



JOINT SUBMISSION TO UNIVERSAL PERIODIC REVIEW MECHANISM ON THE REPUBLIC OF UGANDA

40th Session of the UPR Working Group

Joint Submission by:

Foundation for Human Rights Initiative (FHRI)¹

African Centre For Treatment and Rehabilitation of Torture Victims
(ACTV)²

National Coalition for Human Rights Defenders Uganda (NCHRD-U)³

Chapter Four Uganda⁴

AND

Human Rights Centre Uganda (HRCU), Legal Aid Service Providers Network (LASPNET), Penal Reform International (PRI), Center for Constitutional Governance (CCG), Strategic Response International (SRI), Human Rights and Peace Centre (HURIPEC), Citizens' Coalition for Electoral Democracy in Uganda (CCEDU), Corruption Brakes (COBRA) Crusade, Teso Anti-Corruption Coalition (TACC), Yumbe NGO Forum, Life

Concern (LICO) Uganda, Human Rights Activists Elgon Sub-Region (HURA), Twerwaneho Listeners Club, Kumi Human Rights Initiative (KHRI), Kalangala Human Rights Defenders Network, Eastern Uganda Human Rights Defenders Coalition

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I. Introduction

- 1.1 1. This report is a culmination of joint efforts and data contributions of the Civil and Political rights cluster under the CSO National Stakeholders' Forum on the UPR- a loose network of over 300 NGOs dedicated to following upon on UPR mechanism coordinated by the [National Coalition of Human Rights Defenders Uganda](#). The cluster comprises of a total of eighteen civil society organisations working to defend and advance civil and political rights in Uganda. All these organisations, with varying experience and expertise are key actors in the advocacy on Civil and Political rights in Uganda. The report was compiled through collection of data from the membership of the cluster. A draft report was presented and validated amongst the members leading to this final report. **The Foundation for Human Rights Initiative** (FHRI), the African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) and Chapter Four Uganda convened the cluster.
2. **FHRI** is an independent, non-governmental organisation that was founded in 1991 with an aim to enhance the knowledge, respect and observance of human rights in Uganda. The organisation defends the fundamental freedoms enshrined in the 1995 Ugandan Constitution and other internationally recognized human rights law.
3. **ACTV** is a non-governmental organisation that was established in 1993 to provide physical and psychological care that supports the process of rehabilitation of victims of torture in Uganda and neighboring countries.
4. **Chapter Four Uganda** is a civil right non-governmental organisation that was established in April 2013 with a mission to provide robust, strategic and non-discriminatory legal response to the abuse of civil liberties in Uganda.

5. This joint submission summarises data compiled over time by the submitting organisations as a result of their work on monitoring the implementation of civil and political rights specific recommendations in Uganda.

II. Background

6. During the second cycle under the Universal Periodic Review (UPR) mechanism, Uganda received 226 recommendations, out of which 148 were supported and 78 noted. In particular, Uganda accepted to among others take necessary measures to allow the enjoyment of civil and political rights by all. This report submits our assessment of the State's implementation of the accepted recommendations under four thematic areas namely recommendations on treaties, the right to participation, accountability for human rights violations by State security agents, torture, and electoral reforms and transparency.

III. Methodology

7. This report was compiled in a participatory and consultative process involving various civil society organisations working on civil and political rights in Uganda. The report further benefited from desk review of reports from Uganda's UPR process and government and civil society reports. Strategy coordination meetings were held during the process. At the end of the process, a validation meeting was held at which the draft report was discussed and adopted.

IV. Submissions on Status of Implementation of the Accepted Recommendations

A: Recommendations on the right to participate in political and public affairs

8. Recommendations on the right to participate were accepted including:
- a) Take necessary measures to allow the enjoyment of civil and political rights by all, including the right to participate in political and public affairs. (115.107)

- b) 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. (115.103)
- c) Ensure the full respect of the freedoms of association and peaceful demonstration in compliance with international commitments of Uganda, in particular in the implementation of the Public Order Management Act of 2013. (114.101)

09. In order to assess implementation of this recommendation, we assess what the State has done for the period under review to facilitate the rights to freedom of peaceful assembly, freedom of association, freedom of opinion and expression, and the right of access to information – which are inseparably linked to participation rights.

Legal framework

10. The 1995 Constitution of Uganda provides for the right to participate in political and public affairs under Clause II of the National Objectives and Directive Principles of State Policy and Articles 1 (4), 20, 21, 29 (1) (a)(b)(d)(e), 38, and 41. The Parliament of Uganda has further enacted laws such as the Access to Information Act, 2005; Non-Governmental Organisations Act, 2016; Computer Misuse Act, 2011 with an apparent objective of enabling the enjoyment of the right to participate. The constitutional provisions are in tandem with the international and regional human rights law. The Universal Declaration of Human Rights (UDHR) provides for the right under Articles 18, 19, 20, 21 and 27 (1). The International Covenant on Civil and Political Rights (ICCPR) provides for the right under Articles 1 (1), 3, 18, 19, 22 and 25.

Concerns on the right to freedom of peaceful assembly

11. On March 26, 2020, the Constitutional Court of Uganda declared Section 8 of the Public Order Management Act, 2013 unconstitutional.⁵ The section granted the Uganda Police Force broad authority to stop, prevent or forcefully disperse a public meeting or assembly. Whereas this is a positive step, it is concerning that instead of the government implementing the court's decision, it moved to appeal seeking to maintain the unconstitutional police powers to block or disperse peaceful assemblies.

12. In the wake of the Covid-19 pandemic, Uganda authorities have increasingly used presidential directives and statutory instruments issued by the Minister of Health to block peaceful assemblies disproportionately. Observance of standard

operating procedures such as having masks on is not understood to allow peaceful assemblies on critical issues that people feel strongly about. This whittles away the right of people to petition and to peacefully protest.

13. The freedom of peaceful assembly online has also been impeded by the government of Uganda through indiscriminate weeklong internet shutdown during the January 2021 elections, unjust social media tax, indefinite Facebook ban, arbitrary arrests of bloggers, among others.

Concerns on the right to freedom of association

14. In January 2016, President Museveni signed the Non-Governmental Organisations Act, 2016 (NGO Act 2016) into law. Whereas the law establishes several progressive sections, it contains several restrictive provisions which hinder rather than enable the freedom of association. For example, the law actively discriminates against unincorporated persons and effectively whittles away their right to freedom of association and provides for undefine, vague obligations in relation to acts prejudicial to the interest and the dignity of the people of Uganda thereby creating an offence which is in contravention of the principle of legality. The law further imposes an unjustifiable a monthly fine of Uganda Shillings 200,000 (USD 57) for CBOs and Uganda Shillings 2,000,000 (USD 562) for operating without a valid permit. The law further imposes unjustifiable restrictions on freedom of association by establishing criminal sanctions of imprisonment against NGO officers for failure to meet administrative obligations.

15. In enforcement of the new legal regime, the National Bureau for NGOs has summoned several organisations engaged in human rights, humanitarian and development work to show cause why further action should not be taken for violating the various obligations under the NGO Act 2016. We are concerned that these developments send a chilling effect on the freedom of association. The Anti-Money Laundering Act, 2013 has also been used to unjustifiably and arbitrarily freeze bank accounts of at least eight NGOs and place onerous reporting requirements on organisations.

Concerns on the right to freedom of opinion and expression

16. On January 13, 2021, on the eve of Uganda's general presidential elections, Uganda's Communication Commission (UCC) ordered all internet service providers in the country to indefinitely suspend all internet gateways. This was worse than in February 2016 when only social media platforms were disabled. The internet

shutdown was a means of disrupting access to information and free expression on the conduct of the elections.

17. Brutality against journalists further continued to be a major theme. For example, on February 17, 2021, at least eight journalists sustained serious injuries following an attack by security forces deployed outside of the UN OHCHR office in Kololo. Ironically, the journalists were set to cover former Presidential Candidate Hon. Robert Kyagulanyi who was delivering a petition to the body on persistent brutality and human rights violations by security agencies in Uganda. On December 27, 2020, several journalists working with major news outlets in Uganda sustained injuries as they covered a scuffle when the police moved in to disperse supporters of the National Unity Platform in Kyabakusa Trading Centre in the southern town of Lwengo. Some of the journalists were hit with projectiles and sustained injuries from teargas canister explosions.

18. Journalists have also been targeted through restrictions of access and licensing. On December 10, 2020, at the height of political activities ahead of the January 2021 general elections poll, the Media Council of Uganda (MCU) issued a directive requiring all practicing journalists in Uganda to register for accreditation to cover political events. This denied several journalists the opportunity to cover the elections.

19. Media houses were also targeted to whittle away their editorial independence. For example, on January 14, 2021, the police turned off the radio transmitters of Busoga One FM in Jinja City on allegations of inciting violence for reporting provisional results of the 2021 general elections from Busoga sub-region. On January 21, 2021, the Uganda Communications Commission switched off Baba FM in Jinja on allegations of inciting community members for broadcasting live updates of the mayoral race.

20. The number of bloggers and writers being arrested for sharing their opinions online and in publications has also gone up. For example, on April 13, 2020, Ugandan writer and novelist Kakwenza Rukirabashaija was arrested and interrogated on his novel, *'The Greedy Barbarians'* which explores high-level corruption. On January 27, 2019, Stella Nyanzi, a scholar and activist was arrested and charged with cyber harassment and offensive communication under Sections 24 (1) and (2) (a) and 25 of the Computer Misuse Act, 2011 on allegations that she used vulgar language aimed at ridiculing President Yoweri Museveni.

Recommendations

21. We propose the following recommendations to the government of Uganda:
- a) Withdraw the appeal in the Supreme Court against the repeal of Section 8 of the Public Order Management Act, 2013 (POMA) and implement the decision of the Constitutional Court.
 - b) Repeal Sections 24 and 25 of the Computer Misuse Act, 2013 and ensure that any subsequent legislation is in conformity with the 1995 Constitution of Uganda.
 - c) Repeal Sections 29 (1) and (2) (b), 31 (2), 40, 44 (a) (c) (d) (f) and (g) and amend Sections 29 (4) (a), 31 (3), 32 (6), 41 (7) of the NGO Act, 2016 to bring it in conformity with the 1995 Constitution of Uganda and the commitments of Uganda under international human rights law.

B. Recommendations on accountability for rights violations by security agencies

22. The following recommendations were accepted:
- a) Strengthen measures to end any possibility of alleged police brutality, arbitrary arrests and politically motivated prosecution of opposition leaders. (115.102)
 - b) Conduct full and transparent investigations into alleged cases of excessive use of force by security agents, especially during and after the 2016 elections, ensuring accountability for possible human rights violations. (115.87)

Legal framework

23. The 1995 Constitution of Uganda provides under Article 212 that in the exercise of its functions, the Uganda Police Force shall protect life, prevent and detect crime and co-operate with the civilian authority. The police are further required to respect and to protect human rights established under Chapter Four of the Constitution and Uganda's commitments under international human rights law. The Police Act, Cap 303 further reiterates these standards. Article 23 of the 1995 Constitution further provides for the protection of personal liberty and Article 28 provides for fair trial and due process rights. These standards are largely similar to the

guarantees in the UDHR, ICCPR and the ACHPR.

Concerns on personal liberty

24. We applaud the Uganda Police Force for launching the Uganda Police Human Rights Policy in 2019. However, incidents of police brutality and arbitrary arrests of opposition leaders and their supporters continued to occur with no accountability. On the eve of the 2021 elections, Uganda's Inspector General of Police (IGP), Martin Okoth Ochola said the police has no apology for police brutality against the media, 'Yes, we shall beat you for your sake – to help you understand that don't go there.'⁶ We are concerned that such statements embolden acts of impunity for police brutality and defeat the objective of the policy.

25. Increased militarization of law enforcement and policing functions has further caused a rise in incidents of enforced disappearances, incommunicado detention, arbitrary arrests and detention and trial of civilians in politically motivated prosecutions in the General Court Martial. Hundreds of young people who subscribe to opposition political groups especially the National Unity Platform (NUP) have specifically been targeted.

Politically motivated prosecutions

26. Incidents of politically motivated prosecutions of opposition leaders further continued to occur during the period under review. The situation has deteriorated leading to the prosecutions being conducted in the military court. Aides and supporters of opposition political leaders, notably those of Hon. Robert Kyagulanyi, alias Bobi Wine were common. For example, on August 13, 2018, six opposition Members of Parliament, including Hon. Francis Zaake and Hon. Kyagulanyi and 28 other people were arrested in the north-western town of Arua and charged with treason in politically motivated charges. On December 30, 2020, security operatives arrested at least 50 campaign assistants of Hon. Kyagulanyi and charged them in the military court on allegations of being in possession of four rounds of ammunition.

27. On July 2, 2021, the Constitutional Court in a landmark decision stopped military courts from trying civilian suspects on grounds that the court's jurisdiction is only limited to trying offences in respect of persons subject to the military law. Whereas we welcome this decision, we note with concern that the government of Uganda has since filed an appeal in the Supreme Court seeking to overturn this progressive judgment. This yet another sign that there is no political will to stop trying civilians in military courts.

Concerns on accountability for human rights violations

28. We applaud the government of Uganda for enacting the Human Rights (Enforcement) Act, 2019. Notably, the law establishes private prosecutions in cases where human rights have been infringed or threatened, provides for personal liability for infringement of rights and freedoms and eliminates immunity as a defense to proceedings commenced under the law. Whereas the law is progressive, its implementation is facing significant challenges including reluctance by security agencies to reveal the identity of the security agents who are implicated in the violations. Instead, the security agencies prefer to subject the alleged perpetrators to disciplinary proceedings as a justification of accountability against calls for prosecutions in criminal courts. These challenges have occurred in the past. In August 2016, a violent mob was mobilized to lay siege on a court house to stop lawyers from privately prosecuting senior police officers for torture.⁷

Concerns on lack of investigations into alleged cases of excessive use of force

29. During the period under review, there were no full and transparent investigations into the hundreds of human rights violations during and after the 2016 elections⁸ and other violations that occurred in the context of use of excessive force such as the Kasese killings where over 150 civilians, including children, were extrajudicially killed at the palace of the King of the Rwenzururu Kingdom, Omusinga Charles Wesley Mumbere.

30. Instead, we saw a rise in the use of excessive force in the 2021 general elections which resulted in untold extrajudicial killings. On November 18 and 19, 2020, at least 54 people were killed by government security forces when they responded with bullets to the countrywide demonstrations following the arrest of Hon. Robert Kyagulanyi and Hon. Patrick Amuriat Oboi for allegedly violating Covid-19 preventive regulations. In response to the killings, the then Minister of Security, Gen. Elly Tuwmine thanked the forces for defeating 'terrorists' and went ahead to warn that the 'police has a right to shoot you and kill you'. On November 29, 2020, President Yoweri Kaguta Museveni indicated that 32 of the persons killed were rioters and the remaining were innocent victims of stray bullets and motor vehicle accident. He assured the relatives of the victims of unlawful deaths compensation for the loss of the lives of their dear ones. To date, there has been no public inquiries or compensation process.⁹

31. The UPDF Fisheries Protection Unit (FPU), a specialised military unit formed by President Museveni to counter illegal fishing on Uganda's water bodies have also been cited in several cases of extrajudicial killings as a result of use of excessive force. They have shot and killed several people on allegations of engaging in illegal fishing on Lake Victoria and Lake Edward.

Recommendations

32. We propose the following recommendations to the government of Uganda:
- a) Urgently conduct an independent, public and transparent investigation into the November 2016 killings of civilians in Kasese, the November 18 and 19, 2020 killings in Kampala, and other extrajudicial killings, and hold perpetrators to account.
 - b) Conduct full and transparent investigations into alleged cases of human rights violations by security agents, including police brutality, incommunicado detention and extrajudicial killings to ensure accountability for crimes.
 - c) Ensure that State security agencies adhere to the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
 - d) End trials of civilians in military courts, enforced disappearances and take action to end politically motivated prosecutions in all its forms.
 - e) Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

C. Recommendations on torture

33. Recommendations against torture were accepted including the following:
- a) Put in place the necessary regulations to ensure the full implementation of the Prevention and Prohibition of Torture Act of 2012 and that appropriate training on the Act is carried out for security services to ensure its effective application. (115.7)
 - b) Implement the Prevention and Prohibition of Torture Act, whose definition of torture complies with the Convention against Torture, in order to ensure an

effective system for preventing all forms of torture. (115.5)

- c) Implement, in practice, the Prevention and Prohibition of Torture Act, including through the establishment of an effective system of prevention of all forms of torture and other cruel, inhuman or degrading treatment. (115.6)
- d) Ensure that the police force, the Directorate of Public Prosecution and the Uganda Human Rights Commission investigate all allegations of torture to hold perpetrators accountable. (115.86)
- e) Investigate all alleged acts of torture and hold accountable State security agents who are found culpable. (115.88)

Legal framework

34. Article 24 of the 1995 Constitution of Uganda guarantees the right to freedom from torture or cruel, inhuman or degrading treatment or punishment. Under Article 44, the constitution further guarantees that freedom from torture is an absolute right. In order to comply with its international human rights obligation, Uganda domesticated the UNCAT with the promulgation of the Prevention and Prohibition of Torture Act, 2012.

Implementation of the Prevention and Prohibition of Torture Act (PPTA)

35. In 2017, the Ministry of Justice and Constitutional Affairs adopted the Regulations to the Prevention and Prohibition of Torture. This progress gave an indication of the government's commitment to the fight against torture. However, as we report hereunder, acts of torture orchestrated by state security personnel are still persistent in Uganda.

Concerns on increase of incidents of torture

36. Uganda has established human rights coordination units in security agencies to oversee the observance and promotion of human rights within those institutions. Human rights trainings have been conducted together with civil society organizations such as ACTV. Despite this, in practice, the enforcement of the PPTA is still a challenge, and security agencies are still the majority perpetrators of torture.¹⁰ The enforcement of Covid-19 guidelines by security agencies often resulted in incidences of torture and cruel treatment. ACTV documented 95 cases of torture as a result of enforcement of Covid-19 guidelines by security agencies between the months of

March 2020 – December 2020. Furthermore, incidences of torture and cruel treatment have been evident during the just concluded 2020/2021 general elections. ACTV documented 69 cases of torture in a period January 2021 to March 2021.

37. Furthermore, military operations by the Fisheries Protection Unit (FPU), a marine section of the Uganda People's Defence Force (UPDF), is often cited in torture and other forms of ill treatment in the fishing communities. Irked by the persistent reports of torture, the then Speaker of Parliament, Hon. Rebecca Kadaga vowed to continue challenging torture in the fishing communities.¹¹

38. The State has failed in its role to observe and protect persons from torture during arrest and detention. Illegal detention in ungazetted facilities is further worsening the situation by exposing more suspects to torture because they are held outside of the protection of the law. According to the Report of the Committee of Parliament on Human Rights on Alleged Torture in Ungazetted Detention Centres in the Country, November 2019, several victims testified before the Committee that they had been tortured from different ungazetted detention centres commonly known as 'safe houses' that were operated by the Internal Security Organisation (ISO).¹²

Investigation and prosecution of torture and ill-treatment cases

39. Responding to the 2016 UPR recommendations, Uganda adopted the regulation to guide implementation of the Prevention and Prohibition of Torture Act (PPTA). The PPTA and its regulation are still not effectively implemented due to a lack of awareness and willingness in key State institutions, including the Uganda Police Force and the Director of Public Prosecutions (DPP). As a result, in most cases, charges are preferred under the Penal Code Act, Cap 120 instead of the PPTA. The right to freedom from torture is still among the most violated human rights with the security agencies being the highest perpetrators.

40. According to the Uganda Human Rights Commission (UHRC), at least 1,032 cases of torture were registered between the years 2016 to 2018, with an increase of 13% in 2018.¹³ ACTV registered 3,924 cases of torture between the years 2017 to 2019.¹⁴ With these high numbers, only a few cases have been investigated and prosecuted using the PPTA. One major challenge is that the police uses reporting forms designed to document assault rather than the existing specialised formats for effective documentation and investigation of torture related allegations. This affects access to redress by survivors of torture as stipulated under the General Comment No. 4 (2017) on the implementation of article 3 of the Convention Against Torture.

Rehabilitation and compensation for victims of torture

41. Article 14 of the UN Convention Against Torture provides torture victims a right to redress including rehabilitation. Similarly, Section 6 of the PPTA stipulates that victims of torture should be compensated, restituted and rehabilitated. The PPTA regulations which operationalizes the Act, has investigation and documentation forms specifically form 4 which documents the physical and psychological effects of torture and this key in determining rehabilitation and compensation to victims. Rehabilitation is essential for torture victims to rebuild their lives. Despite a clear mandate in the PPTA, the State has not established any rehabilitation programme for torture victims and it does not fund non-state services to provide support. This leaves ACTV as the only organisation that provides holistic rehabilitation to torture victims.

42. The absence of a compensation programme at national level to cautiously compensate victims has led to huge outstanding compensation sums to a tune of over Uganda Shillings 5 billion (USD 1,402,661). Many of those awarded compensation take not less than six years on average to receive it. This impedes access to effective redress and access to timely quality treatment and rehabilitation.

Recommendations

43. We propose the following recommendations to the government of Uganda:
- a) Uganda Police Force should adopt the PPTA regulations and streamline them in the documentation and investigation of torture cases in Uganda.
 - b) Uganda should meet her obligation under the African Charter of Human and Peoples Rights to mainstream mechanisms for rehabilitation within her health care system and redress of torture victims under General Comment No. 4 and General Comment No. 3 on Article 14 of the United Nations Convention Against Torture.
 - c) Uganda should pass legislation providing a maximum of two years within which a survivor of torture must have received their compensation in full following an order of court or the Uganda Human Rights Commission.
 - d) Uganda should ratify the Optional Protocol to the Convention Against Torture and other forms of cruel, inhuman, degrading treatment (OPCAT) in order to strengthen national implementation of the UNCAT to which Uganda is a state

party.

- e) Enact a witness protection law to ensure protection of victims, witnesses and secondary victims reporting torture.
- f) The States should abolish all secret ungazetted detention facilities and ensure that all detainees are held in gazetted places of detention by making detention records obligatory.
- g) Conduct full and transparent investigations on all allegations of torture and other cruel, inhumane and degrading treatment or punishment to ensure accountability.

D. Recommendations on electoral reforms and transparency of elections

44. The following recommendations were accepted:

- a) Enact electoral reforms to address problems noted by multiple observers during February 2016 elections, including by making the process for appointment to the Electoral Commission more inclusive and transparent. (115.105)
- b) Improve the transparency of the electoral process; provide equal conditions for all candidates. (115.104)
- c) Carry out the electoral reforms proposed by the Supreme Court of Uganda and independent observers to ensure future elections can be held while respecting human rights. (115.108)
- d) Implement meaningful electoral reform to ensure the transparency and independence of the Electoral Commission and its adherence to democratic principles, and prevent the misuse of State resources for campaign financing. (115.109)

Legal framework

45. The 1995 Constitution of Uganda, Electoral Commission Act Cap. 140 and other relevant domestic laws provide for a framework for regular, free and fair elections. This framework has its base in the UDHR, ICCPR and the ACHPR. Following the recommendations made in 2016, and ahead of the 2021 general elections, the

Parliament of Uganda made amendments to five major pieces of legislation on elections. These include the Constitution (Amendment) Act, 2018 and the Presidential Elections (Amendment) Act, 2020 to remove the age limit for persons vying for the Office of the President, the Parliamentary Elections (Amendment) Act, 2020 to cater for the representation of the elderly in Parliament, Electoral Commission Act, Local Government Act and Political Parties and Organisation Act.

Electoral reforms and independence of the Electoral Commission

46. Uganda amended the Electoral Commission Act Cap. 140 by enacting the Electoral Commission (Amendment) Act, 2020. However, instead of addressing the reforms called for by multiple observers during the February 2016 elections, the Supreme Court in the presidential election petition and member States during the 2nd cycle of the UPR, the amendment only focused on providing for the use of technology in management of elections and other administrative procedures. The amendments therefore fell short of what was expected. More to this, in November 2016, President Museveni snubbed calls to make the process of appointment of commissioners to the Electoral Commission (EC) more inclusive and transparent when he singly appointed the new Chairperson of the EC and the six commissioners.¹⁵

Transparency of the 2021 electoral process

47. The 2021 general elections, which were held in the context of the Covid-19 pandemic, were in many ways less transparent than the 2016 elections. The EC failed to strike a balance between public safety in the face of Covid-19 and electoral freedoms and rights. Hon. Robert Kyagulanyi of the National Unity Platform (NUP) and other opposition candidates were repeatedly teargassed, assaulted, arbitrarily and violently arrested, detained, denied access to media stations. On the eve of the elections, on January 13, 2021, the Uganda Communications Commission (UCC) ordered telecom operators and internet service providers to suspend all internet gateways. They were only switched back on after declaration of the results.

Concerns on failure to accredit election observers

48. In the 2021 general elections, the Electoral Commission (EC) declined to accredit many local and international observers, including those that observed the elections in 2016. For example, the Citizens' Coalition for Electoral Democracy in Uganda (CCEDU) and National Coalition for Human Rights Defenders Uganda (NCHRD-U) were not accredited despite submitting applications. No reasons were given for the decision. The U.S. Mission in Uganda also decided to cancel diplomatic

observation of the 2021 elections due to the decision by the EC to deny more than 75 percent of the U.S. election observer accreditations requested.¹⁶ The European Union also declined to observe the 2021 elections, citing pre-electoral cycle of violence, excessive use of force by law enforcement and security agencies which “seriously tarnished” the electoral process.¹⁷

Recommendations

49. We propose the following recommendations to the government of Uganda:
- a) Amend Article 60 (1) of the 1995 Constitution of Uganda to provide for an inclusive, transparent and consultative process of appointing commissioners to the Electoral Commission.
 - b) Amend Section 16 (1) (4) and (6) of the Electoral Commission Act, Cap 140 to provide for a notification regime for accreditation of election observers in conformity with constitutional civic and democratic duty of citizens.
 - c) Enact electoral reforms to address issues raised by multiple observers during February 2016 elections and January 2021 elections.
 - d) Conduct fair, independent and complete investigations into allegations of human rights violations during the February 2016 and January 2021 general elections and prosecute perpetrators in criminal courts.

End Notes

¹ www.fhri.or.ug

² www.actvuganda.org

³ www.hrdcoalition.ug

⁴ www.chapterfouruganda.org

⁵ “POMA: Uganda court annuls public order law (with link to the court decision),” Chapter Four Uganda, <https://chapterfouruganda.org/articles/2020/03/29/poma-uganda-court-annuls-public-order-law>

⁶ “Uganda: Police chief threatens to beat journalists for their own safety,” Africanews, <https://www.youtube.com/watch?v=4Cbgguf1PrI>

⁷ “Police to probe Makindye court siege,” NTV Uganda, <https://www.youtube.com/watch?v=GYBJHRdkRr0>

⁸ “Human Rights and Elections in Uganda (2016): A call for action,” Foundation for Human Rights Initiative (FHRI), <https://acme-ug.org/2016/06/29/new-report-human-rights-violations-during-the-2016-uganda-elections/>

⁹ “Three killings in Kampala – BBC Africa Eye Documentary,” BBC News Africa, <https://www.youtube.com/watch?v=g7d2AvLEPyA>

¹⁰ UHRC Annual reports <https://www.uhrc.ug/uhrc-reports/>

¹¹ "Kadaga vows to fight torture in fishing communities," Parliament of Uganda, <https://www.parliament.go.ug/news/3484/kadaga-vows-torture-fishing-communities>

¹² "Report of the Committee of Parliament on Human Rights on Alleged Torture in Ungazetted Detention Centres in the Country," November 2019, Parliament of Uganda, Committee on Human Rights, Pg. 5

¹² "Uganda operates safe houses, Tumwine tells MPs," Parliament of Uganda, <https://www.parliament.go.ug/news/3675/gov%E2%80%99t-operates-safe-houses-tumwine-tells-mps>

¹³ Uganda Human Rights Commission Reports, <https://www.uhrc.ug/uhrc-reports/>

¹⁴ ACTV Annual Reports, <https://actvuganda.org/resources/actv-annual-report/>

¹⁵ "Museveni names new head of Electoral Commission," The East African, <https://www.theeastafrican.co.ke/tea/news/east-africa/museveni-names-new-head-of-electoral-commission-1358012>

¹⁶ "Statement by U.S. Ambassador Natalie E. Brown on cancellation of U.S. diplomatic observer mission of Uganda's elections," U.S. Embassy in Uganda, <https://ug.usembassy.gov/statement-by-u-s-ambassador-natalie-e-brown-on-cancellation-of-u-s-diplomatic-observer-mission-of-ugandas-elections/>

¹⁷ "Uganda: Statement by High Representative Josep Barrell on the upcoming general elections," European Union, https://eeas.europa.eu/headquarters/headquarters-homepage_en/91348/Uganda:%20Statement%20by%20High%20Representative%20Josep%20Borrell%20on%20the%20upcoming%20general%20elections