

A CRITICAL ANALYSIS OF UGANDA'S LEGAL FRAMEWORK IN ADDRESSING VITRIOLAGE: A HUMAN RIGHTS - BASED APPROACH

JOVIA KANSIIME

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**UGANDA CHRISTIAN
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DECLARATION

I **KANSIIME JOVIA** declare that this dissertation is my original work and where other works have been quoted, it is indicated. This work has never been submitted to this or any other university for the award of a bachelor's degree in law.

APPROVAL

This is to certify that this research paper titled **A Critical Analysis of Uganda's legal framework in addressing Vitriolage: A human Rights – Based approach** has been written under my supervision on behalf of the School of Law of Uganda Christian University.

Research supervisor: NAMUKASA ANN

Signature: 

Date: 13/02/2026

ABSTRACT

Vitriolage is a form of assault involving the throwing of acid or other similarly corrosive substances on an individual with the intention to seriously maim, disfigure torture or kill. In most cases vitriol oil/sulphuric acid is used hence the name vitriolage. In Uganda vitriolage is primarily criminalized under the Penal Code Act Cap. 128 as acts intended to cause grievous harm using corrosive substances.

This study shall use a qualitative approach in assessing the effectiveness of the legal framework of Uganda in addressing vitriolage. This shall be through both primary and secondary sources such as domestic laws, case law and international legal instruments to which Uganda has ratified.

In Conclusion this study shall provide valuable insights in the effectiveness of the legal framework in addressing vitriolage by identifying gaps in access to justice, access to medical care, challenges faced by the vitriolage survivors as well as the inadequacy of the Anti Vitriolage laws in Uganda.

DEDICATION

To my beloved father, **Mr. Byaruhanga Stephen**, for the support given to me by providing all the necessary requirements throughout my education from nursery level to university level.

To the **survivors** of vitriolage in Uganda, who walk around with scars as evidence of such dangerous attacks, your courage and confidence inspired me. This work is my dedication to you all.

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I thank the **Almighty God** for the gift of Life, wisdom, knowledge and understanding He has given me not only throughout my time in law school but also throughout my education season.

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LIST OF ACRONYMS

1. ASFU - Acid Survivors' Foundation Uganda
2. CEDAW-Convention on the Elimination of all forms of Discrimination
3. AUCEVAWG- African Union Convention on Ending Violence Against Women and Girls
4. PCA - Penal Code Act
5. NGOs - Non-Governmental Organizations

CHAPTER ONE

INTRODUCTION.

Vitriolage refers to premediated form of assault involving the throwing, pouring or administering of acid substance or other similar corrosive substance on an individual with the intention to seriously maim, disfigure, torture or kill¹. Sulphric acid (oil of vitriol) is most commonly used for this purpose and hence the name vitriolage, sometimes nitric acid, carbolic acid, caustic acid or a caustic potash are also used. Compared to other mechanisms of burn injury, acid assaults are unique in that the patient outcomes and injury severity depend on potency of acid used and the duration of exposure of corrosive substance with the skin.²

In Uganda, acid violence is a significant crime with devastating consequences for victims, their families and society. Acid violence rarely kills but it almost always leaves victims with severe physical, psychological and social scarring. Further it leads to social stigmatization, left with no legal recourse, limited access to medical assistance and without means available to the victims to support themselves³. The 1995 Constitution of the Republic of Uganda under **Article 20** highlights the state obligations as well as its agencies to promote and protect Human Rights and Freedoms⁴. Further the

¹ Legal Reform to Combat Sexual and Gender Based Violence PART IV ‘‘ Vitriolage (Acid Attacks)’’, Center for Policy Alternatives (CPA), November 2020 at page 4

² Palao, Munge, Ruiz and Barret, 2010.

³ ‘‘Acid Violence in Uganda ‘‘. Report by Acid Survivors’ Foundations Uganda, 2011

⁴ The Constitution of the Republic of Uganda 1995 as Amended

Constitution provides for Respect for Human Dignity and protection from torture and inhuman degrading treatment⁵. In 2016, The Toxic Chemicals Prohibition Control Act, was enacted to regulate the importation, transportation, distribution and access to chemical weapons and other chemical substance. Also, the law goes ahead to criminalize acid assaults under section 199⁶. However, the effectiveness of these legislations is undoubtedly questionable as to they are no expressly Anti vitriolage laws.

BACKGROUND OF THE STUDY.

The most frequently cited reason for acid attacks is conflict within a relationship, followed by conflicts linked to business or property.⁷ Further acid and other chemical substances are often used in such assaults because they are readily available and cheap. In Uganda, concentrated sulphuric acid intended for car batteries is freely available from petrol stations, street sellers, and other outlets.⁸ Acid Attacks is a sex-based crime in which men against women perpetrate the majority cases⁹. According to ASFU report, there were 382 victims of acid violence in Uganda between 1985 and May 2011. The small numbers in the earlier years reflect the significant under reporting as acid attacks

⁵ Ibid

⁶ Penal Code Act Cap 128

⁷ Ibid

⁸ Center for Rehabilitation of Survivors of Acid and Burns Violence Report 25th November, 2024.

⁹ The United Nations Report ‘ ‘ Good Practices in Legislation on Harmful Practices Against Women” (Women, UN, 2009)

were not systematically reported. This is because there was little or no evidence about the attacks reflecting that these crimes are often committed in isolated places without witnesses but also reflecting poor record keeping by police and medical authorities. The report further shows that 57% of the acid attack survivors were females and 43% male. There are a number of laws designed to regulate the accessibility, transportation, distribution of these chemicals for example Toxic Chemicals Prohibition and Control Act, 2015 enacted basically to domesticate the Convention on Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and On Their Destruction.

However, the law is specifically designed to deal with the general subject of chemical management; there is no law specific to vitriolage incidents. In fact, the ASFU report finds that, there no provisions of the Acts speak to address vitriolage in Uganda even though this kind of violence is a criminal offence, which means authorities are obliged to investigate, prosecute and punish the perpetrators and hence the huge variation in the length of time taken to investigate acid violence cases, the quality of investigations and the success rate in bringing cases to court.

STATEMENT OF THE PROBLEM

Despite the existence of the various legislation in Uganda purportedly aimed at regulating the importation, distribution, transportation, access of chemical substances and chemical weapons as well the criminalization of such related assaults. Various challenges, for example the ease of accessing such chemical substances, success of court cases, impunity of the perpetrators cast doubt on the effectiveness of this legislation in meeting the diverse needs of the victims. Furthermore, these issues

undermine the fundamental obligations of the state to protect, promote and fulfill human rights and freedoms. This study therefore seeks to examine the effectiveness of the provisions of the Penal Code Act Cap 128 in addressing the offence of vitriolage, whether these provisions adequately criminalize vitriolage, identify the existing gaps as well as propose legal reforms.

1.3 OBJECTIVES OF THE STUDY

1.3.1 GENERAL OBJECTIVES

To analyze the effectiveness of Uganda's legal framework in addressing Vitriolage.

1.3.2 SPECIFIC OBJECTIVES

1. To analyze the provisions of the Penal Code Act Cap 128 applicable to the offence of vitriolage.
2. To assess whether the provisions of the Penal Code Act Cap 128 adequately criminalize vitriolage as an offence.
3. To propose legal and institutional reforms aimed to address vitriolage in Uganda.

1.4 RESEARCH QUESTIONS

1. What provisions of the Penal Code Act Cap 128 are applicable to the offence of vitriolage?
2. Whether the Provisions of the Penal Code Act Cap 128 adequately criminalize vitriolage as an offence?
3. What legal and Institutional reforms could address the vitriolage situation in Uganda?

1.5 SIGNIFICANCE OF THE STUDY.

This study holds a significant role by providing a comprehensive analysis on the effectiveness of Uganda's legal framework on addressing vitriolage. This can inform policy makers, regulators, acid violence survivors, Non-Governmental Organizations, enforcement agencies, judiciary and civil society at large in addressing the loopholes in the existing legislations designed to address vitriolage. Further the study's recommendations have a potential to contribute to the broader efforts aimed at enhancing the enactment of Anti-vitriolage laws in Uganda.

1.6 JUSTIFICATION OF THE STUDY.

Understanding the effectiveness of Uganda's legal framework on addressing vitriolage helps in improving policies and ensuring policies achieve their intended goals, ensures protection and promotion of human rights. Further enables policy makers to make evidence-based policies and informed decisions also enhances accountability of the state towards its obligations.

Furthermore, this study shall not only be resourceful to Academia but also provide viable recommendations on how to strengthen the existing laws and the need for the enactment of specific Anti- Vitriolage laws.

1.7 SCOPE OF THE STUDY

1.7.1 THEMATIC SCOPE.

The thematic scope of this study encircles a comprehensive analysis of the effectiveness of Uganda's legal frame work on addressing vitriolage. The thematic issues include the gaps in legislation that hinder effective response to vitriolage, challenges in accessing justice, inadequate awareness of the civic society in addressing acid violence. By

conducting inquiries into these thematic issues, the study aims at providing an understanding of the impact of the loopholes in the existing legislation towards addressing vitriolage in Uganda.

1.7.2 GEOGRAPHICAL SCOPE

This study will concentrate on the geographical scope in Kampala.

1.8 LITERATURE REVIEW

1.8.1 INTRODUCTION.

The literature review serves as a critical section of this research, offering a comprehensive analysis of the existing literature both in Uganda and other jurisdictions as well as the current legislation on addressing vitriolage in Uganda. This chapter shall begin with contextualizing the existing literature such as reports from different Non-Governmental Organizations working with Acid survivors, different Articles addressing vitriolage, existing legal framework, shedding light on the different roles of the State in ensuring there are no violations of human rights. Further this chapter sets a stage for a critical review in analyzing the effectiveness of the legal framework of Uganda in addressing Vitriolage.

1.8.2 MEANING OF VITRIOLAGE.

Vitriolage refers to the process of pouring, throwing or casting acid substances onto the body of another person. It is a premediated form of assault involving the throwing,

pouring or administering of acid substance or other similar corrosive substance on an individual with the intention to seriously maim, disfigure, torture or kill¹⁰.

In Uganda, vitriolage is not recognized as a distinct offence but rather prosecuted under general provisions relating to acts of grievous harm, attempted murder or murder. However, this raises questions on the certainty of the criminal offence due to failure to highlight the gravity of the offence and its elements which undermines effective prosecution.

1.8.3 THE PROVISIONS OF THE PENAL CODE ACT CAP 128

The Penal Code Act is the primary legislation governing criminal offences against persons. It highlights provisions such as doing grievous harm, murder or attempted murder under which vitriolage is usually prosecuted.

Section 199 (g) provides for Acts intended to cause grievous harm and emphasizes that any person who with intent to maim , disfigure or disable any person or to do some grievous harm to any person or to resist or prevent lawful arrest or detention of any person;- unlawfully casts or throws any such fluid or substance at or upon any person or otherwise applies any such fluid or substance to the substance to the person of any person commits a felony and liable on conviction to imprisonment for life . This section impliedly identifies vitriolage under acts intended to cause grievous harm as its impact is disfigurement of a person.

¹⁰ Ibid

Also, the offence of doing grievous harm under **Section 202** of the Penal Code Act which provides that any person who unlawfully does grievous harm to another person commits a felony and is liable on conviction to imprisonment for a term of seven years.

Further, where the act of casting or throwing any such fluid or substance on any person leads to death of a person or otherwise, the offender is charged with murder under **section 171** of the Penal Code Act or attempted murder under **section 187** of the Penal Code Act. A case in example is in **Uganda vs. Kyoterekera Mike**¹¹ where the accused threw acid at a close range on the victim and the acid affected the respiratory system of the person, the acid victim died. The case was brought for the charge of Murder under the Penal Code Act Cap 120 (Now Cap 128).

However, these provisions are designed to deal with the general subject and classifications of doing grievous harm which justifies the need for detailed and specific provisions highlighting vitriolage as a criminal offence clearly defined and punishment prescribed.

1.8.4 EFFECTIVENESS OF THE PENAL CODE ACT IN ADDRESSING VITRIOLAGE.

The provisions of the Penal Code Act require proving of intent, however where the offence is premeditated and prove of intent may be difficult as this offence has possibility of hiring of the assailants and planning the attack therefore suspects are often charged with the lesser crime of doing grievous harm. Prosecutors rarely entail the charge of murder or attempted murder as there is difficulty in proving intent hence prefer lesser charges because they are easier and quicker to prosecute as the offences

¹¹ Uganda vs. Kyoterekera HCT-00-CR-SC 0097 of 2002.

carrying a life penalty require the defendant to have legal representation at the expense of the State. A great example of the effectiveness of a specific legal recognition of an offence is In Bangladesh which provides what can be achieved through appropriate legislation as the number of acid attacks there decreased by between 15% and 20% a year since 2002, when the general public awareness programs accompanied by the introduction of specific legislation on acid attacks.¹²

Further this can lead to perpetrators having light sentences fueling the perception that acid violence is not taken seriously under the law also these light sentences are also assisted by the lack of awareness by survivors about their legal rights and resources available to them.¹³

1.8.5 GAPS IN THE EXISTING LITERATURE.

The existing literature reveals limited focus on the effectiveness of the provisions of the Penal Code Act as the primary criminal legislation addressing vitriolage. Also, the literature reviewed highlights a pattern of focus on the general criminal legislation perspective addressing vitriol age hence reflecting the need for a human based approach in ensuring that the penal code act highlights the criminality of the offence of vitriolage as a human right violation through specific legal recognition rather than the generality of the offence under doing grievous harm. Moreover, the offence of vitriolage violates several human rights including the right to freedom from torture and cruel, inhuman degrading treatment, the right to health, the right to work, the right to

¹² Ibid

¹³ Ibid

life, right to equality and non-discrimination. It is important to note that the offence ought to be clearly defined identifying the elements under the Penal Code Act Cap 128 from which more anti vitriolage laws shall be based.

1.8.6 CONCLUSION

Ultimately, this chapter highlights the effectiveness of Uganda's legal framework on addressing vitriolage with a focus on the provisions of the Penal Code Act Cap 128 as the primary criminal legislation through illustrating the provisions applicable to vitriolage as well as whether the Penal Code Act adequately criminalizes vitriolage. This Chapter draws examples from other jurisdictions on legislation addressing vitriolage emphasizing the importance of legal recognition of specific laws in criminalizing vitriolage.

1.9 METHODOLOGY

This study shall focus on analyzing the legal framework and legal principles relating to vitriolage in Uganda with a focus on the Penal Code Act Cap 128 through a qualitative methodology. This study shall also be desktop based on examining how vitriolage is addressed under the Penal Code Act revealing whether the Act adequately criminalizes vitriolage. Further the study shall be based on both secondary and primary sources. Primary sources shall include the existing legislations and court decisions while secondary sources shall include articles, reports by anti vitriolage organizations and publications by human rights organizations in Uganda. Furthermore, this study shall undertake a critical approach in examining the effectiveness of the provisions of the Penal Code Act Cap 128 through identifying the gaps and weaknesses in applying such provisions to address vitriolage.

1.10 CHAPTER SYNOPSIS

In chapter one this study demonstrates valuable insights surrounding the offence of vitriolage by highlighting the background and reviewing the existing literature.

In Chapter two this study shall illustrate \the non-legal aspects of vitriolage by delving into the impact of vitriolage on the quality of life, illustrating extent of acid on an acid patient, challenges and complexities faced as well as recommendations to achieve an anti vitriolage society.

In Chapter three the study shall address the legal regime addressing vitriolage through giving a comprehensive analysis on the international, regional and domestic legal frameworks so as to establish the areas of convergence, alignments and divergence.

In Chapter four this study shall address the effectiveness of Uganda's legal framework in addressing vitriolage with a focus on the Penal Code Act Cap 128 through examining whether vitriolage is adequately criminalized.

In Chapter five the study shall highlight possible legal and institutional recommendations so as to ensure that vitriolage is effectively addressed in Uganda.

CHAPTER TWO

NON-LEGAL ASPECTS CONCERNING VITRIOLAGE IN UGANDA.

2.0 INTRODUCTION

This Chapter embarks on the aspects concerning vitriolage in Uganda beyond the legal frameworks, encompassing the social, premedical and post medical care as well as the medical capabilities. Further the chapter delves into the impact of vitriolage on the quality of life while emphasizing the extent of vitriolage assaults on Acid patients. By looking at these non-legal aspects of vitriolage this chapter aims at revealing the complexities, challenges and recommendations to achieve an anti vitriolage society. Thus, this chapter serves a vital platform for fostering a deeper understanding of the impact of vitriolage on the quality of life in Uganda, through community mobilization, empowering females as well as involving the males in the fight against vitriolage in Uganda.

2.0 MEDICAL EFFECTS OF VITRIOLAGE ON PATIENTS.

Usually, acid violence is aimed at the face of the victim thus having an effect of disfiguring the entire physical facial appearance and may cause death. According to the Acid Survivors Foundation in Pakistan, there is a high survival rate of acid victims. Consequently, the victim is faced with physical challenges, which require long term surgical treatment. The Medical effects may include; - The Skull; Usually partly destroyed and hair lost, Ear Cartilage; Usually partly or wholly destroyed, deafness

may occur, Eye Lids; Burned off or deformed, leaving the eyes extremely dry and prone to blindness, Nose; May be completely destroyed or deformed, Mouth; Becomes shrunken and narrow, and may lose its full range motion. Sometimes the lips may be partly or totally destroyed, exposing the teeth hence eating and speaking becomes difficult, Neck; Scars can run down from the chin to neck area shrinking the chin and extremely limiting range of motion in the neck, Esophagus and nostrils; Inhalation of Acid vapor usually creates respiratory problems.¹⁴

2.2 MEDICAL CARE.

In Uganda, there is only one specialized burn unit at Mulago National Referral Hospital. Other hospitals do so in general surgical wards and lack a dedicated unit to handle burns. Although the National referral hospital Mulago, Mengo Hospital and International Hospital Kampala have been supportive in providing medical services to acid violence victims it is nevertheless true that medical services for acid survivors are extremely limited in Uganda. Most patients go to Mulago Hospital which opened a special burn unit in 2003. Depending on their wounds, acid patients may stay in the hospital for months or over a year. However, even after the initial discharge from hospitals there is need for post medical care. They often need bandages, antibiotics,

¹⁴ Acid violence in Uganda: A situational Analysis. Acid Survivors' Foundation
Uganda, 2011

pressure garments and other medicines while recovering at home¹⁵ . These must be provided to avoid infections.

2.3 SOCIAL SERVICES AND SUPPORT.

Acid attack survivors usually have a low self-esteem due to the physical disfigurements, pain and public perspectives. They therefore need counseling and encouragement with clear examples and experiences of their fellows that have bounced back in social life and are doing well.

Further, the society needs to be progressive and welcoming not to look at such people with discrimination. Society must be willing to engage and involve acid survivors in community events, encourage the young ones not to run away or fear when approached by acid survivors.

Furthermore, social support may be in form of provision of education support through vocational training to open up opportunities for the acid survivors to enable them become financially independent.¹⁶

2.4 PUBLIC AWARENESS

Researchers suggest the importance of public awareness on acid assaults although they caution that the same could lead to more attacks. In Bangladesh acid attacks steadily decreased since 2002, when public awareness programs started in

¹⁵ Acid violence in Uganda: A situational Analysis. Acid Survivors' Foundation
Uganda, 2011

¹⁶ Ibid

conjunction with new legislation to combat acid violence. This is proof that public awareness may reduce acid violence through community mobilization, empowering girls and women and involving men and boys in the fight against vitriolage.¹⁷

According to ASFU report, a general fear remains that media coverage may cite acid violence, and acid attack survivors are still reluctant to share their stories because they do not trust journalists to report their experiences sensitively and accurately. This Report further suggests that responsible journalism does not reveal potentially harmful information to the public, including the types of acid used in attacks or how readily available it is. But rather media stories should focus on criminality of the act, the pursuit of justice and fighting the stigma faced by survivors.

2.5. POVERTY

The ASFU report also highlights that in most cases for those that have initially left the hospital face a number of problems like the transport costs for those that leave far away from the hospital such that they can be able to attend hospital appointments to see or monitor their progress on the acid burns. They therefore end up selling their properties like land, houses to pay their medical and transport bills. Furthermore, there is still more money needed in the long-term maintenance after the initial discharge from the hospital for a number of things like maintenance of the scared tissues such that they settle well, pressure garments to wear at least 10 to 12 hours a day, provision of medical requirements like bandage, antibiotics to avoid infections.

¹⁷ Ibid

2.6. CONCLUSION

Ultimately this chapter delves into the non-legal aspects of vitriolage, highlighting the medical effects of acid, analyzing the extent of the impact of acid on the physical being of the survivor. The Chapter also shows the challenges faced in Uganda while addressing vitriolage, and in this highlight the medical in capabilities which limit the survival rate of these victims hence exposing most of them to death. Furthermore, the chapter delves deeper in the financial and social factors that greatly affect these survivors highlighting the need to have a supportive society for the inclusivity of these survivors. Society needs to be flexible, sensitive and accommodating to these acid survivors as they embark on continuing their journey of life.

CHAPTER THREE.

LEGAL REGIME ADRESSING VITRIOLAGE

3.0 INTRODUCTION.

This Chapter shall delve in addressing the domestic legal framework on vitriolage in Uganda. Further the chapter shall give a comprehensive analysis on the international as well as regional legal frameworks that underpin vitriolage. By analyzing these different frameworks, this chapter shall aim at establishing the areas of alignments, convergence and divergence that may impact the effectiveness of anti vitriolage laws in Uganda and beyond.

3.1 INTERNATIONAL LAWS.

The Universal Declaration of Human Rights under **Article 5** provides that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Many scholars argue that this Declaration carries a customary binding effect on all states. **Article 5** impliedly obliges states to put measures to prohibit tortious acts which include physical and emotional acts. Physical tortious acts may include acid violence against people hence the prohibition.

The International Covenant on Civil and Political Rights under **Article 7** emphasizes that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. In particular the **ICCPR emphasizes** that no person shall be subjected without free consent to medical or scientific experimentation. Uganda having ratified to this Covenant on 21st June, 1995 makes it bound to protect the internationally recognized human rights contained within the ICCPR.

The United Nations Convention Against Torture. This is an international human rights treaty adopted by the UN in 1984 to prevent torture and cruel, inhuman or degrading treatment worldwide. The Convention defines Torture to “ mean any act by which severe pain or suffering whether physical or mental is intentionally inflicted on a person for such purposes as obtaining from him or a third person has committed or is suspected of having committed or intimidating or coercing him or a third person or for any reason based on discrimination of any kind , when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. The Convention further emphasizes that torture does not include pain or inherent in or incidental to lawful sanctions.

Further **Article 2** states that each state party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. Also, **Article 4** provides that each state party shall ensure that all acts of torture are offences under the criminal law. The same shall supply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. Furthermore, each state party shall make these offences punishable by appropriate penalties which take into account their grave nature. Uganda being a signatory is bound to fulfill its obligations under the UNCAT by virtue of its ratification in June, 1987.

The Convention on the Elimination of all forms of discrimination against women under **Article 5a** provides that state parties shall take all appropriate measures to modify the cultural and social patterns of conduct of men and women with a view to achieving the elimination of prejudice and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles of men and women. Uganda as a signatory since 1985 is obliged to implement the provisions under the CEDAW.

3.2 REGIONAL LAWS.

There are no specific African regional laws addressing vitriolage however a few to which Uganda is signatory closely highlight similar offences like torture, bodily harm and assault that are closely connected or related to vitriolage. Further they are a number of legal frameworks at the regional level designed to combat gender-based violence under which vitriolage may be prosecuted.

The African Charter on Human and Peoples Rights, also known as the **Banjul Charter** under **Article 5** provides that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal statute. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

The African Charter on Human and Peoples right on the Rights of Women in Africa¹⁸. This convention broadly prohibits all forms of violence, exploitation, cruel, inhuman and degrading treatment against women and girls which could include acts that constitute torture. Further **Article 5** tasks states to prohibit all forms of harmful practices against women and Girls.

The African Convention on Ending Violence Against Women and Girls (AUCEVAWG). This was adopted in February 2025. This Convention provides a comprehensive legally binding framework for the prevention and elimination of the effective response to all forms of violence against women and girls, across Africa, by addressing the root causes of such violence. As of November, 2025 Uganda is not signatory to this Convention however, civil societies continue to advocate for the Ugandan Government to ratify to the AUCEVAWG so as to strengthen the regional legal framework on eliminating violence against women.

¹⁸ Maputo Protocol

3.3 NATIONAL LAWS.

The Constitution of the Republic of Uganda¹⁹ under **Article 24** which provides for the Respect for human dignity and protection from inhuman treatment. Further the provision states that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. Furthermore, under **Article 44** provides that the respect for human dignity and protection from inhuman treatment as a non derogable right. These provisions under the Bill of Rights ensure prohibition from any form tortious acts against any person; these tortious acts may include acid violence against any person.

The Prevention and Prohibition of Torture Act, 2012²⁰ defines Torture to mean any act or omission, by which severe pain or suffering whether physical or mental, is intentionally inflicted on a person by or at the instigation of or with the consent or acquiescence of any person whether a public official or other person acting in an official or private capacity. Further the Act provides that there shall be no derogation from the enjoyment of the right to freedom from torture. Furthermore, under the **2nd Schedule under paragraph (d)** physical torture includes cigarette burning, burning by electrically heated rods, hot oil, acid by the rubbing of pepper or other chemical substances on mucous membranes, or acids or spices.

The Penal Code Act²¹ under **Section 199 (g)** criminalizes acid assaults and stipulates that “any person with intent to maim, disfigure or disable any person unlawfully casts

¹⁹ The Constitution of the Republic of Uganda 1995 as Amended

²⁰ The Prevention and Prohibition of Torture Act Cap 130

²¹ The Penal Code Act Cap 128

or throws any such substance or fluid at or upon any person, or otherwise applies any such fluid or substance to the person of any person commits a felony and is liable on conviction to imprisonment for life.

In circumstances where the acid violence leads to death of the victim the offender is charged with Murder as elucidated in many court cases.

In the case of **Uganda Vs. Kyoterekera Mike (Supra)** where the accused threw acid at a close range on victim and the acid affected the respiratory system of the person, the acid victim died. The case was brought for the charge of Murder under the Penal Code Act Cap 120 (Now Cap 128)

In **Uganda Vs. Obirai Andrew Francis (Unreported)** where the accused and the victim were lovers, who after their separation the accused kept stalking her hence leading to the fatal acid attack which eventually led to her death. The accused was charged and found guilty of murder and sentenced to 50years imprisonment.

The Toxic Chemicals Prohibition and Control Act, 2016²². This Act provides for the control of toxic chemicals, licensing and permits in relation to these chemicals. **Section 3** defines a toxic chemical, “to mean any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals....”

3.4 CONCLUSION.

This Chapter has provided a detailed legal frame work on vitriolage addressing the available domestic, regional as well as international prospects. The laws clearly

²² Toxic Chemicals prohibition and Control Act Cap 329

address torture as a form of violence closely relating to Gender based violence. At the Regional level the framework mainly aims at domestic violence against women, highlighting women as the vulnerable target to domestic violence. At the International level, Uganda has ratified to most of this Conventions hence having an obligation to ensure that measures are taken to end violence in all its forms. However, the generality of these laws hinders effective application on addressing vitriolage or acid violence in particular hence the need for Anti Vitriolage laws that shall effectively address this problem.

CHAPTER FOUR

EFFECTIVENESS OF THE PROVISIONS OF THE PENAL CODE ACT CAP. 128 IN ADDRESSING VITRIOLAGE.

4.0 INTRODUCTION.

Vitriolage, commonly known as acid violence constitutes one of the most brutal forms of violence that often results into permanent physical disfigurement. Despite the gravity of the offence, Uganda does not have a distinct statutory law applicable to vitriol age instead its criminalized under the provisions of the Penal Code Act Cap 128. This Chapter seeks to delve into the effectiveness of the provisions of the Penal Code

Act Cap 128 in addressing Vitriolage in Uganda. Further the chapter shall show the provisions applicable, their enforcement and the extent to which the offence is criminalized.

4.1 PROVISIONS OF THE PENAL CODE ACT CAP 128 APPLICABLE TO VITRIOLAGE.

The Penal Code Act Cap 128, as the primary criminal statutory law criminalizes vitriolage / acid attacks majorly under Section 199 (g) and Section 202.

Section 199 (g)²³ provides for Acts intended to cause grievous harm and emphasizes that any person who with intent to maim , disfigure or disable any person or to do some grievous harm to any person or to resist or prevent lawful arrest or detention of any person;- unlawfully casts or throws any such fluid or substance at or upon any person or otherwise applies any such fluid or substance to the substance to the person of any person commits a felony and liable on conviction to imprisonment for life .

Further, the offence of doing grievous harm under **Section 202** of the Penal Code Act Cap 128 which provides that any person who unlawfully does grievous harm to another person commits a felony and is liable on conviction to imprisonment for a term of seven years.

Furthermore, where the act of casting or throwing any such fluid or substance on any person leads to death of a person or otherwise, the offender is charged with murder under **section 171** of the Penal Code Act or attempted murder under **section 187** of the Penal Code Act Cap 128

²³ Penal Code Act Cap 128.

4.2 EFFECTIVENESS OF THE PENAL CODE ACT CAP 128 IN ADDRESSING VITRIOLAGE IN UGANDA.

In addressing the effectiveness, of the provisions of the Penal Code Act this Chapter shall assess each provision of the Penal Code Act as earlier mentioned. In Uganda, the penal Code Act criminalizes the offence of acid violence under the broader offence of grievous harm majorly under **Section 199 (g)** and **Section 202** expressly identifying it as a felony, and the definition of acts of grievous harm expressly including maiming or disfiguring by corrosive substances.

4.2.1 GENERALITY OF THE PROVISIONS

The provisions impliedly represent an attempt to address the offence of vitriolage under the broad offence of grievous harm however the gravity of the offence seeks for clear and certain provisions to address vitriolage as a specific offence and not under the broader offence of acts of grievous harm under **Sections 199(g) and 202 of the Penal Code Act.**

4.2.2 LACK OF A DISTINCT OFFENCE OF VITRIOLAGE.

Despite its inclusion in the provisions of the Penal Code Act in the broader offence of grievous harm. Sections 199(g) and 202 do not create a distinct offence of vitriolage but rather identify it as one of the acts of doing grievous harm. There is need for certainty and a clear definition of vitriolage highlighting the elements of the offence and what is and what is not an offence of vitriolage putting in consideration the unique nature of the offence, its long-term consequences accompanied with social stigma.

4.2.3 FAILURE TO ADDRESS ATTEMPTED VITRIOLAGE.

The wording of Section 199(g) of the Penal Code Act Cap 128 impliedly addresses the actual act and is silent on attempted vitriolage. The gravity of the offence suggests the need to have provisions addressing even mere attempts of acid violence, where the perpetrator is unsuccessful with the act of vitriolage.

4.2.4 FAILURE TO PROVIDE REMEDIAL PROVISIONS.

One of the aims of criminal law is restoration which seeks to restore the balance between the offender, the victim and community rather than punishing the offender only. Restoration in criminal law could be seen through repairing physical, emotional and financial harm as well as restoring the dignity of the victim, promotion of peace and reconciliation, through rehabilitation. However, from the wording of sections 199 (g) and 202 of the Penal Code Act Cap 128 the Act only aims at deterrence through provision of punishment to the offender. This leaves the victim with no remedy as vitriolage may result into long term consequences. One may argue that restoration may be obtained through a court process however due to the gravity of vitriolage there's need to have the provision expressing the minimum remedy so as to restore the victim as well to avoid instances of insufficient remedy as well as guide the court framework when handling such unique cases on vitriolage.

4.3 CONCLUSION

This chapter covered the effectiveness of the provisions of the Penal Code Act Cap 128 in addressing Vitriolage highlighting the insufficiency of the provisions in addressing acid violence through the generality of the provisions covering the offence under the

broader nature of grievous harm, lack of a distinct offence of vitriolage, failure to provide remedial access and failure to address attempted vitriolage.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS.

5.0 INTRODUCTION.

This chapter serves a summary of the findings in assessing the legal frame work of Uganda in addressing vitriolage with a specific assessment on the provisions of the Penal Code Act Cap 128. Also, this chapter shall endeavor to bring forth practical

insights in enhancing an anti vitriolage society through inclusion of the society, policymakers, judiciary and the state in general

5.1 CONCLUSIONS

The Research findings comprehensively present an analysis of the provisions of the penal code Act Cap 128 in effectively addressing vitriolage showing acid violence as a significant problem with devastating consequences for the victims, their families and society at large. The research presents the legal framework that governs acid violence presenting it as a criminal offence with devastating consequences. Further the research outlines that there are laws present for the regulatory use of chemical substances in which acid solely lies however, they are limited to the character and magnitude of acid violence on the victims.

The research further highlights the medical effects of acid presenting the impact of acid on the physical being of acid victim. Also significantly highlights the challenges faced by the victims in addressing situations of vitriolage which include but not limited to limited medical capabilities, poverty, expensive medication during treatment and post treatment, limited social support and discrimination, limited public awareness. Additionally, the research emphasizes the role of the legal prospects in addressing vitriolage classified as domestic laws, regional laws and international laws. Highlighting the generality in these frameworks in underpinning vitriolage under domestic violence, however credit is given to emphasizing the root victims of this acid violence being women and girls.

5.2 RECOMMENDATIONS

1. **Enactment of a Specific legislation on vitriolage.** This shall regulate the use of acid substances at retail sale, time and quality of police investigations to ensure that acid violence matters are heard expeditiously without delay hence ensuring that justice is seen done. Further the enactment of specific legislation shall ensure certainty and ambiguity of the law through clearly defining the offence as well as the elements of the offence.
2. **Public Awareness.** This study recommends the use of public campaigns aimed at discouraging vitriolage and promoting lawful conflict settlement. This can address gender-based violence in various communities.
3. Also, **formation of an Anti Vitriolage Authority** specifically to ensure the implementation and compliance of the Vitriolage laws and regulations/rules, create awareness programs on acid assaults, monitor data collection as well as prosecution tracking. This shall encourage the reporting rates on vitriolage to hold those accountable and deter the society from such activities of violence.
4. **Establishment of specialized burn units.** Every government hospital should have a specialized burn unit center to reduce the population of patients at Mulago referral hospital and ensure effective service delivery. Further these hospitals should also have specialized rehabilitation centers for vitriolage patients working with psychiatrists and psychologists to prepare them for post medical treatment while back in society.
5. Furthermore, Vitriolage can be addressed through **Integration of a multi sectoral approach.** This study recommends the use of a multi sectoral approach involving various stake holders such as the justice sector, the police, health

facilities as well as the civil society through development of national policy framework that expressly involves all the stakeholders.

6. **Collaboration with NGOs:** Hospitals and the government should work hand in hand with NGOs such as Acid Survivors Foundation of Uganda (ASFU) through provision of funds aimed at ensuring social support to the survivors, legal aid and advocacy for these acid survivors.

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