



**FOUNDATION FOR
HUMAN RIGHTS
INITIATIVE (FHRI)**

**Joint Submission to the UN Universal Periodic Review
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Republic of Uganda**

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**CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with ECOSOC
And
Foundation for Human Rights Initiative (FHRI) Uganda**

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1. (A) Introduction

- 1.1** CIVICUS is a global network of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS proudly promotes marginalised voices, especially from the Global South and has members in more than 170 countries throughout the world.
- 1.2** Foundation for Human Rights Initiative (FHRI) is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation established in 1991. FHRI seeks to remove impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution and in regional and international human rights instruments through enhancement of knowledge, respect and observance of human rights and the promotion of exchange of information and best practices through training, education, research, legislative advocacy and strategic partnerships in Uganda.
- 1.3** In this document CIVICUS and FHRI outline concerns relating to restrictions on freedom of expression, association, assembly and threats faced by human rights defenders in Uganda since Uganda's review under the first cycle of the Universal Periodic Review (UPR) on 11 October 2011. We outline several concerning examples which 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 accepted during its initial examination under the UPR
- 1.4** During its initial review, the Republic of Uganda accepted 110 recommendations out of a total of 171, agreed to further examine 42 and noted 19.¹ The Republic of Uganda agreed to take steps to protect the rights of assembly in line with its international obligations under the International Covenant on Civil and political Rights (ICCPR) and provisions of the Constitution of the Republic of Uganda (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 freedom of expression particularly the possibility to express criticism and opinion regarding acts of government (recommendation 111.73).
- 1.5** In addition, the Republic of Uganda agreed to ensure that human rights defenders can perform their legitimate duties, free from harassment and intimidation, in line with international standards including the UN Declaration on Human Rights Defenders (recommendations 111.76). It agreed to assure full respect of freedom 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 freedom of expression, association and assembly remain threatened and human rights defenders and civil society organisations continue to be targeted for the work they do.
- 1.6** CIVICUS and FHRI express concerns about the promulgation of restrictive laws that severely constrain freedom of expression and impede the work of independent media

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>, accessed 9 February 2016.

houses. Since its last review in 2011, Uganda has passed laws that curtail civil society freedoms and restrict 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 for covering protests.

1.7 CIVICUS and FHRI, express concerns about the harassment, judicial persecution and intimidation of human rights defenders (HRDs) in response to their legitimate work. . HRDs have been physically assaulted by state and non-state actors 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 succession are increasingly stifled. We are particularly concerned about acts of intimidation and attacks on citizens, HRDs, civil society organisations and journalists in the period leading up to, during and following the presidential and Parliamentary Elections held on 18 February 2016.

- In section B, CIVICUS and FHRI highlight concerns over judicial persecution, harassment and intimidation of human rights defenders and members of civil society organisations.
- In section C, CIVICUS and FHRI express concerns over restrictions on freedom of expression and attacks on journalists.
- In section D, CIVICUS and FHRI express concerns over restrictions on freedom of assembly.
- In Section E, CIVICUS and FHRI highlight concerns over restrictions on freedom of association.
- In Section F, CIVICUS and FHRI make a number of recommendations in the areas of concern listed.

2 (B) Concerns over judicial persecution harassment and intimidation of members of civil society organisations

2.1 Article 12 of the United Nations Declaration on Human Rights Defenders mandates member states to take all necessary measures to protect human rights defenders. The ICCPR, which Uganda has ratified, guarantees the right to freedom of assembly and association. However, it is a matter of deep concern that human rights defenders engaged in legitimate activity are subjected to judicial persecution, threats and harassment. There have been several cases of HRDs being routinely arrested and falsely accused of committing offences in a blatant attempt to subvert their rightful and vital activities.

2.2 On 9 July 2015 human rights defender Justus Orishaba Bagamuhunda was detained for several hours after responding to a summons to appear before the Kabale Police for contravening Uganda's Labour Act. He was accused of refusing to pay the salary of one of his employees.² He was released on bond and required to present himself before the police upon their request. He later appeared before the police five times and was charged on 4 August 2015 with insubordination and violating the Labour Act.³ Justus is

² "Freedom radio managing director arrested," TruMedia, <http://www.trumedia.ug/freedom-radio-managing-director-arrested/>, accessed 16 March 2016.

³ "Press release on the dismissal of charges against human rights defender Mr Justus Orishaba Bagamuhunda," *African Commission on Human and Peoples Rights*, 3 December 2015, <http://www.achpr.org/press/2015/12/d284/>, accessed 10 February 2016.

the Director of the National Foundation for Democracy and Human Rights in Uganda (NAFODU). He also serves as Director of community-based radio station Freedom Radio 94.7 FM which is operated by NAFODO. On 24 November 2015, the Magistrate Court in Kabale dismissed all charges against him. Justus has been harassment by the authorities on several occasions with a view to impeding him from doing his work. He has also received requests by the authorities to cancel certain programmes on Freedom Radio deemed politically sensitive.

2.3 On 23 January 2015 human rights defenders Gerald Kankya and Simon Amanyire were physically assaulted by at least 30 individuals in Fort Portal in the presence of a District Police Commander and a Police Officer. The assailants attempted to confiscate documents from them.⁴ Gerald is the Director of the Twerwaneho Listeners Radio Club (TLC) based in the Rwenzori region which provides a platform for discussions and debates on human rights and accountability. Simon is a member of TLC. They were both attacked after TLC petitioned President Yoweri Museveni and members of Parliament about the launching of a school on land that was expropriated. On 21 January 2013 police questioned several members of TLC and later arrested Kankya, Simon and their colleague Gilbert Kayondo. All three were accused of releasing defamatory statements against President Museveni and his family. They were all released on 23 January on bail after the Public Prosecutor ruled there was no evidence to prosecute them. In recognition of his work in promoting human rights in Uganda, Gerald had previously received the European Union Human Rights Defenders Award in Uganda on 2 May 2012.⁵

2.4 On 7 May 2014, two unidentified individuals stormed the offices of Soroti Development Association and NGO Networks (SODANN) demanding to see human rights defenders Omiat Moses and Monica Apilo. Omiat and Monica were participating in a workshop they had organised on transitional justice outside of the office.⁶ When the receptionist at SODANN informed the assailants that both human rights defenders were not in the office they got angry and pulled a gun on her. The police advised Omiat and Monica to stay indoors and they did not leave their homes for several days. No thorough investigations were conducted to identify the perpetrators and hold them accountable for their actions. Staff members of SODANN have repeatedly received threatening messages for the work they do and the SODANN offices have been broken into on several occasions (see 5.3 below).

3 (C) Concerns over restrictions on freedom of expression and attacks on journalists

3.1 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 speech and expression which shall include freedom of the press and other media."⁷ Uganda has a vibrant press with hundreds of private radio stations and independent newspapers. Independent newspapers are often critical of government practices and actions.

⁴ "In Uganda, mob assaults radio journalists," All Africa, <http://allafrica.com/stories/201502100532.html>, accessed 10 February 2016.

⁵ "EHAHRDP congratulates Gerald Kankya on winning EU HRD Award," *EHAHRDP*, 3 May 2012, <https://www.defenddefenders.org/2012/05/uganda-ehahrdp-congratulates-gerald-kankya-on-winning-eu-hrd-award/>, accessed 10 February 2016.

⁶ "Soroti NGO coordinator gets police protection after gun incident," <http://ugandaradionetwork.com/a/story.php?s=63622>, URN, accessed 16 March 2016.

⁷ "Constitution of the Republic of Uganda 1995," <http://ugandajournalistsresourcecentre.com/wp-content/uploads/2015/04/Constitution-of-the-Republic-of-Uganda-1995.pdf>, accessed 9 February 2016.

- 3.2** At the international and regional levels, the Republic of Uganda is bound by key human rights obligations. Article 19 of the ICCPR states that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of his choice.” This right carries certain duties and responsibilities and may be subject to certain restrictions only as provided by the law.” Article 9 of the African Charter on Human and Peoples Rights (ACHPR) provides for citizens to express and disseminate opinions and views within the law. Despite these guarantees, attacks and restrictions on journalists and independent newspapers persist in Uganda.
- 3.3** On 18 February 2016, during the presidential elections, the Ugandan authorities shut down the internet and blocked access to social media platforms. The Uganda Communications Commission (UCC) confirmed that the block was imposed for security reasons.⁸ President Museveni justified the blockage stating that it was imposed to prevent people from ‘telling lies’ that could incite violence and illegal pronouncements on the results of the elections.⁹ A few days before the elections, the UCC announced that it would sanction social media users who violate its minimum requirements on the use of social media.
- 3.4** Moreover, ahead of the elections, the government increased its crackdown on social media as online activists were targeted for posting information which the government perceived was aimed at distabilising the country. For example on 10 November 2014, online activist Jonathan Akweteirecho and two of his colleagues were arrested for starting an online petition calling on the government to repair the Kigumba-Masindi-Kagadi-Kyenjojo highway.¹⁰ The three activists were charged with “inciting violence” and released on police bond three days later. Jonathan runs the Masindi News Network (MANET).
- 3.5** Prior to the elections, security forces and government representatives deliberately targeted media agencies and radio stations that broadcast views of members of the political opposition. On 13 February 2016, police arrested *Radio North FM* journalist Richard Mungu Jakican while live on air discussing the 13 February 2016 presidential debate with members of the political opposition. Seven members of the opposition who were participating in the show were also arrested. Richard was initially charged with malicious damage to property. This stems from the fact that the police accused him and the politicians of destroying presidential elections posters belonging to president Museveni. The charge was changed to aiding and abetting crime. He was later released on bail of 200000 Ugandan Shillings (approximately USD \$ 60).
- 3.6** On 20 January 2016 the UCC revoked the license of independent radio station *Endigyito FM* in Mbarara and seized its broadcasting equipment. The station was closed after it broadcasted an interview with opposition political candidate Amama Mbabazi of the Go-Forward party.¹¹ The UCC Director Godfrey Mutabaazi argued

⁸ “Uganda blocs social media for ‘security reasons,’ polls delayed over late voting material delivery,” *The Star*, http://www.the-star.co.ke/news/2016/02/18/uganda-blocks-social-media-for-security-reasons-polls-delayed-over_c1297431, accessed 16 March 2016.

⁹ “UCC shutdown of social media backfires,” *Daily Monitor*, <https://unwantedwitness.or.ug/police-is-harassing-an-online-activist-in-mid-western-uganda/>, accessed 16 March 2016.

¹⁰ “Police is harassing an online activist in mid-western Uganda,” *Unwanted witness*, <https://unwantedwitness.or.ug/police-is-harassing-an-online-activist-in-mid-western-uganda/>, accessed 16 March 2016.

¹¹ Joseph Elunya, “Uganda government shuts down station for hosting opposition candidate,” *The Continent Observer*, 23 January 2016, <http://thecontinentobserver.com/africa/01/23/ugandan-government-shuts-down-radio-station-for-hosting-opposition-candidate/>, accessed 11 February 2016.

that the station was closed because it failed to pay up to 38 million Ugandan Shillings (approximately US \$ 11000) of license fees.

3.7 On 12 January 2016, unidentified individuals broke into the home of Mulindwa Mukasa – a journalist working with the Associated Press and former Board Chair of the Human Rights Network for Journalists in Uganda (HRNJ-Uganda). They stole his laptop, video cameras, external hard drives and 500000 Ugandan Shillings (approximately US \$ 150). Mulindwa believes that the intruders were not ordinary burglars but people who came specifically to steal items containing information about his work. Mulindwa has in the past been targeted by the authorities for his journalistic activities. In June 2014 he was charged with obstructing Police Commander, Julius Ceaser, while the Commander transferred radio presenter Kisuule Richard to a police station. Kisuule was being transferred after he was arrested for granting audience to a member of a political opposition party – Sulaiman Kidandala. After appearing in court several times, Mulindwa was acquitted of the charge after a judge dismissed the evidence of the Prosecution and argued that it was inconsistent.¹²

3.8 On 10 January 2016, four journalists Ronald Galiwango of NTV, Kenneth Oryema of New Vision, Ernest Kyazze of Bukedde Newspaper and Julius Ariong of the Daily Monitor Newspaper were assaulted by Police Commander George Obia at a road block in Nadiket, Moroto. The road block was mounted to prevent leading opposition candidate Kizza Besigye of the Forum for Democratic Change party from meeting his supporters.¹³ The Police Commander ordered the journalists not to film what he described as “military equipment.” He then damaged a video camera belonging to the journalists and seized other equipment. The commander then threatened to shoot the journalists.

3.9 On 24 November 2015 journalist James Odongo of ETOP Radio was threatened and informed his life would be in danger if he continued investigating evictions from land in the Soroti district. He was warned to stop interfering into the affairs of Soroti University. He had published an article on the land disputes between communities in Soroti and the University and expressed concerns that the dispute might lead to forced evictions of communities. He was also warned to stop “negative advocacy” against the government and informed that action will be taken against him if he did not stop. He was initially arrested in June 2014 by the Special Investigation Unit and accused of “computer abuse.”¹⁴

3.10 On 16 November 2015 Isaac Kugonza who works with Delta TV was shot by police as he covered the arrest of the Mayor of Kampala -Erias Lukwago - by the police as he left his home for the Electoral Commission Headquarters in Kampala.¹⁵ He was shot in the head and remained in critical condition at the Mulago National Referral Hospital. He was shot when police fired rubber bullets, live ammunition and tear gas to forcefully disperse supporters of the Mayor. The Mayor was on his way to submit his mayoral nominations to the Electoral Commission despite the fact that the Commission had postponed the process. Isaac Kugonza was one of three journalists to be shot at in the space of one month. NTV journalist Enoch Matovu was shot on

¹² “HRNJ-Uganda alert, journalist acquitted of “obstruction” charges,” *Human Rights Network for Journalists in Uganda* 22 June 2015, accessed <https://hrnjuganda.org/?p=1434>, 16 February 2016.

¹³ “Police assaults journalist, damages camera” *Human Rights Network for Journalists –Uganda*, <https://hrnjuganda.org/?p=2401>, accessed 11 February 2016.

¹⁴ “HRNJ-Uganda alert, police releases vision group journalist, seeks arrest of another,” 16 May 2014, *Human Rights Network for Journalists-Uganda*, <http://hrnjuganda.blogspot.co.za/2014/05/hrnj-uganda-alert-police-releases.html>, accessed 12 February 2016.

¹⁵ “Injured journalist: police charge Lukwago with assault,” 17 December 2015, *The Observer*, <http://www.observer.ug/news-headlines/41051-injured-journalist-police-charge-lukwago-with-assault#comment-132286>, accessed 12 February 2016.

29 October 2015 in Mityana District as he attempted to cover contested elections conducted by the ruling NRM party at Bulem Police Station.¹⁶ Days prior, on 15 October 2015, Ivan Mukisa of Radio One was shot in Jinja as he covered an altercation between the police and supporters of the opposition FDD party.

3.11 On 15 October 2015 police arrested Alfred Ochwo who works for the Observer Newspaper after he took pictures, capturing the arrest of opposition politician and Member of Parliament for the Forum for Democratic Change - Ssemujju Nganda in Busika.¹⁷ Alfred took photos of policemen armed with guns and tear gas canisters as they arrested and physically assaulted Ssemujju Nganda. He was arrested and taken to Naggalama Police Station where he was held for several hours without being charged and later released.

3.12 Again on 20 May 2013 armed police stormed the premises of private media outlets, forced journalists to move away from their work station and switched off two radio stations – KFM and Dembe FM. The police shut down internet communication lines and forced the Daily Monitor and Red Pepper newspapers to stop printing copies for circulation for more than a week.¹⁸ The police argued that they raided the premises to retrieve a letter written by General David Seyusa, coordinator of the intelligence services to the Director General of Internal Security Organisation Colonel Ronnie Balya. The letter contained information on a potential investigation into allegations about plans to assassinate those opposed to the idea of having President Museveni succeeded by his son, Brigadier Muhoozi Kainerugaba. The Daily Monitor had published the contents of the letter.¹⁹ Journalists working with the Daily Monitor were questioned and the police forced them to reveal their source of information which they refused.

4 (E) Concerns over restrictions on freedom of assembly

4.1 Article 29 (1) (d) of the Constitution of Uganda guarantees the right of citizens to “assemble and demonstrate together with others, peacefully and unarmed and to petition.”²⁰ Article 21 of the ICCPR further guarantees the right to peaceful assembly. In contrast to these safeguards, peaceful demonstrations, rallies and assemblies in Uganda have been violently suppressed by the authorities and protesters have been routinely arrested. Ahead of the 18 February Presidential Elections, Ugandan authorities used excessive violence to disperse political rallies and meetings organised by members of the political opposition.

4.2 In addition, the authorities continue to invoke restrictive legislation to undermine the organization and participation in peaceful protests. The Public Order Management Act (2013) (POMA) signed into law by President Museveni on 2 October 2013 has been used to restrict rather than promote freedom of assembly and contains clauses that impede the rights of individuals and groups to freely assemble. The signing of the Act is justified on the basis that it aims to “provide for the regulation of public meetings, to provide for the duties and responsibilities of the police, organisers and

¹⁶ “Press crackdown likely to worsen,” <http://www.ipsnews.net/2016/02/press-crackdown-is-likely-to-worsen/>, *IPS*, accessed 16 March 2016.

¹⁷ “Observer Journalist arrested for covering Ssemujju’s arrest,” *The Observer*, <http://www.observer.ug/news-headlines/40473-observer-journalist-arrested-for-covering-ssemujju-s-arrest>, accessed 12 February 2016.

¹⁸ Day eight: monitor, red paper offices still under police occupation,” *Daily Monitor*, accessed 11 February 2016.

¹⁹ “Uganda police raid newspaper over Museveni succession letter,” *Standard Digital*, 21 May 2013, <http://www.standardmedia.co.ke/article/2000084040/ugandan-police-raid-newspaper-over-museveni-succession-letter>, accessed 11 February 2016.

²⁰ “Constitution of Uganda” http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf, accessed 10 February 2016.

participants in relation to public meeting; to prescribe measures for safeguarding public order and for related matters.”²¹ The Act provides extensive powers to the Inspector General of Police or an authorised officer to standardise the conduct of all public meetings. The law empowers the police, an authorised officer, subject to the directions of the Inspector General, to stop or prevent a meeting or disperse it (in cases where they have commenced) if the organisers or participants do not comply with the Act.

- 4.3** We are concerned that the law has been misused and applied selectively to frustrate organisers of protests. According to Article 5, organisers of public gatherings must notify the authorised officer at least 3 days before the gathering and state the full name, physical and postal address of the organiser, the proposed time which should be between 7:00am and 7 pm, (with the exception of meetings held in a town hall) proposed site of the meeting, number of persons estimated to be present and the purpose of the meeting. Organisers of protests are deemed to commit an offence if these requirements on the notification to the authorities are not satisfied.
- 4.4** On 15 February 2016, three days before scheduled Presidential Elections, police used brute force to disperse protesters calling for the release of opposition candidate Kizza Besigye. One person was killed and several others were wounded. Kizza Besigye was arrested after the police asked him and his supporters to use an alternative route – Mukwano road - during a march through the capital city.²² Prior to this incident, on 9 September 2015 police in north-eastern Uganda forcefully dispersed supporters of another opposition candidate Amama Mbabazi, during a rally in Soroti. Police fired tear gas and fired rubber bullets indiscriminately into the crowd as a military helicopter hovered over the grounds where the rally was taking place.
- 4.5** On 27 October 2014, police arrested four members of the National Association of the Unemployed as they organised a procession to the Ministry of Gender Labour and Social Development to hand over a petition. The leader of the group Doreen Nyanjura reported that they had notified the police about the march. Nonetheless, they were detained at Kampala Central Prison.
- 4.6** On 17 June 2013 four anti-corruption activists from the “Black Monday” movement were arrested for demonstrating against the misuse of public funds.²³ They were arrested in front of the Ministry of Finance as they protested with placards condemning the government’s inaction against corrupt officials and unaccounted public funds. Following their arrest, they were held for over six hours at the Central Police Station in Kampala and charged with inciting violence. Those arrested included Leonard Okello, Andrew Karamagi, Emmanuel Muwanika and Michael Aboneka.²⁴ They were charged with ‘inciting violence’ and released on a police bond. The “Black Monday” Movement is an anti-corruption campaign against high profile cases of corruption in Uganda. On 7 January 2013, activists Arthur Larok and Leonard Okello were arrested as they distributed “Black Monday” anti-corruption bulletins in Kampala.²⁵ They were taken to Jinja Road Police Station and interrogated

²¹ “The Public Order Management Act 2013,” <http://www.parliament.go.ug/new/images/stories/acts/2013/The%20Public%20order%20management%20act%2,02013.pdf>, accessed 17 February 2016.

²² “Police release presidential candidate Besigye,” Daily Nation, <http://www.nation.co.ke/news/Police-release-presidential-candidate-Besigye/-/1056/3077538/-/13pfittz/-/index.html>, accessed 17 March 2016.

²³ “Police arrested four black Monday activists,” Redpepper, <http://www.redpepper.co.ug/police-arrests-four-black-monday-activists/>, accessed 18 March 2016.

²⁴ Ibid.

²⁵ “Police warns Black Monday activists on trespass,” New Vision http://www.newvision.co.ug/new_vision/news/1312887/police-warns-black-monday-activists-trespass, accessed 18 March 2016.

for 2 hours and later released. In 2013, police confiscated several copies of the “Black Monday” bulletin and a total of 29 activists who participated in the campaign were arrested.²⁶

- 4.7** On 28 May 2013, police forcefully dispersed protests against the closure of Monitor Publications media houses, Red Pepper Publications, radio stations 93.3 KFM and 90.4 Dembe FM. The protests took place outside the headquarters of the Daily Monitor headquarters in Namuwongo. Police physically attacked journalists and used teargas to disperse the protesting crowd. Several journalists were assaulted, arrested and detained. Two journalists Sudhir Byaruhanga of NTV and Ssebagala Wokulira, coordinator of the Human Rights Network for Journalists sustained injuries.
- 4.8** On 18 June 2012, police raided a workshop to discuss issues affecting the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community shortly after sessions began at the Esella Country Hotel. The workshop was organised by the East and Horn of Africa Human Rights Defenders Project (EHAHRDP) and brought together LGBTI activists from Uganda, Kenya, Tanzania and Rwanda. Participants at the workshop were detained at the venue for about three hours and police later detained three participants and a staff of EHAHRDP for an hour in a police van. The police requested to see a copy of the registration and incorporation documents of EHAHRDP (which they submitted) and warned the organisers to seek approval before similar workshops are organised in the future. Before that the Minister for Ethics and Integrity together with the Ugandan police ordered the closure of another workshop in February 2012. The Minister announced that the workshop was illegal and ordered the arrest of the Director of Freedom to Roam Uganda, Kasha Jacqueline Nabagasera. However, Kasha was whisked out of the hotel by colleagues before he could be detained.

5 (F) Concerns over restrictions on freedom of association

- 5.1** Article 29 (1) (e) of the Constitution of Uganda provides for the right of Ugandans to form and join associations. It states that every person shall have 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.”²⁷ However several civil society organisations 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 actors have on several occasions attacked the premises of human rights organisations, damaging records with information on human rights violations, stealing and confiscating computers and other accessories. In addition, the authorities have introduced a spate of legislation which unduly restricts the operations and activities of civil society organizations.
- 5.2** The Non-Governmental Organisations Act (2016) was passed by Parliament on 26 November 2016 and was signed into law by President Museveni on 30 January 2016. It places limits on the independence of NGOs and undermines the contributions of Ugandan civil society. It imposes a compulsory and cumbersome registration process for NGOs to operate legally in Uganda including placing them under the strict control of the government-dominated National Board for Non-Governmental Organisations. The Bill allows for registration to be denied for “any reason that the Board may deem relevant,” while no time frame is provided allowing

²⁶ “Human rights defenders in Uganda: understanding and overcoming potential violations of their rights,” *The Human Rights Centre Uganda*, <http://www.hrcug.org/publications/file/HRDs%20Report%202013.pdf>, accessed 17 March 2016.

²⁷ “Constitution of Uganda,” http://www.statehouse.go.ug/sites/default/files/attachments/Constitution_1995.pdf, accessed 10 February 2016.

unlimited delays in registration. The Bill further reinforces state control over NGOs by empowering an officer of the Secretariat authorised by the Board at “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 Bill.”

5.3 Over the last four years a disturbing pattern has emerged in which unidentified individuals have broken into the offices of NGOs stealing sensitive information, documents and equipment. On 17 October 2015 unidentified individuals broke into the offices of the Soroti Development Association and NGOs Network (SODANN) and several documents which contained information on human rights violations were stolen. One of the offices targeted was the Human Rights Complaints Office where computers and CCTV cameras were stolen. Before that on 5 May 2014, the offices of the Human Rights Network –Uganda (HURINET-U) were attacked and equipment was destroyed by unknown persons.²⁸ Several computers, cameras, laptops and projectors were stolen. Again in October 2013 the offices of the Anti-Corruption Coalition of Uganda (ACCU) were targeted and more than 20 computers were stolen as well as sensitive information on corruption cases.

5.4 On 26 April 2012, the Minister of Internal Affairs in Uganda, Hilary Onok, threatened to de-register and expel Oxfam and the Uganda Land Alliance (ULA) – a coalition of more than 60 national and international NGOs focusing on food and land rights. The Minister had summoned the representatives of Oxfam and the ULA and asked them to retract findings of a September 2011 report produced by Oxfam on land rights. The findings of the report revealed that the Ugandan authorities had forcefully evicted more than 20000 people from government-controlled forests in Kiboga and neighbouring Mubende districts. The Minister later issued a letter in June 2012 echoing the threats to de-register both organisations if they failed to withdraw the findings of the report and issue a public apology.²⁹ In April 2012, the ULA organised a well-publicised campaign on land rights and issued a petition to Parliament offering to bring forward victims of land grabbing willing to testify about their ordeal. ULA is a membership network composed of national, regional and international civil society organisations and individuals advocating for equitable legislation and policies on land which take into account the rights of the poor, vulnerable and disadvantaged.³⁰

6 (G) Recommendations to the Government of the Republic of Uganda

CIVICUS and FHRI are concerned about the failure on the part of the Government of Uganda to meaningfully implement the recommendations it accepted relating to civic space and protecting human rights defenders and civil society activists during its initial UPR in 2011.

CIVICUS and FHRI urge the government of Uganda to create an enabling environment for civil society and the media to operate in accordance with the rights enshrined in the Constitution of Uganda, ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to

²⁸ “Media body HRNJ-Uganda loses property worth millions in office break-in,” *Human Rights Network for Journalists Uganda*, 30 June 2015, <https://hrnjuganda.wordpress.com/2015/06/30/hrnj-uganda-alert-media-body-hrnj-uganda-loses-property-worth-millions-in-office-break-in/>, accessed 16 February 2016.

²⁹ “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 16 February 2016.

³⁰ “The Uganda Land Alliance,” <http://www.ugandagodirectory.org/index.php/home/research/134-the-uganda-land-alliance-ula>, accessed 16 February 2016.

seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.

6.1 Concerns regarding judicial persecution harassment and intimidation of human rights defenders and journalists

- Written instructions should be issued to government officials and members of the security forces to strictly refrain from persecution and harassment of human rights defenders and journalists.
- All cases registered against human rights defenders and journalists should be immediately reviewed and those imprisoned should be released immediately.
- Independent investigations into the shootings of and attacks on journalists should be conducted with a view to bringing the perpetrators to justice. The findings of the investigations should be made public and those responsible held accountable for their actions.

6.2 Concerns over restrictions on freedom of expression and independence of media

- Government officials should be instructed to refrain from arbitrarily imposing bans on social media and intimidating online activists.
- The practice of banning independent radio stations and media agencies simply because they broadcast views of members of the political opposition and opinions which differ from those of the government should be stopped and declared illegal.
- Instructions should be issued to all government departments and security agents not to interfere with the freedom of the media.
- All cases involving burglaries aimed at intimidating media agencies and the confiscation of sensitive information documented by media agencies should be investigated and perpetrators brought to justice.

6.3 Regarding restrictions on freedom of assembly

- The Public Order Management Act (2013) should be repealed or amended in line with the best practices on freedom of assembly prescribed by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Security forces should refrain from using provisions of the POMA selectively to restrict freedom of assembly and should stop using brute force to disperse protests regardless of whether the protesters complied with the POMA.
- Peaceful assemblies should be allowed in line with Uganda's domestic and international human rights obligations. Instructions should be issued to security forces to refrain from using violence to disperse public gatherings.
- Security officials should be imparted training on dealing with public assemblies in line with the UN Basic Principles on the Use of Force and Firearms.

- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.
- Best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and Association should be adopted by the Government of Uganda.

6.5 Concerns over restrictions on freedom of association

- The right of all Ugandans to form associations and belong to groups in line with constitutional provisions and international human rights standards should be protected and enabled.
- The NGO Act 2015 should be suitably amended to bring it in line with the best practices on freedom of association prescribed by the UN Special Rapporteur on the Rights to Freedom of Association and Peaceful Assembly
- Independent investigations should be carried into all cases of attacks and intimidation of civil society organisations including SODANN and HURINET-U. Enabling conditions should be created to allow these organisations to operate.
- Senior government officials and members of the security services should publicly condemn acts of vandalism targeting offices and equipment of civil society organisations.

6.6 Regarding accession to UN and regional human rights instruments and access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and expression, and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.