



## Republic of Uganda

### Joint Submission to the UN Universal Periodic Review

40<sup>th</sup> Session of the UPR Working Group

Submitted 15 July 2021

**CIVICUS: World Alliance for Citizen Participation, NGO in General  
Consultative Status with ECOSOC**

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#### Introduction

- 1.1** CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS has members in more than 180 countries throughout the world.
- 1.2** Foundation for Human Rights Initiative (FHRI) is a civil rights advocacy organisation that works to enhance respect for human rights, democracy and the rule of law; mobilises and empowers citizens with human rights knowledge and voter education for accountability; improves access to justice; and advocates for a human rights responsive policy and legislative framework.
- 1.3** Justice Access Point (JAP) is a Uganda-based CSO established in 2018 with a mandate to operate nationwide to prevent atrocity crimes; counter hate speech and violent extremism; prevent statelessness; and promote the rule of law and human rights. JAP undertakes advocacy, research and capacity building.
- 1.4** The African Institute for Investigative Journalism (AIJ) is a media organisation focusing on providing investigative journalism with a home on the African continent. At AIJ, investigative journalism is promoted with an aim of contributing towards media practice that impacts and causes social changes. Informed by the principles of human rights and social justice, we seek to use journalism as a tool for promoting social accountability, inform public discourse and create a nurturing space for professional and passionate investigative journalists.
- 1.5** In this submission CIVICUS, JAP, FHRI and AIJ outline concerns relating to restrictions on the freedoms of association, peaceful assembly and expression and threats faced by human rights defenders (HRDs) in Uganda since its previous UPR examination. We outline several concerning examples that are illustrative of actions taken by the government to curb fundamental freedoms. Moreover, we highlight the failure of the government to uphold and implement some of the recommendations received during its 2nd UPR cycle relating to these issues and provide follow-up recommendations.
- 1.6** During its previous review on 3 November 2016, during the 26<sup>th</sup> Session under the UN Working Group on the UPR, the Republic of Uganda accepted 18 recommendations and noted 23 related to the space for civil society (civic space).<sup>1</sup> The Republic of Uganda agreed to take steps to protect assembly rights in line with its international obligations under the International Covenant on Civil and political Rights (ICCPR), to which Uganda is a state party, and provisions of the 1995 Uganda Constitution (recommendation 111.5). Uganda also agreed to amend all laws that are contrary to its national and international obligations to respect, protect and promote the freedoms of expression and assembly (recommendation 111.3) and to guarantee the freedom of expression, particularly the possibility to express criticism and opinion regarding acts of government (recommendation 111.73).
- 1.7** In addition, the Republic of Uganda agreed to ensure that HRDs can perform their legitimate duties, free from any harassment and intimidation, in line with international standards including the UN Declaration on Human Rights Defenders (recommendation 111.76). It agreed to assure the full respect of the freedoms of association and peaceful assembly and bring to account security officers who use excessive force against peaceful demonstrations (recommendation 111.84). Despite these explicit commitments, the rights to the freedoms of association, peaceful assembly and expression remain threatened and HRDs and CSOs are targeted for the work they do.
- 1.8** We are particularly concerned by the promulgation of restrictive laws that severely constrain the freedom of expression and impede the work of independent media houses. Since its last review, Uganda has passed laws that aim to curtail civil society freedoms and restrict

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<sup>1</sup> 'Universal Periodic Review - Uganda', UN Human Rights Council 26<sup>th</sup> Session, Universal Periodic Review, 16 November 2016, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UGindex.aspx>.

independent reporting by media houses. Journalists have been shot at with live ammunition while undertaking their journalistic activities. Some have been physically assaulted and had their equipment seized while covering protests.

**1.9** We are also concerned by the harassment, judicial persecution and intimidation of HRDs because of the work they do. HRDs have been physically assaulted by state and non-state personnel and some are regularly summoned to report to the police based on fictitious accusations in an effort to intimidate them. Debates on human rights, corruption in government, good governance and political succession are increasingly stifled. We are particularly concerned about acts of intimidation and attacks on citizens, HRDs, CSOs and journalists in the period leading up to, during and after the presidential and parliamentary elections on 14 January 2021.

**1.10** As a result of these issues, civic space in Uganda is currently classified as ‘repressed’ by the CIVICUS Monitor, indicating the existence of severe civic space restrictions.<sup>2</sup>

- Section 2 of this submission examines Uganda’s implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs and civil society activists.
- Section 3 examines Uganda’s implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression and media freedom, and attacks on journalists.
- Section 4 examines Uganda’s implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 5 examines Uganda’s implementation of UPR recommendations and compliance with international human rights standards conceding the freedom of association.
- Section 6 contains recommendations to address the concerns raised and advance implementation of recommendations under the 2nd cycle.
- An annex on the implementation of 2nd cycle UPR recommendations related to civic space is in section 7.

## **Judicial persecution, harassment and intimidation of HRDs and CSO members**

**2.1** Under Uganda’s examination under the 2nd UPR cycle, the government received 16 recommendations on the protection of HRDs and civil society representatives.<sup>3</sup> Eleven recommendations were accepted and five noted. Among other recommendations, the government committed to appreciate fully the role played by civil society and continue working with CSOs in a transparent, accountable and cooperative manner.<sup>4</sup> However, as evidenced below, the government has partially implemented one recommendation, pertaining

<sup>2</sup> CIVICUS Monitor: Uganda, <https://monitor.civicus.org/country/uganda>.

<sup>3</sup> ‘Promoting and strengthening the universal Periodic Review, Uganda’s responses to recommendations’, UPR Info, 2 June 2017, <https://www.upr-info.org/en/review/Uganda/Session-26---November-2016/Review-in-the-Working-Group>.

<sup>4</sup> ‘Report of the Working Group on the Universal Periodic Review; Uganda’, United Nations General Assembly, 27 December 2016, [https://www.upr-info.org/sites/default/files/document/uganda/session\\_26\\_-\\_november\\_2016/recommendations\\_and\\_pledges\\_uganda\\_2016.pdf](https://www.upr-info.org/sites/default/files/document/uganda/session_26_-_november_2016/recommendations_and_pledges_uganda_2016.pdf).

to a National Action Plan on Human Rights (NAP), and failed to implement the other recommendations.

- 2.2** At the legislative level, Uganda has taken some steps to protect the rights and acknowledge the work of HRDs. In March 2019, President Museveni assented to the Human Rights (Enforcement) Act, 2019, which provides for a mode of prosecuting human rights cases and creates individual liability for state agents who engage in human rights violations against all people, including HRDs. The Prevention and Prohibition of Torture Act, 2012 is a comprehensive law intended to prohibit and criminalise torture by both state and non-state actors. Further, the Ugandan Parliament is in its final stages of enacting the Human Rights Defenders Protection Bill, 2020 that seeks to provide a framework for the recognition and protection of the work and activities of HRDs to guarantee a safe and enabling environment in which HRDs can operate freely.
- 2.3** At the policy level, the government of Uganda has developed the NAP.<sup>5</sup> One of the objectives of the NAP is to build the capacity of the government and citizens in the protection and promotion of human rights. While arguably certain parts of the NAP have been implemented, its ability to serve as an overarching framework to guide the implementation of human rights in Uganda has been severely undermined by the multiple revisions and failure of government to officially adopt the NAP. This has called into question the commitment of the government to implement its UPR recommendations fully.
- 2.4** However, even with this apparently progressive legal and policy framework, the government has not adequately protected HRDs. HRDs continue to be subjected to attacks, threats, judicial persecution and intimidation.
- 2.5** Article 12 of the United Nations Declaration on Human Rights Defenders mandates member states to take the necessary measures to protect HRDs. The ICCPR guarantees the rights to the freedoms of association and peaceful assembly. However, it is a matter of deep concern that HRDs engaged in legitimate activity are subjected to judicial persecution, threats and harassment. Some are arrested on fictitious charges, which are sometimes dismissed in court, while state and non-state personnel intimidate and assault HRDs in attempts to dissuade them from doing their work.
- 2.6** On 24 April 2019, police officers at the Uganda Police Force Headquarters in Naguru, Kampala used pepper spray against Nana Mwafrika Mbarikiwa, an independent woman human rights activist, while she was trying to obtain permission to organise a peaceful protest against human rights violations committed by security forces. Police forcibly removed her from her vehicle, stood and sat on her and dragged her along the ground until she lost consciousness. She was then left outside the Iran-Uganda Hospital in Naguru, where she regained consciousness. She was eventually transferred to another hospital where it was discovered that she was seven months pregnant, had internal bleeding and was suffering from abdominal pain.<sup>6</sup>

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<sup>5</sup> 'National Action Plan (NAP) on Human Rights', Justice, Law and Order Sector, 2019, <https://www.jlos.go.ug/index.php/about-jlos/projects/justice-for-children/item/496-brief-on-the-national-action-plan-nap-on-human-rights-for-uganda>.

<sup>6</sup> 'Nana Mwafrika Mbarikiwa hospitalized after attack by police officers in Naguru', Front Line Defenders, 26 April 2019, <https://www.frontlinedefenders.org/en/case/nana-mwafrika-mbarikiwa-hospitalized-after-attack-police-officers-naguru>.

- 2.7** On 31 March 2020, 19 LGBTQI+ people taking part in an activity of the Children of the Sun Foundation in Kyengera were arrested on the grounds that their gathering in public was contrary to the government’s COVID-19 prevention guidelines.<sup>7</sup> The Children of the Sun Foundation is a Ugandan CSO that provides health, legal, economic development and shelter services to LGBTQI+ people. Upon their arrest, the accused were taken to Kitalya Maximum Government Prison where they were tortured and denied bail and access to their lawyers and families.<sup>8</sup>
- 2.8** On 15 and 16 September 2020, five environmental HRDs were arrested by police in Hoima District.<sup>9</sup> Those arrested included Joshua Mutale and Venex Watebawa, journalists at the Water and Environment Media Network, who were on their way to a radio talk show at Spice FM in Hoima District to highlight the risks and dangers involved with a sugar cane growing project in Bugoma Forest and oil activities in critical biodiversity areas including rivers, lakes, national parks, forests and wetlands.<sup>10</sup> When other HRDs went to the police station to ascertain the reasons for the arrest of the HRDs, they were also arrested and detained. These were Sandra Atusinguza (African Institute for Energy Governance), Ismail Kashokwa and John Kibego (Save Bugoma Forest Campaign), Samuel Kayiwa (Human Rights Network for Journalists Uganda) and Vincent Sekitto, Joseph Mujuni and Moses Mukiibi (Oil Resident Association).<sup>11</sup>
- 2.9** On 17 September 2020, eight land defenders from Kiryandongo District were detained and charged with threatening violence. The eight were Martin Haweka, Samuel Kusiima, Martin Munyansia, Fred Mwawula, Ramu Ndahimana, George Rwakabisha, Eliot Talemwa and Amos Wafula. They mobilise local communities to defend their land rights, particularly for people facing evictions reportedly by private companies implementing farming projects, including Aglisi Partners, Great Season Company Limited and Kiryandongo Sugar Limited.<sup>12</sup>

### **3. Freedom of expression and attacks on journalists**

- 3.1** Under the 2nd UPR cycle, the government received seven recommendations relating to the freedom of expression and access to information. For example, the government pledged to ‘ensure that relevant constitutional provisions relating to freedom of the press are properly implemented and adhered to and that a free press, and freedom of speech are allowed to thrive without undue interference.’ All seven recommendations were accepted, but the government has not implemented them, as discussed below.
- 3.2** Uganda’s domestic framework guarantees the right to freedom of speech and expression. Article 29 (10) of the Constitution states that ‘every person shall have the right to freedom of

<sup>7</sup> Human Rights Awareness Promotion Forum v. Attorney General and Commissioner General of Prisons, Misc. Cause No. 81 of 2020, Human Rights Awareness Promotion Forum, 24 April 2020, <https://www.hrapf.org/index.php/resources/court-judgements/153-20-06-15-ruling-hrapf-vs-ag-1/file>.

<sup>8</sup> ‘19 Uganda LGBT Members Denied Bail After Public Gathering Arrest’, VOA, 30 April 2020 <https://www.voanews.com/africa/19-uganda-lgbt-members-denied-bail-after-public-gathering-arrest>.

<sup>9</sup> ‘The Albertine Watch demands the immediate release of arrested environment human rights defenders in Hoima’, Albertine Watchdog, 16 September 2020, <https://www.albertinewatchdog.org/2020/09/16/the-albertine-watch-demands-the-immediate-release-of-arrested-environmental-human-rights-defenders-in-hoima>.

<sup>10</sup> ‘Uganda: Arbitrary detention and subsequent release of nine environmental human rights defenders’, International Federation for Human Rights, 18 September 2020, <https://www.fidh.org/en/issues/human-rights-defenders/uganda-arbitrary-detention-and-subsequent-release-of-nine>.

<sup>11</sup> Ibid.

<sup>12</sup> ‘Eight Land Rights Defenders Charged and Detained’, Front Line Defenders, 18 September 2020, <https://www.frontlinedefenders.org/en/case/eight-land-rights-defenders-charged-and-detained#case-update-id-12413>.

speech and expression which shall include freedom of the press and other media.<sup>13</sup> Uganda has a vibrant press with hundreds of private radio stations and independent newspapers. Independent newspapers are often critical of government practices and actions.

- 3.3** At the international and regional levels, the Republic of Uganda is bound by key human rights obligations, including ICCPR article 19 and article 9 of the African Charter on Human and Peoples' Rights, which provides for citizens to express and disseminate opinions and views within the law.
- 3.4** Despite these guarantees, attacks and restrictions on journalists and independent newspapers persist in Uganda. Journalists have been physically assaulted for covering events or protests and independent newspapers have on several occasions been forced to close and had their licences suspended and broadcasting equipment confiscated by the authorities. Such instances have happened in the aftermath of the February 2016 elections, during the amendment of the 1995 constitution in December 2017, during the enforcement of COVID-19 guidelines in 2020 and 2021 and around the 2021 presidential and general elections. During these times, attacks and restrictions on independent media outlets increased and journalists were often targeted for reporting on rallies and meetings organised by members of the political opposition. Further, the government imposed restrictions on online freedoms and blocked access to social media platforms. The government also uses anti-terrorism legislation to target legitimate speech.
- 3.5** On 27 November 2016, Joy Doreen Biira, a news anchor with the KTN network, was arrested following an offensive mounted by the Uganda People's Defence Force (UPDF) against the Obusinga Bwa Rwenzururu Palace in Kasese District.<sup>14</sup> Doreen was arrested with her fiancé with whom she travelled to Kasese for a traditional ceremony when the attack occurred. She was arrested allegedly for illegal filming of the raid. The attack on the Palace resulted in the killing of over 40 guards and the arrest of more than 400 people. Police accused Biira of circulating graphic photos of the aftermath of the battle to a widely subscribed WhatsApp group.
- 3.6** On 31 March 2017, Siraje Kiberu, a journalist attached to Kingdom television, and Dodoviko Musaka of Central Broadcasting Services (CBS) radio were assaulted by the police. The journalists were covering the arrest of Betty Nabooze Bakireke, an opposition member of parliament from Mukono Municipality.<sup>15</sup>
- 3.7** On 13 July 2018, police in Katakwi, Eastern Uganda arrested three journalists, Simon Emwamu of the Daily Monitor, Eddy Enuru of NBS and Kenneth Odere of NTV, for allegedly covering an unlawful assembly. The three were reporting on a protest by members of the local community against a tax on mobile money transactions that had been introduced by the government.<sup>16</sup>

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<sup>13</sup> 'Constitution of the Republic of Uganda 1995', <http://ugandajournalistsresourcecentre.com/wp-content/uploads/2015/04/Constitution-of-the-Republic-of-Uganda-1995.pdf>.

<sup>14</sup> 'Police arrest KTN journalist over filming military raid on Rwenzururu palace', Daily Monitor, 28 November 2016, <https://www.monitor.co.ug/uganda/news/national/police-arrest-ktn-journalist-over-filming-military-raid-on-rwenzururu-palace-1677632>.

<sup>15</sup> 'Police attack journalists covering arrest of Ugandan opposition MP', IFEX, 31 March 2017, <https://ifex.org/police-attack-journalists-covering-arrest-of-ugandan-opposition-mp>.

<sup>16</sup> 'Three journalists arrested as they cover mobile money tax protest', Human Rights Network for Journalists-Uganda, 13 July 2018, <https://www.hrjganda.org/three-journalists-arrested-as-they-cover-mobile-money-tax-protest>.

- 3.8** On 20 August 2018, while covering city protests, Reuters photojournalist James Akena sustained life-altering injuries after UPDF soldiers battered him as he knelt on his knees.
- 3.9** In September 2017, the Uganda Communication Commission (UCC), Uganda’s communications regulator, banned media outlets from broadcasting live parliamentary proceedings and debates on a constitutional amendment bill, which was seeking to lift the presidential age limit. The media outlets broadcasted fighting that took place between opposition members of parliament and members of the ruling National Resistance Movement (NRM).<sup>17</sup> The regulator claimed that the broadcasts were likely to incite violence. However, some media houses bypassed the ban and broadcast the proceedings live via Twitter’s Periscope. The ban was lifted in October 2017, but with the condition that media houses have live broadcasting pre-editing software.<sup>18</sup>
- 3.10** Further, the UCC instituted new licensing and registration requirements for online publishers in March 2018 and threatened to block sites that failed to comply. As part of the registration requirements, online publishers are required to pay US\$20 per annum. The requirements compromise the anonymity of content producers, leading to growing self-censorship.<sup>19</sup>
- 3.11** Section 37 (1) of the Penal Code Act (Cap.120), which criminalises any person who publishes or writes what is called ‘classified’ information about the operation of the army, continues to be enforced. This has been used to physically attack and violently assault journalists while covering events where the military is deployed. In the run-up to the 2021 elections, several journalists were severely assaulted for covering events or protests where military police were deployed. Between October 2020 and February 2021 over 100 journalists were brutalised or had their equipment confiscated or damaged by members of the military police while covering the events of opposition political leaders.<sup>20</sup>
- 3.12** For instance, on 27 December 2020, Ashraf Kasirye, a journalist with Ghetto Media, was badly injured while covering a rally in Masaka, Central Uganda, after police fired at him with a teargas cannister launcher. In December 2020, Culton Scovia Nakamya, a journalist working with BBS Telefayina, was arrested while covering a meeting of opposition politician Robert Kyagulanyi Sentamu in Kalangala. In February 2020, while covering a visit by an opposition leader to the UN Office of the High Commission for Human Rights in Kampala, Irene Abalo (Daily Monitor), Nicholas Bamulanzeki (Observer newspaper), Thomas Kitimbo (NBS TV), Timothy Murungi (New Vision newspaper), Shamim Nabakooza (Record TV), Rashida Nakaayi (Galaxy FM Radio), Josephine Namakumbi (NBS TV), Joseph Sabiliti (NBS TV), Henry Sekanjako (New Vision), Geoffrey Twesigye (NTV Uganda) and John Cliff Wamala (NTV Uganda) were violently and brutally attacked and injured, and their equipment was damaged.<sup>21</sup>

#### **4. Freedom of peaceful assembly**

<sup>17</sup> ‘UCC bans live broadcasts of age limit events’, The Observer, 27 September 2017,

<https://observer.ug/news/headlines/55136-ucc-bans-live-broadcasts-of-age-limit-events>.

<sup>18</sup> ‘Live TV coverage ban lifted, but conditions don’t satisfy Uganda broadcasters’, African Centre for Media Excellence, 6 October 2017, <https://bit.ly/2GkDor6>.

<sup>19</sup> ‘Freedom on the Net 2018 – Uganda’, Refworld, 1 November 2018, <https://www.refworld.org/docid/5be16af2c.html>.

<sup>20</sup> ‘Security forces increasingly target journalists as Uganda’s election nears’, Africanews, 6 January 2021,

<https://www.africanews.com/2021/01/06/security-forces-increasingly-target-journalists-as-uganda-s-election-nears>.

<sup>21</sup> ‘Eight journalists beaten on orders of military officer at UN Human Rights office’, African Centre for Media Excellence, 17 February 2021, <https://acme-ug.org/2021/02/17/eight-journalists-beaten-on-orders-of-military-officer-at-un-human-rights-office>.

- 4.1** During Uganda’s examination under the 2nd UPR cycle, the government received seven recommendations on the right to the freedom of peaceful assembly and committed to ensuring that ‘it takes measures to guarantee the right to peaceful assembly and avoid abuses in police activities and, if such abuses occur, ensure that they do not go unpunished.’ Of the recommendations received, one was accepted and six noted. However, as evidenced below, the government has failed to implement any of the recommendations. This was especially evident in the context of COVID-19 and the 2021 elections.
- 4.2** Article 29 (1) (d) of the Constitution of Uganda guarantees the rights of citizens to ‘assemble and demonstrate together with others, peacefully and unarmed and to petition.’<sup>22</sup> ICCPR article 21 further guarantees the right to peaceful assembly. However, peaceful demonstrations, rallies and assemblies have been violently suppressed by the authorities in Uganda. Protesters have been arrested and, in some cases, shot at and summarily killed, with domestic legislation cited as a basis. Ahead of the 2021 elections, the Ugandan authorities used violence to disperse political rallies and meetings organised by members of the political opposition. Restrictive legislation is used to prevent peaceful public gatherings.
- 4.3** Section 36 of the Police Act provides for the dispersal of an assembly after it has been ordered to be terminated. The section gives powers to any police officer to disperse any assembly as they deem so and to use all such force as reasonably necessary and gives immunity from criminal or civil liability to an officer or anyone assisting them if the action taken results in harm or death.<sup>23</sup>
- 4.4** Throughout the period under review the government of Uganda did not demonstrate any willingness to amend the Public Order Management Act (POMA) 2013. However, Uganda’s Constitutional Court, in a judgement delivered on 26 March 2020, declared section 8 of the POMA to be unconstitutional.<sup>24</sup> The government has since appealed against the ruling.<sup>25</sup>
- 4.5** On 24 March 2020, the Minister of Health, pursuant to sections 11 and 27 of the Public Health Act Cap 281, issued a number of rules to respond to and control of the spread of COVID-19 in Uganda. The Minister issued the Public Health (Control of COVID-19) Rules, 2020, under which restrictions were imposed on public gatherings, including political rallies, conferences and cultural-related meetings. These restrictions were brutally enforced and severely limited people’s right to peaceful assembly.
- 4.6** On 17 October 2020, the military and police raided and dispersed thanksgiving prayers held by Mbogo Clan members in Singo who were commemorating seven years of Jajja Kayiira Gajuule’s chairmanship of the clan heads council of Buganda.<sup>26</sup> In the middle of the prayers, police and military fired live bullets and teargas and vandalised the venue. The raid came after reports circulated that presidential candidate Robert Kyagulanyi was due to attend the event.

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<sup>22</sup> ‘Constitution of Uganda’, op cit.

<sup>23</sup> ‘Police Act, CAP 303’ Uganda Police Forces, 14 October 1994, <https://www.upf.go.ug/download/the-police-act>.

<sup>24</sup> Human Rights Network Uganda & 4 Others v. Attorney General (Constitutional Petition-2013/56) [2020] UGCC 6, ULII, 26 March 2020, <https://ulii.org/ug/judgment/constitutional-court-uganda/2020/6>.

<sup>25</sup> ‘Attorney General appeals POMA judgment’, The Observer, 17 April 2020, <https://observer.ug/news/headlines/64316-attorney-general-appeals-poma-judgment>.

<sup>26</sup> ‘Military disperses Mbogo Clan prayers over Bobi Wine, stop mass led by Bishop Kaggwa’, Ugnews24, 18 October 2020, <https://ugnews24.info/kampala-sports-news/military-disperses-mbogo-clan-prayers-over-bobi-wine-stop-mass-led-by-bishop-kaggwa-pml-daily>.



- 4.7** On 18 November 2020, Robert Kyagulanyi and his colleagues in the opposition National Unity Platform (NUP) were arrested as they conducted their campaign in Luuka District for allegedly flouting the COVID-19 Standard Operating Procedures. This incident provoked nationwide protests and a violent clampdown from the police and other security agencies.<sup>27</sup> Subsequently, several suspected protesters and bystanders were shot at and killed. There were several arrests and enforced disappearances, largely of political activists belonging to the NUP. Some of the activists were abducted in broad daylight, while others were abducted during the night by security agents. The government later acknowledged that it had 177 people in police custody and started releasing them one by one, while others appeared in court after four months in custody.
- 4.8** On 11 July 2018, a number of lawmakers including Robert Kyagulanyi organised a procession to protest against new taxes on social media and mobile money transfers.<sup>28</sup> While they had informed the police of their planned protest route and anticipated protection during the course of the event, when they commenced the march, police fired teargas and live ammunition into the air to disperse the crowd, sparking running battles between security forces and protesters.
- 4.9** On 13 August 2018, the police and military arrested and beat up six opposition members of parliament, journalists and several other people in advance of the 15 August 2018 Arua by-election. This followed allegations that the president's convey had been pelted with stones by supporters of the independent by-election candidate Kasiyano Waduri. President Museveni was in Arua to campaign for Nusura Tiperu, the NRM's candidate. In the fracas that followed at least five people were killed by security forces. Over 30 people were charged with treason, with around 150 put on remand.<sup>29</sup>

## **5. Freedom of association**

- 5.1.** During Uganda's examination under the 2<sup>nd</sup> UPR cycle, the government received five recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government committed to 'ensure the full respect of the freedoms of association'. Of the recommendations received, the government accepted one and noted four. However, as evidenced below, the government has failed to implement any of the recommendations.
- 5.2.** Article 29 (1) (e) of the Constitution of Uganda provides for the rights of Ugandans to form and join associations. It states 'freedom of association which shall include the freedom to form and join associations including trade unions and political and other civic organisations'.<sup>30</sup> However several CSOs have been threatened or stigmatised by government officials who sometimes refer to them as agents of the west and supporters of political opposition parties. State and non-state personnel have on several occasions attacked the premises of human rights organisations, stealing computers and other accessories and in doing so damaging records of human rights violations. Restrictive legislation is also used to curb the activities of CSOs.

<sup>27</sup> 'Deadly protests in Uganda after Bobi Wine arrested again', Al Jazeera, 18 November 2020, <https://www.aljazeera.com/news/2020/11/18/bobi-wine-uganda-opposition-presidential-candidate-arrested>.

<sup>28</sup> 'Uganda police use teargas to disperse protest against social media taxes', Reuters, 11 July 2018, <https://www.reuters.com/article/us-uganda-socialmedia-protests-idUSKBN1K121S>.

<sup>29</sup> 'Arua violence: Counting the human cost', Daily Monitor, 7 September 2018, <https://www.monitor.co.ug/uganda/special-reports/arua-violence-counting-the-human-cost-1777024>.

<sup>30</sup> 'Constitution of Uganda', op cit.

- 5.3.** The Non-Governmental Organisations Act (2016) (NGO Act) was passed by parliament on 26 November 2016 and signed into law by President Museveni on 30 January 2017.<sup>31</sup> It places limits on the independence of CSOs. It proposes compulsory and cumbersome registration process for CSOs to operate legally in Uganda, placing them under the strict control of the government-dominated National Bureau for Non-Governmental Organisations. The Act allows for registration to be denied for ‘any reason that the Board may deem relevant’, and no timeframe is stipulated, thereby allowing unlimited delays in registration. It reinforces state control over CSOs by empowering an officer of the Secretariat authorised by the Bureau to ‘at any reasonable time inspect the premises of an organisation and request any information that appears to him or her necessary for the purpose of giving effect to the Act.’
- 5.4.** Further, section 47 of the NGO Act requires even loose coalitions of CSOs to be registered, a stipulation that could potentially be abused to limit CSOs’ freedom to associate through short-term and flexible coalitions for action on specific issues.
- 5.5.** Over the last four years a disturbing pattern continued to manifest of unidentified individuals breaking into the offices of human rights CSOs and stealing sensitive information, documents and equipment. On 18 March 2021, unknown assailants broke into the offices of Chapter Four Uganda in Kololo.<sup>32</sup> The assailants accessed the reception area of the office through the window and made off with a computer. On 10 September 2018, the offices of Twerwaneho Listener’s Club were broken into. The unknown assailant accessed the offices through the ventilators and stole some equipment.<sup>33</sup> On 6 August 2018, unknown intruders broke into the offices of Isis-WICCE at night, ransacked the premises and vandalised computers.<sup>34</sup> On 9 February 2018, eight unidentified individuals broke into the offices of Human Rights Awareness and Promotion Forum and attacked two security guards with machetes, leaving them both in critical condition.<sup>35</sup>
- 5.6.** On 13 November 2019, the Minister of Internal Affairs issued a directive for all CSOs in Uganda to go through a process of validation. The Minister directed that ‘All NGOs, which do not appear on the validated register, should not operate and must close immediately. All stakeholders, especially police, hotels and the Financial Intelligence Authority should cross-check the status of any NGO with the register in our bureau to ensure that such organisations do not transact business anywhere in the country.’<sup>36</sup> By 19 October 2020 only 2,257 CSOs had successfully gone through the verification and validation exercise. Only a few of these undertake mainstream advocacy work on governance.
- 5.7.** On 22 October 2020, the National Bureau for NGOs invited the Uganda National NGO Forum (UNNGOF) for a meeting with a purpose of ascertaining the legal status of National Election Watch - Uganda (NEW-U). NEW-U was a loose coalition hosted by UNNGOF comprised of 60 organisations set up to observe the 2021 elections. Subsequent to the meeting, the National Bureau of NGOs produced a report that faulted a number of CSOs constituting NEW-U for non-compliance with the NGO Act 2016.<sup>37</sup> The Bureau also found fault with the UNNGOF for hosting a non-registered association. Based on the above, the Bureau directed that the operations of NEW-U be halted with immediate effect and that there would be no further activities and statements. The Bureau further communicated that action

<sup>31</sup> ‘NGO Act, 2016’ Ministry of Internal Affairs, 30 January 2016, <https://www.mia.go.ug/sites/default/files/download/The-Non-Governmental-Organisations-Act-2016%20comp.pdf>.

<sup>32</sup> ‘Statement on the office break-in at Chapter Four Uganda’, Chapter Four, 18 March 2021, <https://chapterfouruganda.org/articles/2021/03/18/statement-office-break-chapter-four-uganda>.

<sup>33</sup> ‘Three break-ins of the non-governmental organisation Twerwaneho Listeners Club’s office premises in Fort Portal’, World Organisation Against Torture, 17 September 2018, <https://www.omct.org/en/resources/urgent-interventions/three-break-ins-of-the-non-governmental-organisation-twerwaneho-listeners-clubs-office-premises-in-fort-portal>.

<sup>34</sup> ‘Thugs break in, ransack offices of NGO’, Daily Monitor, 7 August 2018, <https://www.monitor.co.ug/uganda/news/national/thugs-break-in-ransack-offices-of-ngo-1772262>.

<sup>35</sup> ‘NGO break-ins: state is failing to protect human rights defenders’, The Observer, 20 March 2018, <https://observer.ug/viewpoint/57253-ngo-break-ins-state-is-failing-to-protect-human-rights-defenders.html>.

<sup>36</sup> ‘Only 2118 NGOs validated; Rest ordered to shut down’, ChimpReports, 13 November 2018, <https://chimpreports.com/only-2118-ngos-validated-rest-ordered-to-shut-down>.

<sup>37</sup> ‘Uganda outlaws thousands of NGOs running ‘unscrupulous operations’, RFI, 16 November 2019, <https://www.rfi.fr/en/international/20191115-uganda-outlaws-thousands-ngos-operating-country>.

would be taken against CSOs found to have participated in such an illegal arrangement.

**5.8.** On 12 December 2020, the Financial Intelligence Authority (FIA) froze the bank accounts of two CSOs, UNNGOF and Uganda Women's Network. In directing the freezing of these accounts, the Executive Director of FIA indicated that the authority had relied on intelligence from one of the security agencies indicating that the two CSOs were engaged in terrorism financing activities and accordingly invoked section 17A of the Anti-terrorism Act (Amended) 2015, which states that: 'The Financial Intelligence Authority may cause the freezing or seizing of funds or property where it is satisfied that the funds are or the property is intended for terrorism activities.' The leadership of the two CSOs responded that the accounts frozen contained funds for community projects in various parts of Uganda and not for the alleged illegal activities.<sup>38</sup> The freezing of accounts affected the work of the CSOs and the communities they serve.<sup>39</sup>

**5.9.** On 2 January 2021, President Museveni issued a directive for the immediate suspension of the activities of the Democratic Governance Fund (DGF), indicating that he was in possession of credible intelligence that it was funding CSOs involved in subversive activities.<sup>40</sup> The DGF is a funding facility established in July 2011 by eight development partners: Austria, Denmark, Ireland, The Netherlands, Norway, Sweden, the United Kingdom and the European Union. It aims to provide harmonised, coherent and well-coordinated support to state and non-state entities to strengthen democratisation, protect human rights, improve access to justice and enhance accountability in Uganda. DGF is the largest facility supporting CSOs in Uganda. The fund has operated in Uganda with the full knowledge of the relevant authorities and has supported groups ranging from national institutions to CSOs. The suspension of the operations of DGF paralysed the work of several CSOs.<sup>41</sup>

## **6. Recommendations to the Government of the Republic of Uganda**

CIVICUS, FHRI, JAP and AIIJ are concerned about the failure on the part of the Government of Uganda to implement meaningfully the recommendations it accepted relating to civic space and protecting HRDs during its UPR in 2016.

CIVICUS, FHRI, JAP and AIIJ urge the Government of Uganda to protect and promote the fundamental freedoms and human rights of all Ugandans and create an enabling environment for civil society, HRDs and the media to operate in accordance with the rights enshrined in the Constitution of Uganda, the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

At a minimum, the following conditions should be ensured: the freedoms of association, peaceful assembly and expression, the right to operate free from unwarranted state interference, the right to seek and secure funding and the state's duty to protect. In the light of this, the following specific recommendations are made.

### **6.1 Judicial persecution, harassment and intimidation of CSO members and HRDs**

- Stop the practice of arbitrarily arresting, detaining and persecuting HRDs in response to their human rights activities.
- Ensure that government officials and members of the security forces respect the rule of law and guarantee to protect HRDs and their organisations, particularly when they file reports of

<sup>38</sup> 'NGO Bank Accounts Frozen by Uganda Gov't FIA over alleged Terrorist Financing. UWONET & NGO Forum', NTV Uganda, 12 December 2020, <https://www.youtube.com/watch?v=ZQCZwoLbnU8>.

<sup>39</sup> 'Frozen NGO accounts affect community activities', NTV Uganda, 19 December 2020, <https://www.youtube.com/watch?v=icTFfRIsf3w>.

<sup>40</sup> 'Museveni orders closure of Democratic Governance Facility dealing blow to NGOs', The Citizen, 4 February 2021, <https://www.thecitizen.co.tz/tanzania/news/africa/museveni-orders-closure-of-democratic-governance-facility-dealing-blow-to-ngos-3279976>.

<sup>41</sup> 'Behind DGF's suspension', The Independent, 8 February 2021, <https://www.independent.co.ug/behind-dgfs-suspension>.

threats against their lives and organisations.

- Ensure that CSOs and HRDs can operate in a safe environment and that all allegations of intimidation, harassment and violence are fully investigated.
- Review restrictive provisions of the Penal Code that are used to target journalists and ensure they are in line with Uganda's domestic and international human rights obligations.
- Respect, protect and promote the human rights of all, without discrimination on any grounds, including sexual orientation, gender identity or same-sex relationships between consenting adults.

## **6.2 Freedom of expression and attacks on journalists**

- Thoroughly investigate threats, torture and other inhumane and degrading treatment committed against journalists and attacks on media houses, bring to justice those responsible and guarantee reparations to the victims.
- Stop imposing bans on social media and desist from shutting down the internet at politically critical moments and allow citizens their rights to access online platforms.
- Refrain from issuing impromptu bans on independent radio stations and media agencies when they broadcast views of members of the political opposition and opinions that differ from those of the government.
- Review restrictive provisions of the Penal Code that are used to target journalists and ensure they are in line with Uganda's human rights obligations.
- Annul the requirements imposed by the UCC on social media users to register and for online publishers to pay annual registration fees and guarantee a more enabling environment for the respect of online freedoms.

## **6.3 Freedom of peaceful assembly**

- Allow peaceful assemblies to take place in line with Uganda's human rights obligations and stop using violence to disperse public gatherings organised by members of the political opposition and civil society groups.
- Take measures to guarantee the right to peaceful assembly and avoid abuses in police activities and, if such abuses occur, ensure that they do not go unpunished.
- Amend the Public Order Management Act, 2013 to ensure the freedom of peaceful assembly in line with international human rights standards.

## **6.4 Freedom of association**

- Amend the NGO Act, 2016, which restricts the right to freedom of association, to bring it into conformity with the Constitution and the ICCPR.
- Stop implementation of the NGO validation directive and instead strengthen the capacity of the National Bureau for NGOs to monitor civil society through the District NGO Monitoring Committees and Subcounty NGO Monitoring Committees established under the NGO Act,

2016.

- Protect and enable the right of all Ugandans to form associations and belong to groups in line with constitutional provisions and international human rights standards.
- Carry out independent investigations into attacks on offices of CSOs and bring to justice all those responsible for these acts.
- Senior government officials and members of the security services should publicly condemn acts of vandalism targeting the offices and equipment of CSOs.

#### **6.5 Access to UN Special Procedures**

- Extend a standing invitation to UN Special Procedures, particularly the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.

#### **6.6 State engagement with civil society**

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with civil society on the implementation of UPR recommendations, including by holding periodical comprehensive consultations with a diverse range of civil society.
- Incorporate the results of this UPR its action plans for the promotion and protection of all human rights, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.