



SUBMISSION TO UNIVERSAL PERIODIC REVIEW MECHANISM ON THE REPUBLIC OF UGANDA

26 Session of the UPR Working Group

Joint Submission by:

NCHRD-U: National Coalition for Human Rights Defenders Uganda

East and Horn of Africa Human Rights Defenders Project (EHAHRDP) – NGO in Special Consultative Status with ECOSOC

Human Rights Centre Uganda (HRCU)

- And -

Uganda Law Society (ULS), Foundation for Human Rights Initiative (FHRI), Avocats Sans Frontieres (ASF), Defenders Protection Initiative (DPI), Uganda NGO Forum, Human Rights Network Uganda (HURINET-U), Human Rights Network for Journalists (HRNJ-U)

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ACRONYMS

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| AHA | Anti-Homosexuality Act |
| ASF | Avocats Sans Frontieres |
| ATIA | Access to Information Act |
| CCEDU | Citizen's Coalition on Electoral Democracy Uganda |
| DPI | Defenders Protection Initiative |
| EHAHRDP | East and Horn of Africa Human Rights Defenders Project |
| FHRI | Foundation for Human Rights Initiative |
| FOE-I | Freedom of Expression |
| HRC | Human Rights Council |
| HRC-U | Human Rights Centre Uganda |
| HRD(s) | Human Rights Defenders |
| HRNJ | Human Rights Network for Journalists |
| HURINET | Human Rights Network Uganda |
| IGP | Inspector General of Police |
| LGBTI | Lesbian, Gay, Bisexual, Transgender and Intersex |
| NCHRD-U | National Coalition of Human Rights Defenders Uganda |
| NGO | Non-Governmental Organisations |
| POMA | Public Order Management Act (2013) |
| UHRC | Uganda Human Rights Commission |
| ULS | Uganda Law Society |
| UPR | Universal Periodic Review |
| WBS-TV | Wavah Broadcasting Services |

NCHRD-U SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW (UPR) ON UGANDA

1 (A) Introduction

1.1 The National Coalition of Human Rights Defenders-Uganda (NCHRD-U), The East and Horn of Africa Human Rights Defenders Project (EHAHRDP), and Human Rights Centre Uganda (HRCU) convened the human rights defenders cluster. The cluster comprises of six civil society organisations and the Ugandan Law Society-- bodies that work towards the realisation of the rights and freedoms of human rights defenders (HRDs).

1.2 NCHRD-U was initiated in June 2013 by HRDs from across Uganda. NCHRD-U is a coalition of individuals and organisations working to promote the protection of HRDs in Uganda by facilitating synergy, cooperation and sharing of best practices among the HRD community. With a membership of close to 100 organisations, the NCHRD-U focuses its work in all the regions in Uganda. It plays an integral role in harnessing a transparent and accountable working environment for HRDs in Uganda.

1.3 EHAHRDP is a non-governmental organisation registered and based in Uganda. Established in 2005, EHAHRDP seeks to strengthen the work of HRDs throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution, and by enhancing their capacity to effectively defend human rights. EHAHRDP focuses its work in eleven countries in the sub region including Uganda. EHAHRDP serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network representing more than 75 member organisations.

1.4 HRC was established in 2008 and works to ensure the protection and promotion of the rights of human rights defenders in Uganda by strengthening and supporting the work of HRDs, increasing government support for HRDs and their work, strengthening the capacity of human rights organisations in Uganda at a regional and national level, and promoting public awareness and support for HRDs and their work in Uganda.

1.5 After wide consultations with the greater NCHRD-U membership, this submission was compiled from an assessment of Uganda's performance following the last UPR reporting cycle in 2011. In addition, contributions were received from the following civil society organisations: Avocats Sans Frontières, Human Rights Network for Journalists - Uganda, NGO-FORUM, Foundation for Human Rights Initiative, Defenders Protection Initiative and Human Rights Network - Uganda.

1 (B) Background to Uganda's UPR

1.6 Uganda will be reviewed by the UPR mechanism of the UN Nations Human Rights Council in October/November 2016. During its previous review in October 2011, the Republic of Uganda accepted 110 recommendations out of 171, including three recommendations on issues specific to the operating environment of HRDs:

1. Investigate and hold accountable police and security officers who attacked human rights defenders, journalists and civilians during the 2011 post-election period;

2. Investigate and prosecute all persons found guilty of extrajudicial killings and attacks on human rights defenders;
3. Ensure that human rights defenders can perform their legitimate duties free from any harassment and intimidation in line with international standards including the UN Declaration on Human Rights Defenders.¹

1.7 Although Uganda accepted to investigate and hold accountable police and security officers who attacked human rights defenders, journalists and civilians during the 2011 post-election period, those responsible were never prosecuted and impunity for the violations prevails. The 2016 elections, like the 2011 polls, were deeply flawed with increased infringements on the rights to freedom of expression, association and peaceful assembly, especially for human rights defenders, journalists and political opponents.

1.8 Uganda's obligations under Article 12 of the UN Declaration on Human Rights Defenders holds the government responsible of taking necessary measures to protect human rights defenders.

1.9 In this document NCHRD-U, EHAHRDP and HRCU acknowledge the positive steps taken by the government of Uganda to address issues concerning HRDs and outline a series of urgent concerns relating to the operating environment in which civil society and journalists have been systemically targeted by the government of the Republic of Uganda since 2011. This report illustrates several concerning examples, which are indicative of a pattern of systemic threats faced by HRDs in the exercise of the rights to freedom of expression, association and peaceful assembly.

1 (C) Uganda legal framework

1.10 In November 2013 the Government launched the process to develop a National Human Rights Action Plan (NAP) in fulfilment of the voluntary pledge Uganda made during the 2011 review.² The NAP seeks to address human rights challenges and provides a framework to coordinate implementation of Uganda's human rights commitments. However, the development of this Action Plan is still ongoing and the delay has affected the Ugandan Government's efforts to follow up on its human rights commitments. It was hoped that the NAP would address corruption, constraints to the health and education sectors and prohibit undue limitations on freedom of expression, association and peaceful assembly.

1.11 During its review in October 2011, the Republic of Uganda accepted a number of recommendations pertaining to its legal framework. These included taking steps to streamline the right to peaceful assembly in line with international obligations under the International Covenant on Civil and political Rights (ICCPR) and the Ugandan

¹ "Report of the working group of the Universal Periodic Review Uganda," Human Rights Council 19th Session, Universal Periodic Review, 22 December 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/175/48/PDF/G1117548.pdf?OpenElement>, Recommendations 111.76 and 111.84

² United Nations Office of the High Commissioner for Human Rights, "A National Human Rights Action Plan – Uganda follows through on its commitment to the Universal Periodic Review" 6 November 2013 : <http://www.ohchr.org/EN/NewsEvents/Pages/UgandaNationalHumanRightsActionPlan.aspx#sthash.KQYjvyu9.dpuf> (Accessed 24 March 2016)

Constitution. Along the same lines, Uganda agreed to amend all laws that are contrary to its national and international obligations in order to respect, protect and promote the rights to freedom of expression and assembly and to guarantee freedom of expression.

1.12 However, the Ugandan human rights defenders community notes with concern that there have been instances where the state, through its legislative arm, has enacted laws that limit the space for the enjoyment of their rights. These laws include *inter alia* the now annulled Anti-Homosexuality Act (2014), the Non-Governmental Organisations Bill (2015), the Anti-Terrorism Act (2002) and the Interception of Communication Act (2010). The broad terminology of these laws clearly indicates the willingness of the Government to expand the legal recourses available to the state to regulate and restrict the working environment of HRDs, especially with regard to the freedoms of opinion, expression, association and assembly.

2 (A) Concerns regarding restrictions on the right to freedom of expression and attacks on journalists

2.1 Uganda is party to a range of regional and international treaties and covenants, which enshrine the right to freedom of expression and its obligations to promote and protect free speech. Article 19 of International Covenant on Civil and Political Rights and Article 9 of the African Charter on Human and Peoples' Rights both protect and promote the right to freedom of expression. Article 29 (10) of the Constitution of Uganda states that "every person shall have the right to freedom of speech and expression which shall include freedom of the press and other media."³

2.2 Despite media pluralism in the country, opposition groups, civil society organisations and government critics are given restrictive and selective access to the media. Restricted access to all forms of public media has been used to target opposition parties especially during the 2016 electoral period.⁴ During the presidential election, there was a clear imbalance in the media coverage enjoyed by the ruling NRM party and the access to media given to opposition parties.⁵

2.3 Despite the government's commitment to amend and repeal laws that infringe on the right to freedom of expression, there has been little registered progress. Amendments proposed to the Press and Journalists Act (2000) in 2010 were never tabled before Parliament.⁶ The Act requires journalists to register with the National Institute of

³ Constitution of the Republic of Uganda, 1995, <http://ugandajournalistsresourcecentre.com/wp-content/uploads/2015/04/Constitution-of-the-Republic-of-Uganda-1995.pdf>, accessed on 9 February 2016

⁴ "January 2016 media coverage of elections report", ACME, 12 February 2016, <http://acme-ug.org/2016/02/12/monitoring-media-coverage-of-the-2016-elections-january-2016-report/>, accessed on 17 March, 2016

⁵ "'Keep the People Uninformed', Pre-election Threats to Free Expression and Association in Uganda", Human Rights Watch, 11 January 2016, <https://www.hrw.org/report/2016/01/11/keep-people-uninformed/pre-election-threats-free-expression-and-association-uganda>, accessed on 24 March 2016

⁶ The Press And Journalist Act, Chapter 105
<http://www.opm.go.ug/assets/media/resources/306/PRESS%20%26JOURNALISTS%20ACT.pdf>
Accessed on 21 March 2016

Journalists of Uganda (NIJU), which is affiliated to the government, and obtain a license from the Media Council.

2.4 In February 2014, the Ministry of Information and National Guidance issued a Statutory Instrument (SI), the Press and Journalists (fees) Regulations (2014), which requires journalists to pay US \$80 for a practicing certificate, which is to be renewed annually at a fee of US \$ 40.⁷ Forcing journalists to pay compulsory fees and requiring them to obtain a license to work are undue restrictions on the right to freedom of the press, and can easily be used to stifle critical journalists.

2.5 The Penal Code under Section 179 creates the offence of libel, defined as a person who “unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, commits the misdemeanour termed libel”, which can be used to stifle legitimate criticism of the government, and is inconsistent with Articles 29 and 43 of the Constitution and regional and international standards.⁸

2.6 On 13 August 2015, Nahabwe Ronald and Tugumisiirize Benon, two journalists from the Red Pepper newspaper, and Madina Nalwanga and Patrick Tumwesigye from the New Vision newspaper were charged with criminal defamation for “defamatory statements against two Kampala businessmen, Ntaganda Ephraim and Francis Drake Lubega.” The New Vision journalists were released on 14 August after posting bail but the Red Pepper journalists were held until 19 August.⁹ On 15 May 2015, Alex Bukhumune, a journalist with the Red Pepper was charged with ‘criminal defamation’ for investigating a land dispute involving Ronald James Du’janga, the State Minister of Energy. He was later arrested and detained on 19 May 2015 and charged with ‘threatening violence’.¹⁰

2.7 Finally, the government tabled the Uganda Communications Amendment bill (2016) on 9 March 2016, seeking to amend Section 93(1) of the Uganda Communications Act (2013), and remove the requirement for Parliament approval of regulations made by the Minister under the Act.¹¹ This would give overarching powers to the executive branch to impose regulations on communications services and technologies.

2.8 The amendments were proposed soon after the social media shutdown that took place over the course of the February 2016 presidential elections, fuelling well-founded fears that these overarching powers would be abused. According to the Uganda Communications Commission (UCC), the Electoral Commission ordered the social media

⁷ “How recently enacted Laws undermine Ugandan Citizen’s Rights”, CIPESA ICT Policy Briefing Series, April 2014, http://www.cipesa.org/?wpfb_dl=158, Accessed on 20 March 2016

⁸ Penal Code of Uganda, Section 179

⁹ “Journalists charged with criminal defamation released from prison after six days”, Human Rights Network for Journalists – Uganda, 20 August 2015, <https://hrnjuganda.org/?p=1430>, Accessed on 24 March 2016

¹⁰ “HRNJ-Uganda alert, journalist detained over minister”, Human Rights Network for Journalists – Uganda, 19 May 2015, [storyhttps://hrnjuganda.wordpress.com/2015/05/19/hrnj-uganda-alert-journalist-detained-over-minister-story/](https://hrnjuganda.wordpress.com/2015/05/19/hrnj-uganda-alert-journalist-detained-over-minister-story/), Accessed on 24 March 2016

¹¹ Uganda Communications Amendment Bill 2016, Parliament Watch, <http://parliamentwatch.ug/bills/the-uganda-communications-amendment-bill-2016/>, accessed on 23 March 2016

shutdown for security reasons. The shutdown coincided with voting for the presidential election on 18 February, and remained in place until the afternoon of 21 February.¹²

2.9 Over the course of the last four years, and particularly during the 2016 election cycle, undue restrictions have been placed on journalists' access to information in Uganda.¹³ This practice has been common for journalists covering political rallies, public assemblies, and election-related events. Journalists have been repeatedly assaulted, arrested and in extreme cases shot.¹⁴ On 22 February 2016, four days after the presidential and parliamentary elections, Isaac Kasamani, a photojournalist with Associated Free Press, was pepper-sprayed by the Police Forces while taking pictures of the police arresting Dr. Kizza Besigye at his residence in Wakiso District. Journalists were barred from accessing the home of Dr. Besigye after his house arrest on 20 February 2016.¹⁵

2.10 Between 27 February and 1 March 2016, 13 journalists were arrested while covering the house arrest of opposition candidate Dr. Kizza Besigye and detained for several hours.¹⁶ Arrested journalists were accused of trespassing and inciting violence although they were not presented with any arrest warrant and no official charges were brought against them.¹⁷

2.11 Overall, government has not prosecuted errant officers who abuse and violate the rights of journalists. In January 2015, Wavah Broadcasting Service (WBS) journalist Andrew Lwanga was allegedly assaulted by the Old Kampala Division Police Commander Joram Tumwesigye, while covering a demonstration by a group of unemployed youths.¹⁸ Lwanga has since been disabled and unable to work. Although Tumwesigye is under suspension, the court case has seen extremely slow progress.

2.12 Since 2011, media outlets have been subjected to a range of threats. Many TV and radio stations have been targeted through intimidation, raids and at times forced

¹² "UGANDA: Joint letter on internet shutdown during election period", DefendDefenders, 26 February 2016, <https://www.defenddefenders.org/2016/02/3606/>, accessed on 24 March 2016

¹³ "Another journalist arrested covering Besigye", Daily Monitor, 1 March 2016, <http://www.monitor.co.ug/News/National/Another-journalist-arrested-covering-Besigye/-/688334/3098466/-/d877tc/-/index.html>, accessed on 21 March 2016

¹⁴ "UGANDA: Targeting of Journalists During Election Period Must End", DefendDefenders, 10 March 2016, <https://www.defenddefenders.org/2016/03/uganda-targeting-journalists-election-period-must-end/>, accessed on 24 March 2016

¹⁵ "State attacks on journalists must stop", The Observer, 7 March 2016, <http://observer.ug/viewpoint/42972-state-attacks-on-media-must-stop>, accessed on 23 March 2016

¹⁶ "UGANDA: Targeting of Journalists During Election Period Must End", DefendDefenders, 10 March 2016, <https://www.defenddefenders.org/2016/03/uganda-targeting-journalists-election-period-must-end/>, accessed on 24 March 2016

¹⁷ See HRNJ, 1 March 2016, Female journalist covering opposition leader arrested by police, <https://hrnjuganda.org/?p=2557> last checked 16th March, 2016

¹⁸ "Uganda: Senior Police Officer Assaults Journalists On Duty in Uganda:", Human Rights Network for Journalists - Uganda, 12 January 2015, <http://hrnjuganda.blogspot.ug/2015/01/hrnj-uganda-senior-police-officer.html>, Accessed on 23 March 2015

closure.¹⁹ Journalists have been individually targeted for providing a platform to the opposition. In July 2015, 3 journalists of Baba FM Jinja were laid off for hosting opposition candidate Dr. Kiiza Besigye and Karundi Sserumagga of Radio One, without authorisation of their management.²⁰ The radio is owned by a Member of Parliament who is also a representative of the ruling NRM party in Jinja. In December 2013, Basajja Mivule of Akaboozi FM was forced to take leave and was accused of “tarnishing the image of the government” after hosting a critical politician.²¹

2 (B) Concerns over restrictions of the right to freedom of association

2.13 Uganda is signatory to human rights treaties that guarantee the right to freedom of association. Article 22 of the International Covenant on Civil and Political Rights (ICCPR) prohibits restrictions on this right, except those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order and protection of public health. At national level, Article 29 of the 1995 Constitution of the Republic of Uganda protects the right to “freedom of association which shall include the freedom to form and join associations including trade unions and political and other civic organisations.”²²

2.14 The President of Uganda signed the Non-Governmental Organisations Act (2016) into law on 30 January 2016, and there are growing concerns that it may be selectively applied to target civil society.²³ Some clauses of the law may be used to restrict the operating environment of NGOs by outlawing activities interpreted as being prejudicial to the security, dignity, and interest of Uganda. These provisions could potentially be used to prevent organisations from conducting sensitive work or expressing criticism of the government. Section 30 of the law limits the registration of organisations whose objectives are in contravention of the laws of Uganda.²⁴ Section 145 of the Penal Code Act prohibits same sex relations and the courts of Uganda have enforced these provisions, which could therefore allow the law to be used to prevent LGBTI organisations from carrying out activities.²⁵

¹⁹ “‘Keep the People Uninformed’, Pre-election Threats to Free Expression and Association in Uganda”, Human Rights Watch, 11 January 2016, <https://www.hrw.org/report/2016/01/11/keep-people-uninformed/pre-election-threats-free-expression-and-association-uganda>, Accessed on 24 March 2016

²⁰ “Ruling party boss fires journalists over hosting opposition presidential hopeful”, Human Rights Network for Journalists - Uganda, 23 July 2015, <https://hrnjuganda.org/?p=1438>, Accessed on 24 March 2016

²¹ “Radio One’s Basajja Mivule on forced ‘leave’”, The Observer, 22 December 2013, <http://www.observer.ug/component/content/article?id=29271:radio-ones-basajja-mivule-on-forced-leave>, Accessed 24 March 2016

²² Constitution of Uganda, 1995, http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf, Accessed 10 February 2016

²³ “Uganda: Stranglehold on Independent Groups”, Human Rights Watch, 2 July 2015, <https://www.hrw.org/news/2015/07/02/uganda-stranglehold-independent-groups>, Accessed 24 March 2016

²⁴ “NGOs State Position On Repressive NGO Bill, 2015”, Chapter Four: Uganda, 18 May 2015, <http://chapterfouruganda.com/articles/2015/06/04/uganda-ngos-state-position-repressive-ngo-bill-2015>, Accessed 24 March 2016

²⁵ Ugandan Penal Code Act, Section 145

2.15 Since 2011, a number of NGOs' offices were broken into and the Police has not provided any conclusive reports on who the attackers were.²⁶ On 29 June 2015, the offices of Human Rights Network for Journalists (HRNJ-Uganda) were raided by unidentified people who broke one of the windows to gain access to the building. The organisation lost vital information and equipment. Although the matter was reported to Rubaga Police Post, no further investigations and arrests have since been made.²⁷

2.16 In May 2014, unidentified men broke into the offices of Human Rights Network Uganda (HURINET-U) after disabling the security system.²⁸ Equipment stolen included: the server, computers and surveillance cameras. The safes were also broken into and some files were reported missing. Other human rights organisations have had their offices raided under similar circumstances, including the Foundation for Human Rights Initiative (FHRI), the East and Horn of Africa Human Rights Defenders Project (EHAHRPD) and the Anti-Corruption Coalition Uganda (ACCU).

2.17 Civil society organisations monitoring the electoral process were targeted in the process and often labelled partisan. On 27 November 2015, the Electoral Commission ordered the Citizen's Coalition for Electoral Democracy in Uganda (CCEDU) to stop airing its *Topowa, Honour Your Vote* campaign message, which they accused of supporting the opposition²⁹. The campaign was later re-aired after negotiations between the Electoral Commission and CCEDU on the content of the campaign.

2.18 In 2012, two NGOs were faced with de-registration after publishing a report implicating members of the first family in land grabbing acts.³⁰ Oxfam International Uganda and Uganda Land Alliance were threatened with closure after making allegations over those responsible for the land grabbing in Uganda. In 2013, the Minister of Internal Affairs threatened to close NGOs working in the Albertine region that reported on the injustices surrounding the oil extraction and relocation of citizens³¹. Several activists were also threatened with arrests as they carried out work around that region.

2.19 On 18 June 2012, the Uganda Police Force raided a workshop organised for human rights defenders working on sexual orientation and gender identity issues, in a clear

²⁶ "Who Could Be Breaking Into NGOs Offices", The Daily Monitor, 25 May 2014, <http://www.monitor.co.ug/Magazines/PeoplePower/Who-could-be-breaking-into-NGOs-offices-/-/689844/2325472/-/gy40vsz/-/index.html>, Accessed 24 March 2016

²⁷ "Status of HRNJ-Uganda After Office Break-in", Human Rights Network Uganda, 6 July 2015, https://hrnjuganda.org/?wpfb_dl=47, Accessed 24 March 2016

²⁸ "Civil Society Organisations Office Break-Ins In Uganda: The Unanswered Questions", Human Rights Network Uganda, 5 May 2014, <https://www.hurinet.or.ug/latest%20Press%20Release.pdf>, Accessed 24 March 2016

²⁹ "EC Bans Topowa Campaign," The Independent, 7 December 2015, <http://www.independent.co.ug/column/insight/10833-ec-bans-topowa-campaign>, Accessed 24 March 2016

³⁰ "Museveni Angry Over NGO Report on Land Grabbing", The Independent, 6 May 2012, <http://www.independent.co.ug/cover-story/5726-museveni-angry-over-ngo-report-on-land-grabbing>, Accessed 24 March 2016

³¹ "NGOS Working In Oil Governance Face Closure", Action Aid, Black Monday Newsletter, 12 November 2013, http://www.actionaid.org/sites/files/actionaid/bm_nov_2013_oil.pdf, Accessed 24 March 2016

infringement of the right to freedom of association and peaceful assembly.³² The participants of the workshop were held briefly and prevented from continuing with the planned activities. A similar workshop had been closed four months earlier in the same circumstances.

2.20 On 19 May 2012, a group of human rights defenders, including a journalist and researchers from a local organisation, were unlawfully arrested and detained while they attempted to administer a questionnaire to local communities in Buliisa district on the relationship between land rights and oil. They were informed that they required a letter from the Ministry of Energy and Mineral Resources granting permission to administer the questionnaire.³³ This directive gives overarching powers to the Permanent Secretary of the same Ministry and can be selectively applied to disallow critical research from taking place.

2.21 Throughout 2012, a coalition of around fifty (50) civil society groups organised an anti-corruption campaign known as the Black Monday Movement. The members wore black every Monday to 'mourn' the embezzlement of public resources. They also published and distributed monthly newsletters. Several Black Monday activists were arrested for "spreading harmful propaganda", inciting violence and possession of prohibited publications. On 12 February 2013, Ugandan Police arrested 3 activists for taking part in the Black Monday campaign in Lira town.³⁴ While none faced trial, they were required to report to the police on a weekly basis and sometimes on Mondays, preventing them from carrying out their peaceful protest activities.

2 (C) Concerns over restrictions on the right to freedom of peaceful assembly

2.22 The right to freedom of peaceful assembly is guaranteed at national, regional, and international levels in Article 29(1d) of Uganda's Constitution (1995), Article 11 of the African Charter on Human and Peoples' Rights (1986), Article 21 of the International Covenant on Civil and Political Rights (1966), and Article 20 of the Universal Declaration of Human Rights (1948). Despite these guarantees, freedom of assembly is regularly restricted in Uganda and excessive force is used to disperse peaceful demonstrations.

2.23 The Public Order Management Act (2013) (POMA) was signed into law on 2 October 2013 to regulate public gatherings. Article 5 of the Act stipulates that organisers of public gatherings must give at least three days notice with onerous levels of details or can be shutdown and held liable if they fail to give sufficient notice or adhere to conditions of the

32 "Police Raid on LGBTI Activists Workshop in Kampala Condemned", East and Horn of Africa Human Rights Defenders Project, 19 June 2012

, <https://www.defenddefenders.org/2012/06/uganda-police-raid-on-lgbti-activists-workshop-in-kampala-condemned/>, Accessed 24 March 2016

33 "Only the Brave Talk About Oil: Human Rights Defenders and the Resource Extraction Industries in Uganda and Tanzania, published December 2012", East and Horn of Africa Human Rights Defenders Project, December 2012, https://www.defenddefenders.org/wp-content/uploads/2013/01/only_the_brave_WEB.pdf, Accessed 24 March 2016)

34 "Black Monday Activists Arrested", The Daily Monitor, 12 February 2013, <http://www.monitor.co.ug/News/National/Black-Monday-activists-arrested/-/688334/1691514/-/uxavtdz/-/index.html>, Accessed 24 March 2016

Act. Additionally, the Act gives broad powers to Police to authorise or end public meetings. These provisions were used repeatedly in the run up to the 18 February 2016 presidential elections to prevent public gatherings from taking place and violently disperse those underway.

2.24 Between July and February 2016, presidential opposition candidates Amama Mbabazi and Dr. Kizza Besigye and their supporters were repeatedly arrested for attending and organising public gatherings, which Ugandan authorities attempted to justify under POMA.³⁵ Besigye was kept under house arrest for at least one month, and was detained at least 9 times since the election on 18 February 2016 when attempting to leave his residence. According to the authorities, he was attempting to attend events that were in violation of POMA since ample notice had not been provided and the demonstrations had not been approved.³⁶

2.25 There were at least four cases between July and December 2015 where police used POMA to arrest activists and used excessive force to disperse crowds in Kampala on 10 July, Soroti on 9 September, Jinja on 10 September, and near Kanyaryeru on the Mbarara – Lyantonde road on 10 October.³⁷ As the elections neared, the arrest of activists and the use of tear gas and rubber bullets to break up public demonstrations was increasingly documented.

2.26 In 2014 and 2015, activists campaigning against unemployment were repeatedly arrested during public gatherings. On 4 August 2014, two members of the Unemployed Brotherhood were arrested during a protest against corruption and unemployment at the Independence Monument outside of Parliament.³⁸ On 9 and 10 September 2014, nine activists with the National Association of the Unemployed (NAU) were arrested when registering the unemployed in Kampala.³⁹ On 27 October 2015, four members of the NAU were arrested as they walked to the Ministry of Gender, Labour, and Social Development offices to submit a report of their campaign to register unemployed workers, even though they had notified the police of their planned procession to the Ministry 10 days in advance.⁴⁰ On 12 January 2015, youth from the NAU were arrested when attempting to

³⁵ "Uganda: We Come in and Disperse Them: Violations of the Rights to Freedom of Assembly by the Ugandan Police", Amnesty International, 7 December 2015, <https://www.amnesty.org/en/documents/afr59/2983/2015/en/>, Accessed 24 March 2016

³⁶ "Uganda Opposition Leader Marks 1 Month Under House Arrest", Voice of America, 21 March 2016, <http://www.voanews.com/content/uganda-opposition-leader-marks-1-month-under-house-arrest/3247008.html>, Accessed 24 March 2016

³⁷ Ibid.

³⁸ "Employed Ugandans to Mobilize Against 2016 General Elections", Daily Monitor, 28 August 2014, <http://www.monitor.co.ug/News/National/Unemployed-Ugandans-to-mobilize-against-2016-general-elections/-/688334/2433454/-/xh88m8z/-/index.html> Accessed 24 March 2016

³⁹ "Police Arrests Other Members of the National Association of the Unemployed", Ugandan News, 10 September 2014, <http://news.ugo.co.ug/police-arrests-members-national-association-unemployed/> Accessed 24 March 2016

⁴⁰ "Police Crackdown on Unemployed Youth Protest", Chimp Reports, 27 October 2014, <http://www.chimpreports.com/unemployed-youth-movt-leaders-arrested-2/> Accessed 24 March 2016

bring a letter to the Inspector General of Police and two journalists, Joseph Ssettimba and Andrew Lwanga, were beaten while covering the arrest.⁴¹

2.27 In March 2014, police fired tear gas and shot into the air to disperse a meeting of the Free and Fair Elections Campaign in Mbale.⁴² In the same month, it was again used in Kabale to block Zac Niringiye, an activist of the Free and Fair Elections Campaign and retired Assistant Bishop, from speaking on the radio or at a university lecture since he was publicising an illegal meeting that “might incite violence”.⁴³

3 Recommendations

3 (A) Concerns regarding restrictions on the right to freedom of expression

- i) Ensure prompt and impartial investigations into the physical attacks on journalists and damage to their equipment, and ensure the victims of these violations have access to legal remedy;
- ii) Immediately put an end to the practice of arbitrary arrests and detention of journalists and access to information and movement to create an enabling environment for reporting;
- iii) Hold accountable police and security officers responsible for attacks on journalists during the post-2011 and 2016 election periods;
- iv) Refrain from imposing bans on social media and the broadcasts and publications of media houses; and
- v) Accept the request of the UN Special Rapporteur for Freedom of Opinion and Expression to conduct an official visit to assess the situation of freedom of expression in Uganda.

3 (B) Concerns over restrictions on the right to freedom of association

- i) Amend Sections 44(d)(f) and 30(1)(a) of Non-Governmental Organisations Act (2016) that can be misinterpreted to target civil society;
- ii) Clarify and define the vague terminology included in the NGO Act, including the “security of Uganda” and “the dignity of the people of Uganda”;
- iii) Ensure prompt and impartial investigations into break-ins of NGO offices and make these investigation findings public; and
- iv) Domesticated the UN Declaration on Human Rights Defenders (1998) to ensure a national legal protection mechanism for HRDs.

3 (C) Concerns over restrictions on the right to freedom of peaceful assembly

⁴¹ “Journalists Assaulted As Police Arrest Members of Unemployed Youth Group”, Daily Monitor, 12 January 2015, <http://www.monitor.co.ug/News/National/-/688334/2586744/-/72h622/-/index.html>, Accessed 24 March 2016

⁴² “Rule by Law. Discriminatory Legislation and Legitimized Abuses in Uganda”, Amnesty International, 16 October 2014, <https://www.amnesty.org/en/documents/afr59/006/2014/en/>, Accessed 24 March 2016

⁴³ Ibid.

- i) Respect Ugandans' rights to peaceful assembly and refrain from preventing or disrupting peaceful public gatherings;
- ii) Amend Articles 5(2)(c), 6(1), 7(2), 8, 9(2)(f) 10(e), and 13 of the Public Order Management Act (2013) to repeal restrictions against freedom of assembly;
- iii) Ensure that victims that have been denied their right to peace assembly or faced arrest or abuse during the dispersals of public gatherings have access to remedy and reparation;
- iv) Publicly call for police to refrain from using excessive force even in the event that organisers have not complied with POMA;
- v) Ensure impartial investigations into human rights violations committed during the dispersal of public assemblies are undertaken and suspend officers suspected in involvement of violations until investigations are independently and thoroughly completed; and
- vi) Adopt the best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Freedom of Peaceful Assembly and Association in his March 2016 joint report to the Human Rights Council (A/HRC/31/66).