

Legal and Regulatory Measures and Responses to Prevent and Control COVID-19 in Uganda

Emmanuel B. Kasimbazi

Abstract. Uganda adopted different legal and regulatory approaches to prevent and control the COVID-19 pandemic. Measures included Presidential Directives, Ministry of Health rules, guidelines and the responses, establishment of institutions such as the National Task Force (NTF) and District Task Forces (DTF) Force, and allocation of funds. These measures are included indifferent instruments such as statutory instruments, which empower government institutions to contain the COVID-19 situation in Uganda. They also set out conditions to be complied with by individuals and institutions. This article aims at mapping out the legal and institutions' approaches and assesses their effectiveness in preventing and controlling COVID-19 in Uganda.

Keywords: COVID-19, Legal, Regulatory, Measures, Rules, Directives, Uganda

1. Introduction

The 2019 COVID-19 outbreak in Wuhan, China became a threat to international public health.¹ The World Health Organization declared the outbreak a Public Health Emergency of International Concern on 30th January 2020 and a pandemic on 11th March 2020.² Countries adopted both 'soft and hard'³ response measures after the COVID-19 was declared a pandemic.⁴ Consequently, on 18 March 2020, the government of Uganda issued an institutional quarantine order for everyone returning to the country. Likewise, it ordered closure of academic institutions and a total lockdown across the country starting on 20 March 2020.⁵ Shortly thereafter, Uganda reported its first case of COVID-19 on 21 March 2020.⁶ A number of regulatory and legal measures were adopted to try to prevent and control the spread of the COVID-19.

These included closing entry points, banning public gatherings and the use of public transport, closing schools and places of worship, and declaring a national lockdown and curfew.⁷

This article analyses the effectiveness of the legal and regulatory approaches to prevent and control COVID-19 in Uganda. The article is structured into six parts. The first and second parts provide the introduction and an overview of COVID-19 situation in Uganda. The third, analyses the setup and mandate of institutions preventing and controlling COVID-19 respectively. The fourth reviews soft and hard legal and regulatory measures that have been developed in response to COVID-19. The fifth part points out challenges in implementing legal and regulatory measures and responses to prevent and control COVID-19 in Uganda. The final section concludes with a general summary of the criticisms to the legal and

¹ Wu Yi-Chia, Chen Ching-Sunga and Chan Yu-Jiuna, 'The outbreak of COVID-19: An overview' (March 2020) 83, 3 Journal of the Chinese Medical Association 217, 220.

² World Health Organisation <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>> accessed 30 September 2021.

³ Hard response refers to what is legally binding whereas soft response refers to what is advisory.

⁴ Musa Njabulo Shongwe, 'Eswatini's legislative response to COVID-19: Whither human rights?' (2020) 20 African Human Rights Law Journal 412, 435 <<http://dx.doi.org/10.17159/1996-2096/2020/v20n2a3>> accessed 30 September 2021.

⁵ 'Museveni orders closure of schools, suspends religious gatherings over coronavirus' *Daily Monitor* (Kampala, 18 March 2020) <<https://www.monitor.co.ug/uganda/news/national/museveni-orders-closure-of-schools-suspends-religious-gatherings-over-coronavirus-1881126>> accessed 30 September 2021.

⁶ 'Uganda confirms first coronavirus case' *Daily Monitor* (Kampala, 22 March 2020) <<https://www.monitor.co.ug/uganda/news/national/uganda-confirms-first-coronavirus-case-1881726>> accessed 30 September 2021

⁷ Refer to part 4 of this paper.

regulatory approaches as well as giving recommendations.

2. Overview of the COVID-19 Situation in Uganda

Currently, Uganda has confirmed over 96,497 COVID-19 cases, 94,039 recoveries and 2,856 deaths out of 1,515,178 samples tested for COVID-19.⁸ It is one of the lowest reported statistics in the world.⁹ In August 2020, a Lancet Commission report presented at the 75th United Nations General Assembly ranked Uganda among the ten countries that had achieved suppression of the pandemic.¹⁰ By 17 June 2021 Uganda had 1,217,352 samples tested, many of which were repetitive tests on the same people.¹¹ Ordinary people cannot afford the cost of testing, making the actual number of infections not ascertainable.

Regarding COVID-19 vaccination, Government has vaccinated a total of 748,676 people across the country; 712,681 people with the first dose and 35,995 with second dose of AstraZeneca vaccine out of 964,000 doses first received.¹² On 16 June 2021, Uganda received an additional 175,200 doses of the AstraZeneca COVID-19 vaccine donated by the French government through the COVAX facility.¹³ Uganda is also undertaking clinical trials for a COVID-19 treatment drug-UBV-01N.¹⁴ It is a therapeutic drug currently being developed under the Presidential Initiative on Epidemics with homegrown scientists from Ministry of Health Uganda, Makerere University School of Public Health, and Mulago National Referral Hospital, among other stakeholders.¹⁵

3. Institutional Setup for COVID-19 Prevention and Control

The Government of Uganda has setup an institutional framework for the prevention and control of the disease. At the national level, the institutional framework starts with the President who issues directives to fight COVID-19.¹⁶ The President established a multi-sectoral national task force coordinated by the Prime Minister.¹⁷ The multi-sectoral national task force reports directly to the President of Uganda.¹⁸ It is mainly composed of government ministries, departments, and agencies, including Health, Tourism, Security, Works and Transport, Information and National Guidance, Kampala Capital City Authority, Foreign Affairs, Internal Affairs and private sector.¹⁹ Further, the President established a National Response Fund to COVID-19, comprised of 15 members with representatives from Government, public and private sectors.²⁰ The mandate was to take responsibility for mobilizing resources to tackle the pandemic and enable relief measures for gravely persons affected by the pandemic.²¹ The committee collected donations in form of cash, motor vehicles, food stuffs, medical equipment and others. The COVID-19 Fund's goals were to raise 170 billion shillings to be utilized by the Ministry of Health for test kits, personal protection equipment (PPEs), ten motor vehicles for each district and other needs of the Ministry of Health and the Government of Uganda.²² It is important to note that there are reported accountability gaps when it comes to how

⁸ Ministry of Health, *Uganda* <<https://www.health.go.ug/covid/>> accessed 20 October 2021.

⁹ *Ibidem*.

¹⁰ Jeffrey D. Sachs, Richard Horton et al. 'Lancet COVID-19 Commission study report - presentation to the 75th United Nations General Assembly' (2020) *The Lancet* <[https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736\(20\)31494-X.pdf](https://www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(20)31494-X.pdf)> accessed 30 September 2021.

¹¹ See footnote n° 8.

¹² *Presidential Address on COVID-19 resurgence and current status of the pandemic in the country Nakasero* (6 June 2021).

¹³ 'Uganda receives an additional 175,000 COVID-19 vaccine doses' *The Independent* (17 June 2021) <<https://www.independent.co.ug/uganda-receives-an-additional-175000-COVID-19-vaccine-doses/>> accessed 20 October 2021.

¹⁴ Eastern African Consortium for Clinical Research, *Uganda Successfully Launches Trials For Coronavirus Drug* <<https://eaccr.org/uganda-successfully-launches-trials-coronavirus-drug>> accessed 30 September 2021.

¹⁵ Uganda Virus Research Institute, *Uganda Successfully Joins Trials Race For Coronavirus Drug*

<<https://uvri.go.ug/news/uganda-successfully-joins-trials-race-coronavirus-drug>> accessed 14 October 2021.

¹⁶ Ministry of Health, *Presidential Address on Corona Virus* <<https://www.health.go.ug/covid/document/presidential-address-on-corona-virus/>> accessed on 14 October 2021.

¹⁷ ThinkWell and Ministry of Health Uganda, *Case Study: The Initial COVID-19 Response in Uganda* <https://thinkwell.global/wp-content/uploads/2020/09/Uganda-COVID-19-Case-Study-_18-Sept-20201.pdf> accessed 30 September 2021.

¹⁸ *Ibidem*.

¹⁹ Republic of Uganda, *COVID-19 Response Info Hub - Coordination Structure* <<https://covid19.gou.go.ug/coordination.html>> accessed 20 October 2021.

²⁰ Office of the Prime Minister, *The COVID-19 fund press release* (3 May 2020) <<https://www.ucc.co.ug/wp-content/uploads/2020/05/Press-Release-Covid.pdf>> accessed 20 October 2021.

²¹ *Ibidem*.

²² *Ibidem*.

it was utilized.²³ According to the Ministry of Health, UGX 23.9Bn out of the UGX 29Bn COVID-19 response donation funds were used to purchase double cabin pickup cars for surveillance, transportation of laboratory samples and follow ups.²⁴ The choice to purchase double cabin pickup cars over essential requirements such as test kits, PPEs, ventilators, oxygen and beds, received public discontent.²⁵

The Parliament of Uganda is another institution that plays a pivotal role in the response to the COVID-19 pandemic. It enacts specific laws alongside playing an oversight role over government implementation strategies towards prevention and control of COVID-19²⁶. Article 164(3) of the Ugandan Constitution mandates Parliament to oversee and monitor public funds expenditure.²⁷ For instance, to address the COVID-19 pandemic, Parliament approved a supplementary budget of UGX 304 billion.²⁸ Further, a Parliamentary Technical Taskforce on COVID-19 was created to monitor government response to the pandemic.²⁹ Parliament allocated UGX 10 billion to the Parliamentary Commission for Members of Parliament to supposedly assist in the fight against the pandemic, which raised criticism and discussion about its justification amidst scarcity in the most essential requirements such as test kits and personal protection equipment (PPEs).³⁰ The court in *Gerald Karuhanga & Jonathan Odur v. Attorney General*,³¹ ordered Parliamentarians to return this money.³²

The Ministry of Health (MOH) is another institution at the national level that is responsible for the COVID-19 response measures and implementation. The Ministry plays a prominent role in case management, surveillance and laboratory; strategic information, research and innovation; and risk communication and logistics operation.³³ It is also responsible for providing daily results of COVID-19 tests, cases, recoveries and deaths.³⁴ The Ministry has constituted a Scientific Advisory Committee and Vaccine Advisory Committee,³⁵ comprised of eminent scientists including physicians, public health, laboratory, and policy experts to advise the National Task Force and the Ministry of Health on evidence-based interventions to guide national response and COVID-19 vaccination.³⁶ The Minister is responsible for providing policy guidance and strategic directions which have been used to legitimize the Presidential directives and other guidelines.³⁷ Within the Ministry there is an Incident Management Teams and a subcommittee that deal with case management, infection prevention and control, clinical management, surveillance, contact tracing, and management of quarantine centers.³⁸

At the district level, the District Task Force (DTF) Committee and related subcommittees were established to implement and oversee the COVID-19 response at districts and lower levels.³⁹ These support central government's containment of COVID-19. They are also in charge of implementing

²³ Parliament of Uganda, *COVID-19 funds mismanaged-Auditor General* (11 March 2021) <<https://www.parliament.go.ug/news/5019/COVID-19-funds-mismanaged-auditor-general>> accessed 14 October 2021.

²⁴ <<https://twitter.com/MinofHealthUG/status/1415969269813239811>> accessed 30 September 2021.

²⁵ Nelson Kiva, 'Activists are faulting government on the procurement of over 280 double cabin pick-ups using donation money' *NewVision* (22 July 2021) <<https://www.newvision.co.ug/article/details/109693>> accessed 14 October 2021.

²⁶ Article 79 of the 1995 Constitution of the Republic of Uganda.

²⁷ 1995 Constitution of the Republic of Uganda.

²⁸ See <<https://pesacheck.org/true-ugandas-parliament-allocates-itself-ush10-billion-of-the-covid-19-budget-8f0e04be7316>> accessed 30 September 2021.

²⁹ Joselyn Esiana, 'Parliament Institutes COVID-19 Task Force to Monitor Govt Response' *The Observer* (30 June 2021) <<https://observer.ug/news/headlines/70358-parliament-institutes-covid-19-task-force-to-monitor-govt-response>> accessed 14 October 2021.

³⁰ *Ibidem*.

³¹ *Gerald Karuhanga & Jonathan Odur v. Attorney General* (29 April 2020).

³² *Ibidem*.

³³ 'National Corona Virus Disease: Resurgence plan' (Ministry of Health, June 2021 - June 2022) <<https://www.health.go.ug/cause/national-corona-virus-disease-2019-resurgence-plan/>> accessed 30 September 2021.

³⁴ The results are available at <<https://www.health.go.ug/covid/rersources/>> accessed 30 September 2021.

³⁵ Ministry of Health, *The One Year Journey of the National COVID-19 Response* <<https://www.health.go.ug/cause/the-one-year-journey-of-the-national-covid-19-response/>> accessed 30 September 2021.

³⁶ *Ibidem*.

³⁷ *Ibidem*.

³⁸ Republic of Uganda, *COVID-19 Response Info Hub - Coordination Structure* <<https://covid19.gou.go.ug/coordination.html>> accessed 30 September 2021.

³⁹ Wilson W. Muhwezi, Jonas Mbabazi *et al.*, 'The Performance of the COVID-19 District Task Forces in Uganda: Understanding the Dynamics and Functionality' (Kampala, 2020) ACODE Policy Research Paper Series 101 <<https://www.acode-u.org/uploadedFiles/PRS101.pdf>> accessed 30 September 2021.

strategies regarding case management, surveillance, health promotion, resource mobilization, enforcement of standard operating procedures and continued delivery of basic services.⁴⁰ The COVID-19 guidelines designated the Resident District Commissioners (RDCs) to lead the response team at the district level, with the support from the District Health Officers (DHOs) and district chairmen under the DTF.⁴¹ At the community level, the local council chairman (LC.1) is responsible for managing the village populations and ensuring compliance with national regulations.⁴²

There are also committees and sub-committees formed both at the districts, Municipalities, Town Councils, Sub-counties and Villages.⁴³ These are in charge of risk communication, psychosocial support, case management, testing and the logistics, with Local Council 1 and Village Health Teams being instrumental.⁴⁴ Research shows that there was a lack of coordination in communications sent to Local Governments from the Central Government Ministries and Agencies.⁴⁵ Most districts did not have response plans and budgets in place, and were not able to equip the health facilities with hand washing equipment, personal protective gear, creating isolation and quarantine centers.⁴⁶

The structure at the district level has several challenges. First, since COVID-19 is a pandemic, it can be regulated under the Disaster Preparedness and Management Policy (2011) which designates the District Chairperson to head such Task Forces.⁴⁷ Therefore, the RDC to chair the District Task force is not consistent and a clear source of conflict. The distortion of this institutional structure created role conflicts in some districts which affected the performance of the Task Forces.⁴⁸ Second, there is an inadequate infrastructure to effectively respond to COVID-19. For instance, the Isolation and Quarantine Centers are ill-equipped, and in some districts they do not even exist. Additionally, there are inadequate medical supplies at existing

health facilities, including Personal Protective Equipment for health workers. This puts health workers at risk of contracting the deadly virus.⁴⁹ Third, COVID-19 Guidelines are unclear as to the structure and roles of DTF members. As a result, the constitution or membership of COVID-19 district taskforces is not uniform across all districts.⁵⁰ Fourth, some cases of corruption and lack of transparency and accountability by the COVID-19 District Task Forces have been reported in some districts.⁵¹ The most reported cases are on extortion and inequity of food distribution.⁵² Finally, there are some cases of human rights violations perpetrated by the Police and Local Defence Unit (LDU) personnel such as using excessive force to enforce the COVID-19 measures, including beating, shooting, and arbitrarily detaining people across the country.⁵³

4. COVID-19 Legal and Regulatory Measures

A number of soft and hard regulatory and legal measures and approaches have been adopted to try to prevent and control the spread of the COVID-19 cases in Uganda. Soft measures are guidelines that would not be binding, whereas hard measures include legal instruments issued by the Minister of Health under the Public Health Act and other existing pieces of legislation applicable to the COVID-19 situation as elaborated below.

4.1. Soft Regulatory Measures

The President announced measures in a form of directives, and different institutions across the country issued guidelines that contained measures to prevent and control the spread of COVID-19. These measures did not have legal force because there were never enacted as legal instruments. However, some of them got legal force through statutory instruments enacted by the Ministry of

⁴⁰ *Ibidem*.

⁴¹ *Ibidem*.

⁴² *Ibidem*.

⁴³ Africa Freedom of Information Centre (AFIC), *Local Governments' Response in the Fight Against COVID-19: A Case of Selected Districts in Uganda* (September 2020) <<https://www.dgf.ug/sites/default/files/resrcr/Covid%2019%20Report.pdf>> accessed 30 September 2021.

⁴⁴ *Ibidem*.

⁴⁵ *Ibidem*.

⁴⁶ *Ibidem*.

⁴⁷ Republic of Uganda, *The National Policy for Disaster Preparedness and Management* (2011) 28 <file:///C:/Users/YK154EU/Downloads/UNDPUG2014-National%20Disaster%20Policy%20Nov%202013_FINAL.pdf>-accessed 30 September 2021.

⁴⁸ *Ibidem*.

⁴⁹ *Ibidem*.

⁵⁰ *Ibidem*.

⁵¹ *Ibidem*.

⁵² Wilson W. Muhwezi, Jonas Mbabazi et al., 'The Performance of the COVID-19 District Task Forces in Uganda: Under-standing the Dynamics and Functionality' (Kampala, 2020) ACODE Policy Research Paper Series 101 <<https://www.acode-u.org/uploadedFiles/PRS101.pdf>> accessed 30 September 2021.

⁵³ *Ibidem*. Human Rights Watch, *Uganda: Respect Rights in COVID-19 Response* (2 April 2020) <<https://www.hrw.org/news/2020/04/02/uganda-respect-rights-COVID-19-response>> accessed on 30 October 2021.

Health that replicated the measures and also acted retrospective the presidential directives.

a. Presidential Directives

The President of Uganda has issued a number of directives regarding COVID-19 via national television, radio and Newspapers. It is important to note these directives would be enforced by security agencies and government departments as laws without legal basis as would be required.

The first directives were issued on 18 March 2020. During the presidential speech several measures were announced to impose a partial lockdown.⁵⁴ These included: (i) closure of all educational institutions, (ii) suspension of communal prayers in mosques, churches or in Stadia, and other open air venues, (iii) stopping all public political rallies, cultural gatherings or conferences, (iv) banning Ugandans from moving to or through category one (I) countries that had had a large number of corona cases by that time, (v) allowing returning citizens/residents to undergo mandatory quarantine at their cost, (vi) advised on nutrition to strengthen the body defense system, (vii) allowing the non-agricultural gathering points, (viii) allowing burials of up to 10 people, (ix) suspending weekly or monthly markets, and (x) allowing public transportation provided they follow COVID-19 guidelines.⁵⁵ The directive suspended discos, dances, bars, sports, music shows, cinemas and concerts, advised hygiene behavior such as no coughing or sneezing in public, no spitting, washing hands with soap and water or using sanitizers, regularly disinfecting surfaces such as tables, door handles, etc., and not touching one's eyes, nose or mouth with contaminated and unwashed hands.⁵⁶

The second directive was issued by the President on 21 March 2020, following the

country's first registered case of corona virus detected upon arrival of a Ugandan from Dubai on the very day.⁵⁷ The President issued directives on the border closure in and out from Uganda, limiting transport by land, air and sea to cargo; only cargo, officially authorized and U.N. planes were exempted.⁵⁸ This directive that came into effect 24 hours after the address closed a number of Ugandans abroad as well as foreigners present in Uganda at the time.⁵⁹

The third directive was issued on 25 March 2020, suspending public transport and non-food markets for two weeks.⁶⁰ The directive-maintained border closures for all passengers coming into Uganda either by air, land or water; affecting incoming flights, buses, taxis and boats; and prohibited cross-border pedestrians crossing.⁶¹

The fourth directive included the first total lockdown in Uganda and was issued on 30 March 2020. The directive included: (i) prohibition movement by everybody including use of private vehicles, boda-bodas, tuk-tuks; (ii) prohibition of gatherings of more than 5 persons, (iii) imposed a curfew across the country effective from 19:00hrs to 06:30hrs; (iv) super-markets had to operate with restrictions on a numbers of customers that enter and leave at a given time and the handling of trolleys; (v) maintained closure of all the non-food shops (stores); (vi) closed saloons, lodges and garages; (vii) factory owners had to arrange for the crucial employees to quarantine around the factory area for the 14 days, and (viii) construction sites had to continue if they could quarantine their workers for 14 days.⁶² The directive only allowed provision of essential services such as the medical, veterinary, telephones, banks, private security companies, cleaning services, garbage collection, fire-brigade, petrol stations and the national water and sewerage departments.⁶³

⁵⁴ Government of Uganda, *Presidential Address on the Corona Virus (COVID-19) Guidelines on the Preventive Measures* (18 March 2020, State House – Entebbe) <<https://kampala.diplo.de/blob/2315822/0468d91d79744d29cf6f2e8ce200da0d/corona-address-to-the-nation-data.pdf>> accessed 22 July 2021.

⁵⁵ *Ibidem*.

⁵⁶ *Ibidem*.

⁵⁷ Government of Uganda, Ministry of Health, *Uganda Confirms 1st Case Of COVID-19* (21 March 2020) <<https://www.health.go.ug/covid/2020/03/23/uganda-confirms-1st-case-of-COVID-19-saturday-21-march-2020/>> accessed 25 October 2021.

⁵⁸ Government of Uganda, Embassy of Uganda in Japan, *Additional Guidelines On The COVID-19 (Corona Virus) Preventive Measures* (2020) <<http://www.uganda-embassy.jp/>> accessed 30 September 2021.

⁵⁹ 'Uganda approves return of citizens stranded abroad over COVID-19' *Xinhua News Agency* (28 May 2020) <<https://newsaf.cgtn.com/news/2020-05-28/Uganda-approves-return-of-citizens-stranded-abroad-over-COVID-19-QQr7hldmla/index.html>> accessed 30 September 2021.

⁶⁰ Government of Uganda, *President's address on COVID19 & new guidelines* (State House PPU, 25 March 2020) <<https://www.statehouse.go.ug/media/news/2020/03/25/presidents-address-covid19-new-guidelines>> accessed 30 September 2021.

⁶¹ *Ibidem*.

⁶² Government of Uganda, Ministry of Foreign Affairs, *4th Presidential Address On COVID-19 Pandemic* (14 April 2020) <<https://www.mofa.go.ug/data/dnews/681/4th%20presidential%20address%20on%20covid-19%20pandemic.html>> accessed 30 September 2021.

⁶³ *Ibidem*.

The subsequent Presidential speeches provided updates on matters of the pandemic, easing the lockdown. On May 4th 2020 while easing the lockdown, the President maintained compulsory mask wearing by those who went outside their homes, whole sellers, ware houses, restaurants, and hardware shops were allowed to open, shops ordered not operate air-conditioning; with insurers and lawyers also added on the list of essential workers.⁶⁴

In sum, the President issued COVID-19 control and prevention directives that included: the predominant mandatory wearing of face masks in public places, social-distancing and provision for washing hands or using sanitizers. ⁶⁵ These directives aimed at slowing down the virus' transmission rate. Public control measures also included a two-week institutional quarantine for all returnees, closure of all academic institutions (with a phased opening of schools), and a total ban on public and private transport except for essential workers in the area of operating ambulances, in security, the health workers, bankers, and journalists, among others.⁶⁶ The directives were also focused on humanitarian assistance, such as the distribution of free face masks countrywide starting with the most affected areas.⁶⁷ These also included the procurement and distribution of food to vulnerable population during the lockdown, especially the urban poor.⁶⁸

Following an increase in COVID-19 cases and deaths in May 2021, what was term as a 'second wave', the President issued additional directives equivalent to a second total lockdown. The directives included banning all public and private transport except tourist, emergency vehicles, police and army vehicles, and essential workers vehicles.⁶⁹ Curfew time was pulled forward effective 19:00hrs to 05:30hrs. The President ordered the closure of all schools and high learning institutions (that had since resumed) for 42 days effective 7 June 2021.⁷⁰ The President also ordered all teachers to get

vaccinated before returning to schools. ⁷¹ The President suspended communal prayers in Mosques, Churches (that had also since resumed) or in Stadia, and other open-air, venues for 42 days.⁷² There was also suspension of public and cultural gatherings or conferences, except for the Cabinet, Legislature and Judiciary.⁷³ Travel from India was also suspended.⁷⁴ Wedding ceremonies, parties, burials, vigils and funerals were limited to a maximum of 20 people under strict observance of COVID-19 guidelines. ⁷⁵ All public transport between and across districts was also suspended for the same period except within the Kampala Metropolitan, for cargo trucks, registered tourist vehicles and the essential and Emergency Services vehicles, among others.⁷⁶

On 30 July 2021, following a consistent decrease in daily confirmed cases, hospital admissions of severe and critically ill patients, and deaths, the President revisited the lockdown measures as follows: (i) malls, arcades and other business centers to open subject to compliance with the SOPs; (ii) places of worship remained closed for more 60 days; (iii) International and local accredited sports events were allowed under strict observance of SOPs (no spectators).⁷⁷ Furthermore, Kikuubo, a business hub, was opened under strict rules; restaurants, food markets and salons were allowed to operate under strict observance of SOPs; Ministries, Departments and Agencies (MDAs) and other formal sectors i.e. lawyers, auditors etc. to operate at a maximum of 30% in a rotational manner.⁷⁸ Public transport was able to operate at 50% capacity following strict SOPs. ⁷⁹ Schools remained closed until sufficient vaccination of eligible population and children aged 12-18 years old was reached, and virtual learning was encouraged.⁸⁰ The Ministry of Finance working with the Bank of Uganda mobilized low cost credit for Micro, Small and Medium Enterprises (MSMEs), and the government raised UGX 200 Billion through

⁶⁴ Government of Uganda, *Latest Updates On Matters Regarding Corona Virus (COVID-19)* (State House Nakasero, 4 May 2020) <<https://statehouse.go.ug/sites/default/files/files/presidential-statements/address-corona-virus-4-may-2020-converted.pdf>> accessed 30 September 2021.

⁶⁵ Government of Uganda, Ministry of Health, *Presidential Speeches Archives - COVID-19* <<https://www.health.go.ug/covid/document-category/presidential-speeches/>> accessed 25 October 2021.

⁶⁶ *Ibidem.*

⁶⁷ *Ibidem.*

⁶⁸ *Ibidem.*

⁶⁹ Government of Uganda, *Yoseweri Kaguta Museveni Museveni Address on COVID-19 Pandemic Resurgence* (State House, 18 June 2021).

⁷⁰ *Ibidem.*

⁷¹ *Ibidem.*

⁷² *Ibidem.*

⁷³ *Ibidem.*

⁷⁴ *Ibidem.*

⁷⁵ *Ibidem.*

⁷⁶ *Ibidem.*

⁷⁷ Government of Uganda, *Address by Yoweri Kaguta Museveni President of the Republic of Uganda to the Nation on COVID-19 pandemic response as of 30th July, 2021* (Nakasero) <https://ambkampala.esteri.it/ambasciata_kampala/resource/doc/2020/05/address_on_corona_virus_4_may_2020-converted.pdf> accessed 30 September 2021.

⁷⁸ *Ibidem.*

⁷⁹ *Ibidem.*

⁸⁰ *Ibidem.*

Budget Rationalization, and participating Financial Institutions.⁸¹

b. Ministry of Health Guidelines

The Ministry of Health developed several guidelines to support individuals and institutions to prevent and control the spread of COVID-19. The first sets of guidelines were the National Guidelines for Quarantine in context of COVID-19, addressed to all ministries, departments and agencies.⁸² They focused on implementing home, institutional and geographic quarantine measures for individuals in the context of the current COVID-19 outbreak.⁸³

These Guidelines were of three types: (i) home quarantine for exposed persons, who had to quarantine individually at home, (ii) institutional quarantine for exposed persons who quarantined in a monitored group setting, and (iii) geographic quarantine for quarantining across a village, district, region, or country.⁸⁴ Moreover, the Ministry of Health issued guidelines on the use of masks.⁸⁵ These guidelines categorised masks into medical masks (N95, KN95 and surgical masks) and non-medical masks (made out of fabric – cloth – preferably double layered cotton masks with a filter material).⁸⁶ The guidelines provided that all adults and children aged six years and above had to wear masks while in public.⁸⁷ The guidelines also gave information on how to use the masks properly as well as how to care for masks such as the reusable ones.⁸⁸

c. Guidelines regarding Educational Institutions

The Ministry of Education issued National Guidelines for the reopening phase under COVID-19 Standard Operating Procedures.⁸⁹ The purpose

of the guidelines was to provide an actionable assistance for safe reopening and running of education institutions through effective implementation of Standard Operating Procedures for institutions of learning during the COVID-19 pandemic.⁹⁰ The main themes of these guidelines were setting up standard operating procedures for institutions of learning such as social distancing of at least two meters in classes, provision for temperature screening, and provision of hand washing; creating a model for a phased re-opening of education institutions as a mechanism for maintaining social distancing.⁹¹

The guidelines also addressed reopening of international schools, guidelines for staff transportation, creating safe education institutions operations, ensuring effective utilization of school facilities, and reorganization of school programmes.⁹² Staff management and capacity building such as having a health worker on staff, training of other staff on COVID-19 management by the District Task Force, and having only full time staff; provision of facilities for implementation of the Standard Operating Procedures; and charging flexible school fees arrived at after engaging the parents as well as accepting payment in installments, were also spelt out.⁹³

Separate institutions also came up with particular guidelines. For example Makerere University one of the oldest and most prestigious Universities in Africa, and Government owned issued guidelines on reopening teaching and research, majorly through online teaching and a laid out phased staggered programme to allow physical presence at the university.⁹⁴ On 6th June 2021, the University came up with specific guidelines for the 42 days closure ordered by the presidential directive.⁹⁵ The University maintained all online

⁸¹ *Ibidem*.

⁸² Government of Uganda, Ministry of Health, *National Guidelines For Quarantine In Context Of COVID-19* (2020) <<https://www.health.go.ug/cause/national-guidelines-for-quarantine-in-context-of-COVID-19/>> accessed 25 October 2021.

⁸³ Government of Uganda, Ministry of Health, *National Guidelines for Quarantine in Context of COVID-19* (2020) <<https://www.health.go.ug/cause/national-guide-lines-for-quarantine-in-context-of-COVID-19/>> accessed 25 October 2021.

⁸⁴ *Ibidem*.

⁸⁵ Government of Uganda, Ministry of Health, *Guidelines for the use of Masks* (2020) <<https://www.health.go.ug/covid/document/guidelines-for-the-use-of-masks/>> accessed 18 October 2021.

⁸⁶ *Ibidem*.

⁸⁷ *Ibidem*.

⁸⁸ *Ibidem*.

⁸⁹ Government of Uganda, Ministry of Education, *Guidelines for reopening of education institutions and implementation of COVID-19 Standard Operating Procedures* (September 2020) <<https://www.education.go.ug/wp-content/uploads/2020/09/Guidelines-and-SO-PS-for-Re-opening-Education-Institutions-During-Covid-19.pdf>> accessed 19 October 2021.

⁹⁰ *Ibidem*.

⁹¹ *Ibidem*.

⁹² *Ibidem*.

⁹³ *Ibidem*.

⁹⁴ Makerere University, *Academic calendar* <<https://www.mak.ac.ug/current-students/academic-calendar>> accessed 19 October 2021.

⁹⁵ Mark Wamai, 'University Closure Guidelines in Compliance With Presidential Directive on COVID-19' *Mak News* (20 March 2020) <<https://news.mak.ac.ug/2020/03/university-closure-guidelines-in-compliance-with-presidential-directive-on-covid-19/>> accessed 30 September 2021.

electronic platforms, including the Makerere University E-Learning Environment (MUELE) and electronic resources under the University Library, to be accessible during the closure period.⁹⁶ The university allowed staff and students with ongoing research activities to continue and meet their research teams and supervisors online.⁹⁷ Moreover, staff undertaking research involving perishable laboratory materials that were already acquired the university guidelines were allowed to register with their Unit Heads to be included in the permitted 30% physical presence on the campus to continue their research activities.⁹⁸ Staff with research activities that required inter-district travel (which was banned) was directed to reschedule their field research activities.⁹⁹ Other institutions also adopted similar measures such as on-line teaching and reduction of staff.¹⁰⁰

d. Ministry of Internal Affairs Guidelines

In the wake of COVID-19, the Ministry of Internal Affairs issued interventions and actions directing all citizenship passports applications as well as work permits, special passes, dependent passes and other immigration facilities to online platforms.¹⁰¹ All passport applicants that were required to appear before authorities for enrolment, interviews or to pick up passports had to undergo body temperature tests and hand washing or sanitizing.¹⁰² They must also keep a one-meter distance apart before and after access is granted.¹⁰³

e. Guidelines for the Judiciary

The Judiciary also issued guidelines on justice administration during the COVID-19 pandemic. On 19 March 2020 the then Chief Justice issued a

document that contained guidelines for the courts during the 32 days of the lockdown.¹⁰⁴ Some of these guidelines included suspension of all court hearings and appearances for 32 days, and written submissions were preferred.¹⁰⁵ During this period prisoners on remand were not to appear before courts but the proceedings were conducted using video links.¹⁰⁶ All execution proceedings were suspended for the same period except where attachment had already taken place.¹⁰⁷

Certificates of urgency together with plea taking for serious crimes and bail application were allowed.¹⁰⁸ However, only the applicant and their lawyer, or in the case of bail application, the sureties were allowed in court.¹⁰⁹

On 7 June 2021, the current Chief Justice issued a revision of the guidelines.¹¹⁰ These included: (i) immediate scale down of operations to 30% physical presence in all courts and departments and ensuring that only critical staff remain to attend to court business;¹¹¹ (ii) court registries remained open to allow case filing;¹¹² (iii) suspension of court hearings, appearances and execution proceedings;¹¹³ (iv) urgent matters were conducted in court halls or open spaces; and (v) the use of e-mail for written submissions, audio-visual hearings, and on-line delivery of judgements was emphasized.¹¹⁴ The Anti-Corruption Division was temporarily closed up to 18 June 2021.¹¹⁵

Article 133(1)(b) of the Constitution gives the Chief Justice general powers to issue orders and directions to the courts necessary for the proper and efficient administration of justice.¹¹⁶ The Chief Justice in the exercise of such powers should have been mindful of timely delivery of justice and enforcement of human rights, as well as commercial interests; a development of online filing, hearing, and delivery of judgements would have been a

⁹⁶ Makerere University, Office of the Vice-Chancellor, *Letter to All Staff & Students concerning 'University closure guidelines in compliance with the presidential directive to close institutions of higher learning as a preventive measure to curb the spread of the Coronavirus* (8 June 2021) <<https://news.mak.ac.ug/wp-content/uploads/2021/06/Makerere-University-Closure-Guidelines-8thJun2021.pdf>> accessed 30 September 2021.

⁹⁷ *Ibidem*.

⁹⁸ *Ibidem*.

⁹⁹ *Ibidem*.

¹⁰⁰ Kyambogo University, *Press briefing Monday 9th august 2021* <<https://kyu.ac.ug/press-briefing-monday-9th-august-2021/>> accessed 30 October 2021.

¹⁰¹ Ministry of Internal Affairs, *Interventions and actions in the wake of COVID-19 by the Ministry of Internal Affairs* <<https://immigration.go.ug/media/interventions-and-actions-wake-COVID-19-ministry-internal-affairs>> accessed 30 September 2021.

¹⁰² *Ibidem*.

¹⁰³ *Ibidem*.

¹⁰⁴ Supreme Court of Uganda, Chambers of the Chief Justice, *Circular on Administrative and contingency measures to prevent and mitigate the spread of Coronavirus (COVID-19)* <<http://judiciary.go.ug/files/downloads/Chief%20Justice%20Circular%20on%20COVID-19.pdf>> accessed 19 October 2021.

¹⁰⁵ *Ibidem*.

¹⁰⁶ *Ibidem*.

¹⁰⁷ *Ibidem*.

¹⁰⁸ *Ibidem*.

¹⁰⁹ *Ibidem*.

¹¹⁰ Owiny-Dollo (Chief Justice); *Revised contingency measures by the Judiciary to prevent and mitigate the spread of COVID-19* [CJ/C.7, 7 June 2021].

¹¹¹ *Ibidem*.

¹¹² *Ibidem*.

¹¹³ *Ibidem*.

¹¹⁴ *Ibidem*.

¹¹⁵ *Ibidem*.

¹¹⁶ 1995, Constitution of the Republic of Uganda.

much better viable solution at the time. It is important to note that these orders have since been challenged and await hearing and determination.¹¹⁷

Guidelines for Insurance

The Insurance Regulatory Authority issued industry guidelines on business affairs during the surge of COVID-19,¹¹⁸ under section 12 (1) (b) of the Insurance Act¹¹⁹. This provision allows it to establish standards for business in the insurance sector and to issue such guidance as it considers it appropriate.¹²⁰ These guidelines included: (i) suspension of all exclusions relating to pandemics under general insurance policies;¹²¹ (ii) a directive that insurers suspend all deadlines for claim intimation;¹²² (iii) ensuring communication with policyholders via contact detail, e-mail addresses, and display of services on insurers' websites;¹²³ and (iv) a waiver of all late premium payment penalties/fees.¹²⁴

Guidelines for the Elections

Uganda's electoral calendar coincided with a pandemic.¹²⁵ The activities on the electoral

roadmap were actually first extended to cater for preparatory measures as well as to do enough consultation on the best way to hold them.¹²⁶ Since the country did not declare a state of emergency no extension of Parliament was enacted.¹²⁷ Notwithstanding the above, the Chairman of the Electoral Commission revamped the electoral roadmap with activities like nomination, campaigning given a shorter duration.¹²⁸

The Electoral Commission also came up with guidelines on how to conduct the process.¹²⁹ The Commission banned political rallies, campaigns were restricted to two hundred people with standard operating procedures such as wearing of masks, hand washing, sanitizing and social distancing.¹³⁰ These however were violated by many politicians across the political divide as they defied the guidelines and conducted mass rallies and processions.¹³¹

The Electoral Commission also went as far as suspending campaigns in major districts and towns prior to the election.¹³² It cited Section 12 (1)(h) of the Electoral Commission Act; Section 21 (1) and (2) of the Presidential Elections Act, 2005; Section 20(1) of the Parliamentary Elections Act, 2005; and Section 172 of the Local Governments Act to assert

¹¹⁷ Michael Odeng, 'Mabirizi sues Gov't over court closure' *NewVision* (11 June 2021) <<https://www.newvision.co.ug/article/details/105797>> accessed 30 September 2021.

¹¹⁸ *Insurance Industry Guidelines on the Conduct of Business During the Corona Virus Disease* (IRA/CIR/04/20/575).

¹¹⁹ 2017, The Insurance Act.

¹²⁰ Section 12 (1) (b) 2017, The Insurance Act.

¹²¹ *Guideline 6, Insurance Industry Guidelines on the Conduct of Business During the CoronaVirus Disease*, (IRA/CIR/04/20/575).

¹²² *Guideline 10, Insurance Industry Guidelines on the Conduct of Business During the CoronaVirus Disease*, (IRA/CIR/04/20/575).

¹²³ *Ibidem* no.12.

¹²⁴ *Ibidem* no.9.

¹²⁵ With South Korea has emerged as a model for having organized a highly successful electoral process, while protecting the health of its population; Ethiopia, Serbia and Dominican Republic among others postponing elections (European Parliament) <[https://www.europa.europa.eu/ReData/etudes/BRIE/2020/652017/EPRS_BRI\(2020\)652017_EN.pdf](https://www.europa.europa.eu/ReData/etudes/BRIE/2020/652017/EPRS_BRI(2020)652017_EN.pdf)> accessed 20 October 2021.

¹²⁶ Electoral Commission of Uganda, *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections* <<https://www.ec.or.ug/news/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections>> accessed 20 October 2021.

¹²⁷ Article 77 (4) of The 1995 Constitution of the Republic of Uganda.

¹²⁸ Electoral Commission of Uganda, *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections* <<https://www.ec.or.ug/news/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections>> accessed 21 October 2021.

¹²⁹ Electoral Commission of Uganda, *Standard Operating Procedures (SOPs) During Elections of Special Interest Groups (SIGs) Committees* (2020) <<https://www.ec.or.ug/info/standard-operating-procedures-sops-during-elections-special-interest-groups-sigs-committees>> accessed 21 October 2021.

¹³⁰ Electoral Commission of Uganda, *Resumption of Electoral Activities under the Revised Roadmap for 2020/2021 General Elections* <<https://www.ec.or.ug/news/resumption-electoral-activities-under-revised-roadmap-20202021-general-elections>> accessed 21 October 2021.

¹³¹ Electoral Commission of Uganda, *Press Statement on Observations and the Conduct of Candidates during Campaigns for 2021 general elections* (Adm72/01) <<https://www.ec.or.ug/sites/default/files/press/Press%20Statement%20on%20Conduct%20of%20Candidates%20During%20Campaigns%2011.11.20.pdf>> accessed 23 October 2021.

¹³² Election Commission of Uganda, *Press Statement on Suspension of general election campaign meetings in specified areas of the country* (Adm72/01) <<https://www.ec.or.ug/sites/default/files/press/Press%20Statement%20on%20Suspension%20of%20General%20Election%20Campaign%20Meetings%20in%20Specified%20Areas.pdf>> accessed 21 October 2021.

its power on how to guide the manner of campaign.¹³³ The suspension was unsuccessfully challenged in court.¹³⁴ The applicant argued that the directive was illegal, irrational and violated his right to a fair hearing as he was not consulted before its issuance, as one of the candidates for the Capital City Lord Mayor position and who was among those affected by the decision.¹³⁵ Justice Sekaana in his ruling reasoned that under Section 50 of the Electoral Commission Act, the Electoral Commission has special powers in case of any emergency to suspend the election campaigns.¹³⁶ He noted that the decision of Electoral Commission is premised on the increased numbers of infections of COVID-19 and this is uncontested and supported by the worldwide spike of a new wave of coronavirus infection.¹³⁷ The Court reasoned that due to the pandemic it would not have been possible to hold a hearing for the applicant and all affected political players because of the urgency with which the administrative action needed to be taken by Electoral Commission.¹³⁸

4.2. Hard Legal Regulatory Measures

a. Constitutional emergency powers

Article 110 of the Ugandan Constitution provided for a State of Emergency in situations that threaten public safety.¹³⁹ The President in consultation with cabinet issues a proclamation of State of Emergency.¹⁴⁰ Such proclamation must stay in place for 90 days.¹⁴¹ During this time, the President issues regular reports to Parliament and the Parliament is in charge of enacting necessary laws for enabling effective measures during the State of Emergency.¹⁴² The President of Uganda did not

apply his powers to declare state of emergency; and this decision deprived the Parliament of its constitutional mandate to monitor and balance the powers of the Executive in imposition of restrictions to rights and freedoms like freedom of movement, freedom to conduct business, among others.¹⁴³

Article 99 of the Constitution confers executive authority to the President and provides that the President can issue statutory instruments, but this must be exercised on matters upon which a specific law mandates and none was in presence.¹⁴⁴ In the absence of a specific law and a judicial decision, the question of legality of the presidential directives remains critical of the legality aspects in the Ugandan COVID-19 response (though no court has pronounced itself on the matter).¹⁴⁵

b. Public health measures

Public health measures are non-medical interventions used to reduce the spread of disease.¹⁴⁶ They include providing public education, conducting case and contact management, closing schools, limiting public gatherings, issuing travel restrictions and screening travelers.¹⁴⁷ These measures have been used to prevent and control the spreading of COVID-19 in Uganda as discussed below;

Under Sections 11 and 27 of the Public Health Act;¹⁴⁸ the Minister of Health is in charge of issuing rules regarding notification and prevention of the spread of any infectious disease.¹⁴⁹ Rules may include: (i) closing of schools or any place of public entertainment; and (ii) the establishment, maintenance, management and inspection of isolation hospitals, convalescent homes or other

¹³³ *Ibidem*.

¹³⁴ Lukwago Erias v Electoral Commission (Miscellaneous Cause 393, 2020).

¹³⁵ 'Lukwago loses bid to block ban on election campaigns' *The Independent* (11 January 2021) <<https://www.independent.co.ug/lukwago-loses-bid-to-block-ban-on-election-campaigns/>> accessed 21 October 2021.

¹³⁶ 'EC right to suspend election campaign meetings in 12 district, Court rules' *Daily Monitor* (11 January 2021) <<https://www.monitor.co.ug/uganda/news/national/ec-right-to-suspend-election-campaign-meetings-in-12-district-court-rules-3253864>> accessed 21 October 2021.

¹³⁷ *Ibidem*.

¹³⁸ 'Lukwago loses bid to block ban on election campaigns' *The Independent* (11 January 2021) <<https://www.independent.co.ug/lukwago-loses-bid-to-block-ban-on-election-campaigns/>> accessed 21 October 2021.

¹³⁹ Article 110 (1) Constitution of the Republic of Uganda (as amended).

¹⁴⁰ *Ibidem*.

¹⁴¹ *Ibidem* Article 110 (2) & (3).

¹⁴² *Ibidem* Article 110 (7).

¹⁴³ 'Uganda's de facto state of emergency to address the COVID-19 pandemic' *Avocats Sans Frontières* (2020) <<https://www.asf.be/blog/2020/06/11/ugandas-de-fac-to-state-of-emergency-to-address-the-COVID-19-pandemic/>> accessed 30 October 2021.

¹⁴⁴ Constitution of the Republic of Uganda (as amended).

¹⁴⁵ 'Uganda's de facto state of emergency to address the COVID-19 pandemic' *Avocats Sans Frontières* (2020) <<https://www.asf.be/blog/2020/06/11/ugandas-de-fac-to-state-of-emergency-to-address-the-COVID-19-pandemic/>> accessed 30 October 2021.

¹⁴⁶ Peterborough County-City Health Unit, *Public Health Measures' Pandemic Influenza Plan* <<https://www.longwoods.com/articles/images/PIP-6-public-health-measures.pdf>> accessed 25 October 2021.

¹⁴⁷ *Ibidem*.

¹⁴⁸ Public Health Act Chapter 281 Laws of Uganda.

¹⁴⁹ *Ibidem*.

institutions for the accommodation or treatment of persons suffering from or who have recently suffered from any infectious disease.¹⁵⁰ The provision also mandates the imposition and enforcement of quarantine or medical observation and surveillance.¹⁵¹ It is under these provisions that the Ministry of Health has issued a number of rules or instruments on the preventive and restrictive measures to curb the spread of the virus.¹⁵²

The Minister of Health has powers to notify or declare an infectious notifiable disease¹⁵³ under Section 10 of Public Health Act;¹⁵⁴ as well as making rules in form of instruments or orders as to response, prevention and control of the declared notifiable disease.¹⁵⁵ The first instrument issued was the 2020 Public Health (Control of COVID-19) Order.¹⁵⁶ Under this the Minister of Health declared COVID-19 a notifiable disease.¹⁵⁷

The second instrument was the Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order.¹⁵⁸ The Order gives medical officers powers to examine any person arriving in Uganda using aircraft, vehicle or vessel,¹⁵⁹ to hold anyone infected with COVID-19 in isolation or quarantine,¹⁶⁰ to quarantine or observe persons arriving in Uganda for a specific period as directed by the medical officer, depending on their countries of departure and transit, and to disinfect any vehicle, aircraft or vessel with clinical signs of COVID-19 contamination.¹⁶¹ The order created criminal offences for contravening the requirements, obstructing any medical officer while performing his/her duties, failure or refusal to give any required information or giving false or misleading information.¹⁶² Punishments included imprisonment for up to 3 months in the case of authors, and imprisonment for up to 12 months for the operators of vehicles, aircrafts or vessels who commit any offence.¹⁶³

The third instrument was the Public Health (Prohibition of Entry into Uganda) Order,¹⁶⁴ which

prohibited any person's entry into Uganda, as well as the introduction of any animal, article or object at or through any border posts.¹⁶⁵ The Order exempted persons, animals, articles or objects belonging to the United Nations Organization and any humanitarian organization or cargo vehicle or aircraft.¹⁶⁶ The Order was set to expire on 23 April 2020, with an option of extension given to the Minister.¹⁶⁷

The fourth Instrument was the Public Health (Control of COVID-19) Rules,¹⁶⁸ which require every owner, person in charge, or occupier of premises, and every employer and head of a household, and any local authority, who is aware or suspects any person residing in his or her area to be suffering from COVID-19 to immediately notify a medical officer or practitioner or take that person for treatment upon becoming aware that any person residing in his or her premises or in his or her employment is suffering from COVID-19.¹⁶⁹ The Rules further gave medical officers or health inspectors powers to: (i) refer any patient suffering from COVID-19 to the nearest regional referral hospital, (ii) order all persons who have been in contact with an infected person to remain in the premises where they were infected, (iii) enter any premises in order to search for any case of COVID-19, (iv) decontaminate or cause the decontamination of any building or premises that have clinical signs of contamination with COVID-19, and (v) give directions on the disposal of bodies.¹⁷⁰ The medical officers also have powers to direct the examination and investigation of any person believed or suspected to be harboring the infection.¹⁷¹

The Rules also banned public gatherings of more than 10 people, including schools, bars, churches, and other ceremonies until 16 April 2020 or as may be specified by the Minister.¹⁷² These rules granted the Minister the power to declare any place to be an infected area and regulate activities that may be

¹⁵⁰ Public Health Act Chapter 281 Laws of Uganda.

¹⁵¹ *Ibidem*.

¹⁵² *Ibidem*.

¹⁵³ A notifiable disease is a disease or injury that health professionals are required to report to the Medical Officer of Health at the local public health unit. Michelle Kirian, 'Notifiable disease: public health' *Britannica* <<https://www.britannica.com/science/notifiable-disease>> accessed 26 October 2021.

¹⁵⁴ Uganda Public Health Act Chapter 281.

¹⁵⁵ *Ibidem* Section 11.

¹⁵⁶ The Public Health (Notification of COVID - 19) Order SI. No. 45 2020.

¹⁵⁷ *Ibidem* Rule 2.

¹⁵⁸ The Public Health (Prevention of COVID-19) (Requirements and Conditions of Entry into Uganda) Order, 2020 S.I 2020 No. 46.

¹⁵⁹ *Ibidem* Rule 3.

¹⁶⁰ *Ibidem* Rule 4.

¹⁶¹ *Ibidem*.

¹⁶² *Ibidem* Rule 8.

¹⁶³ *Ibidem*.

¹⁶⁴ Public Health (Prohibition of Entry into Uganda) Order, 2020 (Statutory Instrument 53 of 2020)

¹⁶⁵ *Ibidem*.

¹⁶⁶ *Ibidem* Paragraph 3.

¹⁶⁷ *Ibidem* Paragraph 4.

¹⁶⁸ The Public Health (Control of COVID - 19) Rules, SI. No. 52 2020.

¹⁶⁹ *Ibidem* Rule 3.

¹⁷⁰ *Ibidem* Rules 4-8.

¹⁷¹ *Ibidem* Rule 12.

¹⁷² *Ibidem* Rule 9.

conducted in such areas to prevent the spread of or eradicate COVID-19.¹⁷³ Persons residing in a declared infected area shall undergo medical inspection or examination, and should remain under observation in a place selected by the medical officer for a period up to 28 days.¹⁷⁴ The offences under the Rules included holding gatherings or opening premises contrary to the Rules,¹⁷⁵ spitting in any public place,¹⁷⁶ and escaping or aiding the escape of a person from isolation or quarantine.¹⁷⁷ The penalty for committing these offences is imprisonment for up to 2 months.¹⁷⁸

The fifth Instrument was the Public Health (Control of COVID-19) (No.2) Rules 2020,¹⁷⁹ which imposed a curfew throughout Uganda from 1 April to 14 April 2020 starting at 19.00 hours and ending at 6.30 hours the following day.¹⁸⁰ The Rules also prohibited selling non-food items in markets and stores, the use of motor vehicles and engineering plants on any road, and required the closure of all shops and stores where non-food items were sold including, shopping malls, arcades, hardware shops, saloons, gymnasiums, massage parlours, hotels, lodging houses, motor repair garages and workshops during 1st April to 14th April 2020.¹⁸¹ Factories and construction sites were allowed to operate, provided that a factory or construction site accommodates for its employees.¹⁸² Moreover, employees were prohibited from leaving the factory or construction site until 14th April, 2020.¹⁸³

The Sixth Instrument was the Public Health (Control of COVID-19) No. 2 (Amendment No. 2) Rules, 2020 (the 'Rules') which amended the Public Health (Control of COVID-19) No. 2 Rules.¹⁸⁴ The order operationalized directives issued by the president on 4th May 2020.¹⁸⁵ The Rules eased restrictions on the closure of certain premises, movement and operation of services.¹⁸⁶ These included allowing lawyers under the Uganda Law Society to drive motor vehicles on any road during lockdown period for up to 30 vehicles on any given day, allowing factories and construction sites to operate provided they accommodate for their

employees and prohibiting the employees from leaving the site until 19th May 2020.¹⁸⁷ The conditions also included lifting the previous directive on closure of hardware shops, motor repair garages and workshops, and allowed carpentries, wood workshops and metal fabricators to operate.¹⁸⁸ Restaurants were able to operate but only to offer takeaway services.¹⁸⁹ Insurance services were also allowed to operate and time restrictions on motorcycle road users were decreased by allowing them to operate until 1700hrs.¹⁹⁰ Further, the Rules required every person to wear a face mask at all times while outside their place of residence.¹⁹¹ The penalty for noncompliance remained under the Public Health (Control of COVID-19) (No.2) Rules, 2020, and any person in contravention may be found liable and convicted to imprisonment for a period of up to three months.¹⁹² The duration of the lockdown was extended from 5 May 2020 to 19 May 2020.¹⁹³

Uganda got the second wave in May-June 2021 and as a result the President issued more directives that were implemented for 42 days.¹⁹⁴ Additional Rules, the Public Health (Control of COVID-19) Rules, 2021¹⁹⁵ were issued by the Minister of Health to legitimize the Presidential Directives.¹⁹⁶ The Rules gave medical officers powers to refer patients to the nearest hospital when becoming aware that the patient was suffering from COVID-19.¹⁹⁷ Likewise, they were able to immediately inform the head of the household or the occupier of the premises, or any person who has been in attendance on the deceased person, of the infectious nature of COVID-19 and of the precautions to be taken to prevent its transmission to other persons.¹⁹⁸ The health medical officer was also given power to disinfect premises where a building or premises had clinical signs of contamination with COVID-19, or where a health medical officer had information of contamination.¹⁹⁹

The medical officer or any health inspector, or person acting on written instructions of a medical officer were given powers to enter any premises in order to search for any case of COVID-19, or to

¹⁷³ *Ibidem* Rule 10.

¹⁷⁴ *Ibidem* Rule 13.

¹⁷⁵ *Ibidem* Rule 9 (2).

¹⁷⁶ *Ibidem* 10.

¹⁷⁷ *Ibidem* 11.

¹⁷⁸ *Ibidem*.

¹⁷⁹ Public Health (Control of COVID-19) Rules SI No. 2 2020.

¹⁸⁰ *Ibidem* Rule 3.

¹⁸¹ *Ibidem* Rules 4- 6.

¹⁸² *Ibidem*.

¹⁸³ *Ibidem* Rule 7.

¹⁸⁴ Public Health (Control of COVID-19) (Amendment No. 2) Rules, 2020 (Statutory Instrument 63 of 2020).

¹⁸⁵ *Ibidem*.

¹⁸⁶ *Ibidem*.

¹⁸⁷ *Ibidem*.

¹⁸⁸ *Ibidem*.

¹⁸⁹ *Ibidem*.

¹⁹⁰ The Public Health (Control of COVID-19) No. 2 (Amendment No. 2) Rules, 2020, Rule 6.

¹⁹¹ *Ibid*, Rule 8A.

¹⁹² *Ibidem*.

¹⁹³ *Ibidem* Rule 8 A (e).

¹⁹⁴ This was contained in the Presidential address of 19 June 2021.

¹⁹⁵ The Public Health (Control of COVID-19) Rules, No. 38 of 2021.

¹⁹⁶ *Ibidem*.

¹⁹⁷ *Ibidem*.

¹⁹⁸ *Ibidem* Rule 4.

¹⁹⁹ *Ibidem* Rule 6.

inquire whether there is or has been any case of COVID-19.²⁰⁰ During the search the health inspector or other person was required to notify the medical officer when they discovered any case of COVID-19.²⁰¹

The above rules (Public Health (Control of COVID-19) Rules, 2021)²⁰² created a responsibilities to presumed carriers of COVID-19; a 'carrier' of COVID-19 was defined to mean any person who, although he or she did not at the time present the clinical symptoms of COVID-19, but had been proved, or was believed, on reasonable grounds, to be harboring the infection of COVID-19 and consequently capable of spreading COVID-19.²⁰³ Such person was supposed to be examined and investigated at request of medical officer of health and to be detained in the hospital or place for such reasonable period as may be required for that purpose.²⁰⁴ The carrier was required at all times to observe and give effect to all reasonable instructions given to him or her by the medical officer in regard to the disposal of his or her infectious materials and the cleansing of articles used by him or her, and any other precautions for preventing the spread of infection.²⁰⁵ In case the carrier wished to change the place he or she was required within seven days before the change to inform the local authority and the medical officer of his or her intention to change his or her place of residence or work and of his or her intended new place of residence or work, which was restricted to only within the same district.²⁰⁶ Further, the Rules required that the bodies of all persons who die from COVID-19 be disposed of in conformity with the any directions of a medical officer of health.²⁰⁷

Furthermore, under the above Rules depending on the level of risk presented, some activities and places were allowed to operate with some restrictions, while others were temporarily or indefinitely suspended until 30th July 2021 as seen below: the premises and businesses that were allowed to operate with restrictions and following the COVID-19 guidelines were: (i) restaurants premised in hotels and restaurants located outside hotels to offer take-away services, (ii) retail shops outside shopping malls and shopping arcades, (iii) motor repair garages and metal fabricator workshops, (iv) food markets, (v) shops dealing with agricultural chemicals and seeds, veterinary drugs and detergents, (vi) pharmacies,

supermarkets and shops located inside shopping malls and shopping arcades, factories and construction sites and places of worship were only allowed up to 20 people per gathering, as well as wedding ceremonies, parties, vigils and funerals.²⁰⁸ Government meetings such as the meetings of the Cabinet, Parliament, and local governments and judicial proceedings were permitted according to their respective heads' guidelines.²⁰⁹

On the other hand, the places and activities that remained closed or suspended until 30 July 2021 included: (i) salons, schools and institutions of higher learning, (ii) sale of non-food items outside designated markets, (iii) house parties, (iv) political rallies and political meetings, (v) Kikuubo business center in Kampala Capital City, (vi) shopping arcades and shopping malls, and (vii) trading in live animals at places designated for this purpose by the local authorities.²¹⁰

Under these Rules, the following places and activities were closed and suspended indefinitely: (i) bars, night clubs, and cinema halls, (ii) prayers in open spaces, outside churches and mosques, (iii) seminars, workshops, conferences and culture-related meetings, (iv) indoor and outdoor concerts and indoor sports and sports events, and (v) gymnasiums and massage parlors.²¹¹

Motor vehicles were prohibited on any road from 2200 hours on 18 June 2021 until 30 July 2021.²¹² Exempted motor vehicles were: those used for medical services, including ambulance services, Uganda Police Force, Uganda Peoples Defence Force, those used for electricity services, media services, Uganda Revenue Authority, security-related services, and delivery services, where the vehicle did not carry more than two passengers (including the driver).²¹³ Similarly, vehicles used to transport tourists, where the vehicles shall not carry more than 50% of the allowed number of passengers, motor vehicles used to provide funeral related services, used by diplomats, used for garbage collection, for selected Government services, with particular permission by the Resident District Commissioner or a person authorized by the Resident District Commissioner, and motor vehicles or engineering plants permitted by the ministry responsible for transport were also exempt.²¹⁴ A motorcycle was permitted to carry

²⁰⁰ *Ibidem* Rule 5.

²⁰¹ *Ibidem* Regulation 5.

²⁰² The Public Health (Control of COVID-19) Rules, No. 38 of 2021.

²⁰³ *Ibidem* Rule 8.

²⁰⁴ *Ibidem*.

²⁰⁵ *Ibidem*.

²⁰⁶ *Ibidem*.

²⁰⁷ *Ibidem* Rule 9.

²⁰⁸ *Ibidem* Rule 13.

²⁰⁹ *Ibidem* Rule 15.

²¹⁰ *Ibidem* Rule 12.

²¹¹ *Ibidem* Rule 11.

²¹² *Ibidem* Rule 16.

²¹³ *Ibidem*.

²¹⁴ *Ibidem*.

cargo only and was not permitted to be used on any road in Uganda after 1700 hours each day.²¹⁵

The Rules required every person to wear a mask, at all times, while outside his or her place of residence.²¹⁶ Hawking, street vending and selling of non- food items in markets continues to be prohibited.²¹⁷ The above Rules also extended the curfew imposed throughout Uganda by S.I. 55 of 2020 to 1900 hours each day and ending at 0530 hours the following day until 30th July 2021.²¹⁸

The offences under these Rules included opening bars, night clubs, and cinema halls, holding prayers in open spaces, outside of churches and mosques, conducting, seminars, workshops, conferences and cultural related meetings, holding indoor and outdoor concerts and indoor sports and sports events, pre-primary schools and gymnasiums and massage parlors.²¹⁹ Furthermore, escaping or aiding the escape of a person from isolation or quarantine is also considered an offence.²²⁰ The penalty for committing these offences is imprisonment for up to 2 months.²²¹

The Rules give authority to police and local authorities to enter any place or premises and may inspect any motor vehicle or engineering plant for the enforcement of these rules.²²²

4.3. Use of Criminal Law to Prevent and Control COVID-19

Criminal Prosecution under the Penal Code Act²²³ has been used to prevent and control spread of COVID-19.²²⁴ Section 171 prescribes offences of negligent act likely to spread infection of disease as follows:

'Any person who unlawfully or negligently does any act which is and which he or she knows or has reason to believe to be likely to spread the infection

of any disease dangerous to life commits an offence and is liable to imprisonment for seven years.'²²⁵

Other penal provisions can be found under Section 20 of The Public Health Act,²²⁶ which lists additional offences and penalties for lack of compliance with public health precautions. It establishes that it constitutes an offence if a person suffering from an infectious disease willfully exposes himself/herself without proper precautions to avoid spreading the disease in any public place.²²⁷

The Public Health (Control of COVID-19) Rules,²²⁸ issued under the above Public Health Act, create several offences for aiding the escape from isolation or quarantine, and for conveying items into a place designated for isolation or quarantine with intent to facilitate the escape of a person.²²⁹ The punishment is imprisonment for two months.²³⁰ Another offence is allowing a prohibited public gathering to take place by persons in charge. The punishment is imprisonment for up to two months.²³¹ The rules also provide for a general criminal offence and penal sanction of imprisonment for a period not exceeding two months where no offence is provided for in the rules.²³²

A number of people have been charged under the Penal Code guidelines.²³³ For instance, Robert Kyagulanyi the National Unity Platform party presidential candidate was arrested in Luuka district for holding mass rallies. Likewise, the Forum for Democratic Change party presidential candidate Patrick Amuriat was also arrested for a similar charge.²³⁴ They were both charged under the Penal Code in relation violating the guidelines set out by the Electoral commission on holding mass rallies and later released on bail.²³⁵

The government intends to impose monetary sanctions for persons who flout the different

²¹⁵ *Ibidem*.

²¹⁶ *Ibidem* Rule 17.

²¹⁷ *Ibidem* Rule 18.

²¹⁸ *Ibidem* Rule 10.

²¹⁹ *Ibidem* Rule 9 (2).

²²⁰ *Ibidem* Rule 11.

²²¹ *Ibidem*.

²²² *Ibidem*, Rule 19- this rule possesses a conflict of rights.

²²³ Uganda Penal Code Act Chapter 120 of the Laws of Uganda.

²²⁴ *Ibidem*.

²²⁵ *Ibidem*.

²²⁶ The Public Health Act, Chapter 281 of the Laws of Uganda.

²²⁷ *Ibidem*.

²²⁸ Public Health (Control of COVID-19) Rules, Statutory Instrument 83 of 2020.

²²⁹ *Ibidem*.

²³⁰ Rule 8 of the Public Health (Control of COVID-19) Rules, Statutory Instrument 83 of 2020.

²³¹ *Ibidem* Rule 14.

²³² *Ibidem*.

²³³ Xinhua, 'Global Times, Uganda Arrests Over 2,000 People for Violation of COVID-19 Prevention Measures' (2 Jun 2021) <<https://www.globaltimes.cn/page/202106/1225154.shtml>> accessed 18 October 2021. The Independent (May 31, 2021); 'Thousands in spend weekend in custody in Kampala over flouting curfew' (31 May 2021) <<https://www.independent.co.ug/thousands-in-spend-weekend-in-custody-in-kampala-over-floutin-g-curfew/>> accessed 18 October 2021.

²³⁴ Editorial 'Be vigilant about personal safety during campaigns', (30 January 2021) <<https://www.monitor.co.ug/uganda/oped/editorial/be-vigilant-about-personal-safety-during-campaigns-3206594>> accessed 18 October 2021.

²³⁵ *Ibid. See:* In the Matter of an Application for a writ of Habeas Corpus AD Subjiciendum by Kyagulanyi Sentumu and another v Attorney General and 2 others (Miscellaneous Cause-2021/16) [2021].

guidelines on curbing the Coronavirus.²³⁶ This comes as a result of the overwhelming number of persons arrested in ignoring the guidelines. However, another significant aspect is that prisons and holding cells are becoming centers of the virus spread.²³⁷

4.4. Impact of Litigation on COVID-19 Regulatory Process

There has not been a lot of litigation on COVID-19 Regulatory measures in Uganda, the few that were litigated include matters brought by individuals as well as corporations as a mechanism to challenge decisions and seek courts' rulings on gaps found in the regulations and government response measures against COVID-19 as seen below; In *Mulumba & CEHURD V Ministry of Health & Ors*,²³⁸ the petitioners sued the Attorney General, the Medical and Dental Practitioners Council and the Minister of Health for failure to regulate medical service pricing as directed by law, causing medical facilities to charge exorbitant costs for treating COVID-19.²³⁹ The case was decided by way of a consent judgement where the parties agreed that the court make an order of Mandamus to compel the 2nd respondent (The Medical and Dental Practitioners Council) to make recommendations to the Minister of Health that would guide the making of Regulations as to what is reasonable fees chargeable for the persons seeking and accessing COVID-19 treatment in hospitals.²⁴⁰

The second case is *Center for Food and Adequate Living Rights V Attorney General*,²⁴¹ where the applicant challenged the respondent's failure and omission to regulate the food prices during the COVID-19 pandemic and offer guidance on food reserves in the Country, as mandated under the National Objectives and Directive Principles of State Policy No. XXII. Court entirely dismissed this application on the grounds that the Government was already taking up measures to address the concerns.²⁴²

The third case is *Centre for Public Interest Law Limited V Attorney General*,²⁴³ where the applicant claimed that the Minister of Energy had hurriedly made the Electricity (Establishment and Management of the Rural Electrification Fund) Instrument, S.I No. 62 of 2020 during the period when the country was under lockdown purposely to defeat the requirement of public consultation in making the Regulations. Court nullified the instrument made by the Minister during the lockdown as there was no consultation.²⁴⁴

The fourth case is *Hon. Zaake Francis V. Attorney General & Ors*,²⁴⁵ where the applicant a Member of Parliament was arrested, detained and tortured for distributing food to people without following the Ministry of Health COVID-19 Standard Operating Procedures. He sued for a declaration and damages to that effect. Court granted the declaration that the applicant's rights to personal liberty and freedom from torture had been violated and awarded damages of UGX 75 Million for the violations of rights.²⁴⁶

The fifth considered case is that of *Re: Uganda BAATI*,²⁴⁷ the company sought leave of court to convene and conduct the Annual General Meeting by electronic means following the Public Health (Control of COVID-19) Rules 2020 which banned public gatherings and meetings. Plaintiffs also invoked Public Health (Prohibition of Entry into Uganda) Order, 2020. However, the public listed companies had several members and some were stranded in other countries. Court granted the order Under Section 142 of the Companies Act to enable the company to execute most of its obligations in relation to meetings via electronic means including electronic meetings' notice delivery and associated documentation, electronic lodgment of proxies, electronic voting, and stakeholder engagement at online meetings.²⁴⁸

²³⁶ Government of Uganda, *Yoseweri Kaguta Museveni Museveni Address on COVID-19 Pandemic Resurgence* (State House, 6 June 2021).

²³⁷ Elias Biryabarema, 'Uganda's prisoner population surges, raising fears of COVID-19 outbreak' *Reuters* (7 August 2020) <<https://www.reuters.com/article/us-health-coronavirus-uganda-prisons-idUSKCN2531KA>> accessed 18 October 2021.

²³⁸ *Mulumba & CEHURD v Ministry of Health & Ors* (High Court- Miscellaneous Cause 198/ 2021).

²³⁹ *Ibidem*.

²⁴⁰ *Ibidem*.

²⁴¹ *Center for Food and Adequate Living Rights V Attorney General* (Miscellaneous Cause 75/ 2020).

²⁴² *Ibidem*.

²⁴³ *Centre for Public Interest Law Limited V Attorney General* (Miscellaneous Cause 91/2020).

²⁴⁴ *Ibidem*.

²⁴⁵ *Hon. Zaake Francis V. Attorney General & Ors* (Miscellaneous Cause 85 of 2020).

²⁴⁶ *Ibidem*.

²⁴⁷ *Re: Uganda BAATI*, (Miscellaneous Cause 2020/ 228).

²⁴⁸ *Ibidem*. Also see: *Re: Stanbic Uganda Holdings Limited* (Miscellaneous Cause 2020/108); *Re: British American Tobacco (Uganda) Limited* (Miscellaneous Cause 2020/107); *Re: Uganda Clays Limited* (Company Cause-2020/16); *Re: Uganda Institute Of Banking And Financial Services* (Miscellaneous Cause 2020/120).

4.5. Challenges for Implementing Legal and Regulatory Measures and Responses to Prevent and Control COVID-19 in Uganda

There are several challenges that have affected the implementation of the legal and regulatory measures and responses to prevent and control COVID-19 in Uganda. The first one is the confusion regarding the use of titles for the legal and regulatory measures. In most cases the title of the measures used is 'standard operating procedures (SOPs) for COVID-19 prevention and control.' WHO has defined an SOP as a document which describes the regularly recurring operations to ensure that the operations are carried out correctly (quality) and always in the same manner (consistency).²⁴⁹ This implies that SOPs are developed to provide clear guidance on the processes that should be followed to ensure coordination and timely response. The premise underpinning these SOPs is that a coordinated early warning system leads to a timely and effective response COVID-19 to prevent transmission and reduce its spreading and its social and economic consequences. In Uganda, the term SOPs is interchangeably used to mean guidelines, rules and measures, but not standard responses to prevent and control COVID-19.²⁵⁰ In fact, Uganda has no COVID-19 SOPs and as result this has limited effective response to COVID-19²⁵¹. In some cases it has led to improper implementation of legally enforceable rules.²⁵²

The second challenge refers to the institutional framework regarding implementation of legal and regulatory measures and responses to prevent and control COVID-19 in Uganda. There is no clear distinction between the roles of the Ministry of Health and those of the Office of the Prime Minister, Ministry of Local Government and other actors.²⁵³

In addition, there structure, guidelines and roles of the National and District Task Force Members that conflict in areas of isolation and quarantine centers; provision of personal protective equipment; and resource management.²⁵⁴ The roles of the different Task Force members are not well understood by some members, stakeholders and the general public.²⁵⁵ As a result, the constitution of COVID19 district taskforces was not uniform across all districts. This in some cases resulted in role-conflict amongst appointees and locally elected leaders. This posed challenges for mobilization of the community, making decisions, and accountability for resources.²⁵⁶ Moreover, the Task Forces and enforcement officers have limited capacity to enforce permits and approvals, inspections and enforcement and sometimes this increased the spreading of COVID-19.

The third challenge refers to fundamental human rights concerns, especially violation of the right to liberty, freedom of movement, and freedom of association and assembly and torture.²⁵⁷ Security forces in Uganda beat, extort, shoot, and arrest people for allegedly failing to comply with the government's COVID-19 restrictions.²⁵⁸ Freedom of movement was restricted due to transport ban and a night long curfew was imposed; most people were not able to move as they required permission from their Resident District Commissioners.²⁵⁹ Such measures did not adequately address the needs of women seeking sexual and reproductive health services such as antenatal services, family planning services and ARVS for HIV patients.²⁶⁰ Foreign travel and border movement was banned and travel from category one countries was only allowed once measures were relaxed.²⁶¹ This led to loss of business and breach of contractual obligations.²⁶²

²⁴⁹ WHO, *Standard Operating Procedures for Coordinating Event Preparedness and Responses in the WHO African Region* (2014).

²⁵⁰ E.g., the Ministry of Education and Sport, *Guidelines For Reopening Of Education Institutions And Implementation Of Standard Operating Procedures For Education Institutions During COVID-19* (September 2021).

²⁵¹ In Uganda SOPs are implemented by non-trained and professional people such as security guards and as a result it does not have serious impact.

²⁵² *Ibidem*.

²⁵³ Wilson Winstons Muhwezi, Jonas Mbabazi *et al*, 'The Performance of the COVID-19 District Task Forces in Uganda: Understanding the Dynamics and Functionality, Kampala' (2020) 101 ACODE Policy Research Paper Series 16 <<https://www.acode-u.org/uploadedFiles/PRS101.pdf>> accessed 15 October 2021.

²⁵⁴ *Ibidem*, 116.

²⁵⁵ *Ibidem*, 115.

²⁵⁶ *Ibidem*, 115.

²⁵⁷ Human Rights Watch, *World Report- 2021: Uganda Events of 2020* <<https://www.hrw.org/world-report/2021/country-chapters/uganda>> accessed 22 October 2021.

²⁵⁸ *Ibidem*.

²⁵⁹ NAPE, *A Snapshot of Human Rights Abuses Amidst the COVID-19 Pandemic in Uganda* (Vol. 1) <<https://www.nape.or.ug/publications/other-publications/100-a-snaps-hot-of-human-rights-abuses-amidst-the-COVID-19-pandemic-in-uganda/file>> accessed 22 October 2021.

²⁶⁰ *Ibidem*.

²⁶¹ Public Health (Prohibition of Entry into Uganda) Order (Statutory Instrument 53 of 2020).

²⁶² Jonathan Kiwana, David F.K. Mpanga, 'COVID-19: Legal Considerations For Businesses In Uganda' *Bowmans* (23 March 2020) <<https://www.bowmanslaw.com/insights/COVID-19-legal-considerations-for-businesses-in-uganda/>> accessed 22 October 2021.

On 6th June 2021 the presidential directive prohibited inter-district travel.²⁶³

The fourth challenge is the cases of corruption and bribery which have been reported regarding food distribution and coordination.²⁶⁴ There were some reported cases of corruption, lack of transparency and accountability by the government as it has negatively affected COVID-19 response measures.²⁶⁵ A clear example was the arrest of Government officials that included Permanent Secretary to the Office of the Prime Minister, the accounting officer, the Assistant Procurement Commissioner, together with the head of COVID-19 relief management for inflating COVID-19 relief food prices.²⁶⁶ Also the 2020 Corruption Perceptions Index (CPI) released on January 2021 by Transparency International reveals that persistent corruption is undermining health care systems and contributing to democratic backsliding amid the COVID-19 pandemic.²⁶⁷ The Auditor General unearthed gross abuse of billions of shillings and other donations meant for the COVID-19 response when the country was battling the effects of the pandemic.²⁶⁸

Lastly, there is a challenge of human behavior responses to new rules and measures to combat COVID-19. Most of the COVID-19 legal and regulatory responses made a significant shift away from traditional social and economic lifestyles.²⁶⁹ As a result, there was limited appreciation of the rules and measures, and many people spread *infodemic* misinformation on COVID-19.²⁷⁰ This caused limited compliance with the rules by both the enforcement officers and citizens.²⁷¹

5. Conclusion

Uganda has contained the spread of COVID-19 through soft measures such as Presidential directives and guidelines, as well as hard measures such as orders, rules and the Penal Code. However, there are several challenges that have affected the implementation of the legal and regulatory measures and responses to prevent and control COVID-19 in Uganda that include confusion regarding the use of the term SOPs to cover all the soft and hard legal and regulatory measures, limited capacity to enforce permits and approvals, inspections and enforcement, violation of human rights concerns, corruption and human behaviour responses to new rules and response to COVID-19. It is therefore important that government considers developing a comprehensive legislation to respond to pandemics and epidemic and develop SOPs according to the WHO standards. There is also the need to strengthen the institutional framework at the national and district levels to ensure disaster preparedness and management. Further, there is need to raise awareness regarding human rights of enforcement agencies and citizens especially in emergency cases such as COVID-19.

²⁶³ Alex Ashaba, 'COVID-19 rules: Bodaboda rider shot dead at security checkpoint' *Daily Monitor* (14 June 2021) <<https://www.monitor.co.ug/uganda/news/national/COVID-19-rules-boda-boda-rider-shot-dead-at-security-checkpoint-3437268>> accessed 20 October 2021.

²⁶⁴ Isabirye Nathan and Musasizi Benon, 'COVID-19 relief food distribution: impact and lessons for Uganda' (2020) 35, 2 *Pan Afr Med J.* 142 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7608770/>> accessed 29 October 2021.

²⁶⁵ *Ibidem*.

²⁶⁶ Halima Athumani, 'Top Ugandan Officials Arrested in COVID-19 Purchasing Scandal' *Voa News* (9 April 2020) <<https://www.voanews.com/science-health/coronavirus-outbreak/top-ugandan-officials-arrested-COVID-19-purchasing-scandal>> accessed 20 October 2021.

²⁶⁷ Patricia Akankwatsa, 'COVID-19 exposes true cost of corruption' *The Independent* (4 February 2021) <<https://www.independent.co.ug/COVID-19-exposes-true-cost-of-corruption/>> accessed 20 October 2021.

²⁶⁸ Misairi Thembo Kahungu, 'Government fails to account for Shs.56 billion COVID-19 cash' *Daily Monitor* (12 March 2021) <<https://www.monitor.co.ug/uganda/national/govt-fails-to-account-for-shs56-billion-COVID-19-cash--3320674>> accessed 8 October 2021.

²⁶⁹ Bob O. Amodan, Lilian Bulage *et al*, 'Level and Determinants of Adherence to COVID-19 Preventive Measures in the First Stage of the Outbreak in Uganda' (2020) 17, 23 *Int. J. Environ. Res. Public Health* 8810 <<https://www.mdpi.com/1660-4601/17/23/8810/htm>> accessed 30 October 2021.

²⁷⁰ Betty K. Nannyonga, Rhoda K. Wanyenze *et al*, 'Infodemic: How an Epidemic of Misinformation Could Lead to a High Number of the Novel Corona Virus Disease Cases in Uganda' (3 June 2020) Preprints (doi: 10.20944/preprints202006.0009.v1) <preprints202006.0009.v1.pdf> accessed 30 October 2021.

²⁷¹ *Ibidem*. Human Rights Watch, *Uganda: Respect Rights in COVID-19 Response* (2 April 2020) <<https://www.hrw.org/news/2020/04/02/uganda-respect-rights-COVID-19-response>> accessed 30 October 2021.

