Report 2017:Uganda. Human Rights Watch. Available from: <https://www.hrw.org/news/2015/10/10/18/uganda-end-police-obstruction-gatherings> [Accessed 4th April 2018].
38. World Report 2022:Uganda: Events of 2021. Human Rights Watch. Available from: [hrw.org/world-report/2022/cou](https://www.hrw.org/world-report/2022/cou) [Accessed 1st August 2022].