ACRONYMS

ASF Avocats Sans Frontières

ATIA Access to Information Act

CCEDU Citizen's Coalition on Electoral Democracy Uganda

CSO Civil Society Organisation

DefendDefenders East and Horn of Africa Human Rights Defenders Project

DNMC District Non-Governmental Monitoring Committee

DP1 Defenders Protection Initiative

FHRI Foundation for Human Rights Initiative

GWED-G Gulu Women Empowerment and Development Organisation

HRC United Nations Human Rights Council

HRCU Human Rights Centre Uganda

HRD Human Rights Defender

HRNJ Human Rights Network for Journalists

IGP Inspector General of Police

LGBTI Lesbian, Gay, Bisexual, Transgender and Intersex

MP Member of Parliament

NCHRDU National Coalition of Human Rights Defenders Uganda

NGO Non-Governmental Organisation

NRM National Resistance Movement

OTT Over The Top

POMA Public Order Management Act (2013)

RDC Resident District Commissioner

SNMC Sub-County NGO Monitoring Committee

SOGI Sexual Orientation and Gender Identity

UNNGOF Uganda National Nongovernmental Organisations Forum

UHRC Uganda Human Rights Commission

ULS Uganda Law Society

UN United Nations

UPR Universal Periodic Review

WHRD Woman Human Rights Defender

HRDS' CLUSTER SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW (UPR) ON UGANDA

1 Introduction

- 1.1 Human Rights Centre Uganda (HRCU) was established in 2008 and works to ensure the protection and promotion of the rights of human rights defenders (HRDs) in Uganda by strengthening and supporting their work, increasing government support for HRDs and their work, strengthening the capacity of human rights organisations in Uganda at a regional and national level, and promoting public awareness and support for HRDs and their work.
- 1.2 National Coalition of Human Rights Defenders-Uganda (NCHRD-U) was initiated in June 2013 by HRDs from across Uganda. NCHRD-U is a coalition of individuals and organisations working to promote the protection of HRDs in Uganda by facilitating synergy, cooperation, and sharing of best practices among the HRD community. With a membership of close to 161 organisations, the NCHRD-U focuses its work on all the regions in Uganda. It plays an integral role in harnessing a transparent and accountable working environment for HRDs in Uganda.
- 1.3 The East and Horn of Africa Human Rights Defenders Project (DefendDefenders) is a non-governmental organisation registered and based in Uganda. Established in 2005, DefendDefenders seeks to strengthen the work of HRDs throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution, and by enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on eleven countries in the sub-region, including Uganda.
- 1.4 In addition, contributions were received from the following civil society organisations Human Rights Network for Journalists Uganda (HRNJ-U) and Human Rights Awareness and Promotion Forum (HRAPF), Chapter Four Uganda, Rwenzori Peace Bridge of Reconciliation (RPBR), Innovations for Democratic Engagement and Action Uganda (IDEA), Human Rights Defenders Network; Women Human Rights Defenders' Network Uganda, Uganda Law Society (ULS), Foundation for Human Rights Initiative (FHRI), Avocats Sans Frontieres (ASF), Defenders' Protection Initiative (DPI), Uganda National NGO Forum, Friends of Zoka, Busoga Women Human Rights Defenders' Network, Gulu Women Empowerment Development Organisation (GWED-G), Twerwaneho Listeners' Club (TLC), HER Internet; Health Equity and Policy Initiative (HEAPI); Youth Forum for Social Justice
- 1.5 This joint submission was compiled from an assessment of Uganda's performance following the last UPR reporting cycle in 2016 and in consideration of emerging issues in the operating environment of human rights defenders (HRDs). During its last review, in November 2016, Uganda received 239 recommendations. It supported 148 recommendations, including four on issues concerning the operating environment of HRDs, and noted 91.
- 1.6 While there is visible progress in advancing the promotion and protection of human rights, the 2021 general elections exposed gross violations and abuses of human rights and fundamental freedoms of the citizenry, including HRDs. This review comes against the backdrop of Uganda's most contested election and unprecedented affront on the rights to freedoms of opinion and expression, association, and peaceful assembly.
- 1.7 The United Nations (UN) Declaration on HRDs urges states to take necessary measures to protect defenders. Over the last four years, Uganda has made considerable progress towards the realisation of a specific legislation to recognize and protect the legitimate work of HRDs. The Human Rights Defenders Protection Bill is currently before the Parliament for discussion.

- 1.8 In this report, HRCU, NCHRD-U, DefendDefenders and the aforementioned organisations recognise the positive steps taken by the government of Uganda to address issues concerning HRDs and outline a series of urgent concerns relating to the operating environment in which civil society and HRDs have been systemically targeted by the government of the Republic of Uganda since 2016. The report illustrates several concerning examples, which are indicative of a pattern of threats faced by HRDs in the exercise of the rights to freedoms of expression, association, and peaceful assembly.
 - Section 2 of this submission examines concerns regarding the recommendation to explicitly recognise the legitimacy of the work carried out by HRDs, publicly support their work, and provide protection for them.
 - Section 3 examines concerns over ensuring that civil society organisations (CSOs) and HRDs can operate in a safe environment and that all allegations of intimidation, harassment, and violence are fully investigated.
 - Section 4 examines concerns regarding the need to consult a broad range of civil society actors and reflect their views on the Non-Governmental Organisations (NGOs) Act, 2016, to ensure an open, accountable, and vibrant NGO sector.
 - Section 5 examines concerns regarding investigations into alleged harassment of HRDs and prosecution of offenders.
 - Section 6 examines concerns regarding thorough investigation of threats against HRDs and civil society organisations, bringing to justice those responsible, and providing reparations to the victims and survivors, especially those working for women's rights.
 - Section 7 contains recommendations to address the concerns raised and to advance the implementation of recommendations under the second cycle.
 - Section 8 sets out an annex on the implementation of second cycle UPR recommendations related to HRDs.

2. Concerns regarding the recommendation to explicitly recognise the legitimacy of the work carried out by human rights defenders, publicly support their work, and provide them with protection

- 2.1 The 1995 Constitution recognises and protects the rights to freedoms of association, peaceful assembly, and expression in Article 29. Additionally, Article 38 empowers citizens to participate in the affairs of government, either individually or through representation, in accordance with the law. Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Uganda is a party, guarantees the freedoms of association, peaceful assembly, and opinion and expression. Article 12 of the UN Declaration on HRDs specifies that states should take the necessary measures to ensure the protection of HRDs. Despite a strong legal framework, Ugandan HRDs continue to operate in a stifling environment.
- 2.2 Although there is still no specific law to explicitly recognise HRDs, we credit the Ugandan government for steps taken to introduce a bill aimed at enhancing the protection of HRDs. In July 2020, one of the Members of Parliament (MPs) moved a private motion to introduce the Human Rights Defenders' Protection Bill (2020). By the time of swearing in of members of the 11th Parliament (2021), the Bill was before the respective parliamentary committees for discussion.
- 2.3 According to a report published by HRCU on the working environment of HRDs, police dispersing or preventing public meetings organised by HRDs is an increasing trend.ⁱⁱⁱ This continues to happen even in

cases where prior notice is given to police officers. The report also pointed to specific challenges that political parties face while notifying the police about their meetings. For instance, they were denied access to places of meetings.

- 2.4 On 10 January 2019, in Adjumani, during a Council meeting, councilors were forced to change and defer an agenda on the order paper which was to lift the ban imposed on wanton destruction of trees. That morning, environmental activist, Amanzuru William Leslie (Friends of Zoka), received death threats from a state official for his public advocacy against illegal logging in the district. The matter was reported to the police but to date, the perpetrator has never been brought to book nor any action taken against her.
- 2.5 On 20 May 2020, HRDs from Friends of Zoka, journalists, Metu Sub-County leaders, and security operatives, together with Moyo district Chairman, were detained for about an hour at a roadblock mounted by Uganda Peoples Defense Forces (UPDF) and Local Defense Unit (LDU) officers from Padiga village detach, commanded by the head of intelligence of the detach. This incident followed an operation led by Amanzuru William and the District Chairman of Moyo District Local Government, to curb an illegal cross-border log harvesting and collection point in Hweyo village, Metu Sub-County. The team had discovered two separate collection points of 50 and 124 pieces of logs of the endangered Afzellia Africana tree and arrested two loggers who were forcefully set free by the Army at the Padiga village roadblock. By Thursday morning, Moyo Resident district Commissioner, ordered the arrest of Amanzuru William and the District Chairman to hand over his official vehicle to obstruct the fight against illegal logging. To date, the life of Amanzuru William remains at risk for exposing illicit trade in illegal cross boarder logging.

3. Concerns over ensuring that civil society organisations and human rights defenders can operate in a safe environment and that all allegations of intimidation, harassment and violence are fully investigated

- 3.1 As a positive step in implementing this recommendation, the Inspector General of Police, Martins Okoth Ochola, issued a directive to police officers on the implementation the Human Rights (Enforcement) Act, 2019, noting that the entrenchment of human rights in police work is compulsory. Vi Section 10 of the Act holds public officers, including, police officers, individually liable for violations of anyone's rights or freedoms in the course of their work.
- 3.2 In 2018, the Uganda Police Force, in collaboration with Human Rights Network Uganda (HURINET-U) concluded and launched the Human Rights Policy, the first of its kind in the institution with an aim of tackling structural failings in the promotion and protection of human rights during policing amongst/by police officers. vii
- 3.3 However, we express concerns regarding the challenges HRDs face while performing their work. Authorities use tactics such as surveillance to restrict the work of HRDs and civil society, particularly targeting HRDs working in the areas of governance, human rights, and accountability. Instances of freezing of financial accounts of CSOs and NGOs with a view to undermining their work have been increasing. On 2 December 2020, four CSOs and NGOs had their bank account frozen following orders from the Financial Intelligence Authority (FIA). This surveillance has over the years prevented HRDs from conducting their work effectively. Furthermore, due to fear for their safety and that of their families, most HRDs refrain from dealing with issues critical of the State and in certain cases powerful non–State actors. On 3 December 2020, two unknown men were seen surveilling the home of Amanzuru William.

- 3.5 On 13 December 2020, the government through the FIA froze the bank accounts of the Uganda Women's Network, an entity that brings together 20 women's rights organisations and nine individual activists and of the National NGO Forum, a membership organisation with over 650 organisations. They accused both organisations of financing terrorism.^x This act crippled their planned activities, bringing them to a standstill. However, in 2021, the state revoked the decision, and the accounts were unfrozen after the general elections.
- 3.6 On 14 April 2021, the Ugandan Special Investigation Division conducted a search at Reach A Hand Uganda (RAHU). They seized several working documents and equipment and detained the CEO for questioning on charges related to money laundering and subversive activities. To date, the case is yet to be concluded. The documents and equipment remain in police custody.xi
- 3.7 On 14 January 2021, police officers arrested and detained 26 members of a CSO, including data clerks at the Kibuli Police station (CID) Headquarters Kampala 2021 on claims by the Electoral Commission of Uganda that the observation center, set up by the group was a tally center. They were all later released on bail.
- 3.8 On 2 May 2021, John Unzima, a member of *Friends of Zoka*, published an investigative story about government drugs being sold on the open market in Adjumani district. He faced backlash from the district authorities, particularly the District Health Office, including online threats and harassment, which forced him to leave the district. On 15 May 2021, while appearing on a local FM radio for a talk-show, the District Health Officer, Godfrey Manga, labelled Unzima an anti *Ma'di* journalist. Unzima's investigative stories earned him isolation from some members within local media fraternity. By 4 May 2021, a total of five health workers had been arrested because of the story.^{xiii}
- 3.9 Increasing intimidation, harassment, and violence against journalists continues in different forms and magnitude across the country. Cases reported include death threats that increased in 2018, manifesting more prominently in central Uganda, in the district of Masaka, which filed 12 cases. The journalists were targeted for reporting on land issues, organised crime, political stories, and for investigative journalism.xiv
- 3.10 The media in Uganda operates under a hostile environment. From 2017, HRNJ-Uganda has recorded 162 cases of arrests, detentions, and trumped-up charges against journalists. The Uganda Police Force is the leading perpetrator of attacks against journalists. Between 2017 and 2020, HRNJ-U recorded 375 cases committed by the police. The attacks are systematic and range from confiscation of journalists' devices while on duty, verbal intimidation, direct assaults, to shooting. On 18 November 2020, Ashraf Kasirye, a Ghetto TV journalist, was pepper-sprayed by police while taking pictures of officers arresting presidential candidate Kyagulanyi Ssentamu Robert (also known as "Bobi Wine").xv
- 3.11 Many of the cases against journalists are related to criminal libel, contrary to section 179 of the Penal Code Act, and offensive communication, contrary to section 25 of the Computer Misuse Act of 2011. Most of these cases were never properly and thoroughly investigated and therefore have not led to prosecuted. In 2018, police summoned and charged seven journalists from seven online publications with criminal libel and offensive communication for writing stories about the wealth of then-senior Bank of Uganda officials.^{xvi} To date, none of them have been summoned to appear in court.

- 3.12 Other forms of harassment include shutting down of radio stations on orders of the Resident District Commissioners (RDCs) and the Uganda Communications Commission without following due process. Unity FM, and Radio Maria were shut down on such orders. The actions are reflective of a domineering role of the district security committees and the RDCs, especially in upcountry stations.^{xvii}
- 3.13 Additionally, in 2018, 40 journalists were blocked from accessing news sites by government security agencies, viii 11 had their devices confiscated by authorities. The blockades happened largely in the contexts of political contestation or trials of prominent personalities challenging the ruling National Resistance Movement (NRM) party.
- 3.14 HRDs in the media sector who were interviewed for the HRCU 2019 report alleged that security forces subjected numerous journalists to harassment, intimidation, and arrest for producing and airing content critical of the government.xix Journalists interviewed for this report claim this has resulted into self-censorship for fear of attracting the attention of security agencies.

4. Concerns regarding the need to consult a broad range of civil society actors and reflect their views in the Non-Governmental Organisations Act, 2016, to ensure an open, accountable and vibrant NGO sector

- 4.1 The NGO Act allows for CSOs and HRDs representation on the NGO Bureau to share the concerns of the sector.^{xx} The NGO Bureau is established to oversee operations of NGOs in the country.
- 4.2 However, despite advocacy for various sections of the Act to be amended, the NGO Act remains fully operational with its various inhibitive sections that infringe on freedoms of expression and assembly intact. The Act retains Section 44 which prohibits NGOs from carrying out activities in any part of the country unless they have received certification from the District Non-Governmental Monitoring Committee (DNMC). Sections 20 and 21 provide for a district and sub-county layer of surveillance, DNMCs, and Sub-County NGO Monitoring Committees (SNMCs), thereby creating more burdensome measures that restrict the work of CSOs.

5. Concerns regarding investigations into the alleged harassment of human rights defenders and prosecution of offenders

5.1 HRDs continue to be subjected to arbitrary arrests and unlawful detention in the course of their legitimate activities. On 6 February 2021, youth activists in Napak district led a peaceful protest against the upsurge in extrajudicial killings in Karamoja dubbed "Silence Guns in Karamoja," "Napak is Bleeding," and "End Gun Violence." Police violently dispersed the peaceful protestors while they were submitting their petition to the President through the local RDC office. Three youth HRDs, Aleper Kizito, Narika Celestine, and Lomongin Eric, were arrested and later released on bond. The trio sustained severe injuries. At the time of writing, they are still in need of medical help. The police refuse to return their advocacy materials, including t-shirts and banners.

- 5.2 HRDs including journalists continue to face targeted attacks by both state and non-state actors. On 23 June 2017, Erasmus Irumba, coordinator of Twerwaneho Listeners Club in Ntoroko District, was shot dead.xxii It was reported that Irumba was first shot by a UPDF commanding officer following an alleged altercation. In a different incident, on 21 May 2021, a renowned media activist in Karamoja, Angella Godfrey, was shot by unidentified security operatives. Angella Godfrey sensitised masses against illegal possession of guns through music, dance, and drama. Godfrey is currently in critical condition and remains in hospital.
- 5.3 On 3 February 2021, environmental activist Amanzuru William was arrested in relation to an incident that occurred on 30 January 2021 in Adjumani town, where locals impounded a Kampala bound truck ferrying charcoal. However, on 24 May 2021 during his routine reporting to police on the matter, Amanzuru, was informed that he had no case to answer. **xiii* In a NCHRD-U report on HRDs working in the context of human rights in the Uganda's Oil and extractives sector "Silencing Defenders". **xiiv*Environment HRDs like Amanzuru and others are increasingly targeted as a result of their work to protect the environment.
- 6. Concerns regarding thorough investigation of the threats against human rights defenders and civil society organisations, to bring to justice those responsible and guarantee reparations for the victims, especially those working on women's rights
- 6.1 CSOs that deal with issues of governance and those working with sexual minorities often face intimidation from both state and non-state actors. Numerous cases of office break-ins have been documented in the reporting period. According to a report released by NCHRD-U, between 2011 and 2018 close to 40 organisations were broken in to.xxv The report pointed out that HRDs expressed a strong belief that their offices were broken into because of the work they were involved in, and that it was a veiled form of harassment and intimidation.
- 6.2 On 9 February 2018, Human Rights Awareness and Promotion Forum (HRAPF), was subjected to a violent break-in by eight unknown persons armed with machetes. The attack left two security guards hospitalised. No property was taken. The matter was reported to Old Kampala Police Station, which promised to report on the break-in. However, to date, no report has been issued. This attack followed an earlier break-in, in 2016, where a security guard was brutally murdered, about which no report has been issued. This failure to effectively investigate break-ins condones violence against HRDs, as perpetrators realise that the police will offer no protection and will not investigate.
- 6.4 On 18 March 2021, unknown assailants broke into the offices of Chapter Four in Kololo and made off with one desktop computer. During the attack, the intruders attempted to access other sections of the office but the security alarm system at the premises prompted them to escape. xxvii
- 6.5 In 2017, the Forum for African Women Educationalists (FAWE), HRNJ-Uganda, Legal Aid Service Providers Network (LASPNET) and the Uganda Law Society, Legal Aid Project Office in Gulu all suffered break-ins at their offices with some reporting loss of property. **xxviii* Despite the incidents being reported to police, no one was prosecuted, nor any arrests made in connection with the break-ins. Four NGOs reported office break-ins in 2019, including "Doing Good," a Dutch women-led organisation, on 26 September 2019. **xxix**

- 6.6 Several laws, including the Anti-Money Laundering Act (2013), have been used to intimidate and stop the work of HRDs. On 22 December 2020, lawyers Nicholas Opiyo, Herbert Dakasi, Esomu Obure, and Anthony Odur and human rights officer Hamid Tenywa were arrested and handcuffed by a Joint Task Team of Security Operatives before being speedily driven off in vans with tinted windows to Police Special Investigations Division, Kireka. Opiyo was charged with economic crimes of laundering over \$340,000 through Chapter Four's account.xxx On 24 December 2020, Opiyo's four colleagues were released on bail.
- 6.7 Although all HRDs are potentially vulnerable, women HRDs (WHRDs) and HRDs working on issues of sexual orientation and gender identity (SOGI) face additional challenges and threats. Multiple incidents of WHRDs experiencing unwarranted and excessive violence in the hands of police officers were recorded. On 16 December 2017, Scovia Arinaitwe was arrested while conducting a training session. Arinaitwe was beaten and pushed down the stairs. She sustained serious injuries and was hospitalised on 18 December 2017. In a separate incident, Nana Mwafrika Mbarikiwa was brutally arrested on 9 October 2019, while peacefully protesting police brutality and human right abuses. Her child was forcefully taken from her, and she was dragged into a police car.xxxi Earlier in the year, police officers arrested Nana and assaulted her while pregnant, which resulted in pregnancy complications.
- 6.8 On 21 October 2019, police arrested 16 activists from Let's Walk Uganda, a community-based organisation working on economic empowerment for LGBTI youth. One of the staff members arrested told Human Rights Watch that the activists had called police to help them after a group of people surrounded the house they use as an office and shelter, shouting homophobic insults and threatening to break in.xxxii But after dispersing the mob, police interrogated the 16 people inside about their gender presentation, used homophobic insults and arrested them all.
- 6.9 Authorities have generally attempted to justify their actions against LGBTI HRDs by arguing that the public does not want these gatherings/meetings to take place, or that the people do not want LGBTI people in their community for fear that they will "teach" the children their "way of life."
- 6.10 State actors continue to unduly restrict the right to freedom of association for HRDs working on LGBTI issues on grounds that they "promote" acts which are considered illegal in Uganda. On 17 May 2019, Chapter Four Uganda and Sexual Minorities Uganda (SMUG), an umbrella organisation advocating for the rights of LGBTI persons in Uganda, partnered to hold an event to commemorate the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) at Chapter Four offices. When police heard of it, they prevented the event from taking place.**

7. RECOMMENDATIONS TO THE GOVERNMENT OF UGANDA ON THE PROTECTION OF HUMAN RIGHTS DEFEDERS IN UGANDA

- 1. Sensitize leaders at various levels, including at the district level, about the importance of Article 38 of the 1995 Constitution, which allows Ugandan citizens to participate in the affairs of government, individually or through their representatives, in accordance with law.
- 2. Expedite the completion, launch and dissemination of the National Action Plan on human rights which sets out the government's commitments towards the protection and promotion of human rights, and described strategies to be implemented to achieve the set targets.
- 3. Translate the Constitution into local languages to reach citizens and human rights defenders operating at the lower decentralised system of sub-counties.
- 4. Continue to build the capacity of human rights defenders to collaborate with government in peculiar operating environments such as in the extractive industry sector, which requires more informed engagement on part of human rights defenders.
- 5. Strengthen the existing linkages and coordination platforms between human rights defenders across all regions and the government to enhance information flow and sharing. This will also buttress solidarity and concerted efforts in face of security and safety threats.
- 6. Thoroughly investigate all threats and attacks against human rights defenders and civil society organisations, bring to justice those responsible in fair trials, and provide reparations to the victims and survivors, including women human rights defenders.
- 7. Police should conduct swift, thorough, transparent, and effective investigations into, and provide reports on, the rampant NGO office break-ins, and bring perpetrators to book.
- 8. Parliament of Uganda should immediately pass the Human Rights Defenders Bill to strengthen the protection of rights of human rights defenders.

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