



Defending Human Rights Defenders

The Human Rights Centre Uganda

**HUMAN RIGHTS
DEFENDERS IN UGANDA:**

**The Continued Pursuit Of The Realisation
Of Their Rights**

Vol. IV, 2014



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ABOUT THE HUMAN RIGHTS CENTRE UGANDA

The Human Rights Centre Uganda (HRCU) is a non-profit, non-partisan and non-governmental organisation that was established in 2008 with the main aim of improving the environment in which human rights defenders (HRDs) operate in Uganda. This was after its founders realised that there was no organisation in Uganda that specifically worked to improve the working environment of HRDs.

OUR VISION

A society in which every individual enjoys his/her universally recognised human rights and fundamental freedoms'

OUR MISSION

To contribute to the promotion, protection and fulfilment of human rights, particularly the rights of human rights defenders.

CORE PRINCIPLES

Professionalism, integrity and respect for all individuals.

ACTIVITIES

HRCU carries out a number of activities in three major areas i.e. capacity building, research and advocacy. Since 2009, HRCU has conducted capacity building workshops in over 29 districts in Uganda through which 598 HRDs have had their capacity and knowledge enhanced about their rights, responsibilities, personal security and the legal and institutional framework available to them in the conduct of their work. HRCU also simplified and translated several human rights documents and other Information, Education and Communication materials; held media campaigns in form of radio talk shows, newspaper supplements and televised debates; conducted Peer-to-peer exchange for HRDs' networks, among others.

ACRONYMS

ACHPR	The African Charter on Human and People's Rights
ACCU	Anti- Corruption Coalition Uganda
AFODE	Alliance for Development
APA	Anti-Pornography Act
AHA	Anti Homosexuality Act
CSO(s)	Civil Society Organisation(s)
CPU(s)	Central Processing Units
EACJ	East African Court of Justice
EHAHRDP	The East and Horn of Africa Human Rights Defenders Project
FHRI	Foundation for Human Rights Initiative
HRC	Human Rights Council
HRCU	Human Rights Centre Uganda
HRD(s)	Human Rights Defender(s)
HURINET	Human Rights Network – Uganda
JLOS	Justice Law and Order Sector
JPC	Justice Peace Commission
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NODPSP	The National Objectives and Directive Principles of State Policy
PAC	Public Accountability Centre

ACRONYMS Cont...

PAHRDN	Pan African Human Rights Defenders network
PRMT	Poverty Resource Monitoring and Tracking
POMA	Public Order Management Act
RDCs	Resident District Commissioners
UHRC	Uganda Human Rights Commission
UN-CESCRs	United Nations Committee on Economic, Social and Cultural Rights
UNSR	United Nations Special Rapporteur
ULS	Uganda Law Society
UPR	Universal Periodic Review

FOREWORD

On behalf of the Human Rights Centre Uganda (HRCU) I am pleased to introduce to you The Human Rights Defenders (HRDs) Annual Report 2014. The report presents a situational analysis of the working environment for HRDs in Uganda during the year 2014. It is the fifth report of its kind that the HRCU has compiled since the Centre started operation in 2008.

This report was compiled based on information gathered from HRDs around the country. I therefore would want to thank all the HRDs in the country who provided us with all the useful information that made it possible for the Centre to compile this report. It is our hope that collaboration will continue to enable us continue to to publish this report which believe is in the interest of HRDs in Uganda.

The year 2014 was a busy year for many HRDs. It was also a year when some controversial laws with impact on the work of HRDs were enacted. Notable were the Anti-Pornography Act 2014, the Anti-Homosexuality Act 2014 and the Public Order Management Act, 2014. These laws are controversial because they contain provisions that negatively affect the work of HRDs and were enacted in disregard of the very strong views by HRDS against some of their restrictive or discriminatory clauses. The passing of the Anti-Homosexuality Act, although later annulled by the Constitutional Court on a technicality demonstrated the continued demonization of and discrimination against the LGBTI and HRDS who defend the rights of these people.

This report documents evidence showing that HRDs continued to face challenges that include restrictive civic space, limited operational finance, threats and some HRDS were subjected to physical attacks. The Public Order Management Act is being implemented without uniform application. For example the Act has been used by some officials to prohibit public meetings/gatherings which other officers have allowed to take place in other districts. Unless applied in a transparent manner under well-defined guidelines the haphazard application of the Act will continue to be a setback to the right to peaceful assembly, freedom of opinion and expression. HRDs fear that as we approach the 2016 general elections the ununiformed application of this law will hinder freedom of assembly, association and expression.

We salute HRDs in Uganda for the commendable work they did during the year 2014. Despite all the challenges, HRDs have continued to register tremendous successes in their work. We note with appreciation that HRDs were able to support the court petition that overturned the passing of the Anti-Homosexuality Act.

This report highlights some of the successes of HRDs, challenges they encounter, the strategies they have used to overcome them and recommendations to all stakeholders.

I have the pleasure to present this report to the reader and hope you will find it useful. On behalf of the Centre I implore all HRDs in the country to work towards building strong partnerships within the HRD community and with other stakeholders and in particular with state agencies. I urge all HRDs to read this report and use it as an advocacy tool to champion the rights of HRDs and the cause of human rights in the country.



JM Aliro Omara
Chairperson, Board of Directors

EXECUTIVE SUMMARY

This report presents a situational analysis of the working environment of human rights defenders (HRDs) in Uganda in 2014. The report analyses their challenges and opportunities, as well as best practices and makes recommendations to different stakeholders on improving the promotion and protection of the rights of HRDs in Uganda. It builds on previous reports that have analysed the situation of HRDs.

Introduction

This chapter gives a background to the situation of HRDs by highlighting some of their challenges and some of the achievements in 2014 and how the research was carried out. Data in the report was collected from 75 key informants using purposive and snowball sampling techniques, from which the data was analysed qualitatively and quantitatively. Secondary data such as review of newspapers and reports was also used to compile the report. This chapter ends by acknowledging possible limitations in carrying out research on the situation of HRDs.

The Legal Framework

This chapter explores the legal frameworks relevant to the rights and duties of HRDs, at international, regional and national levels. It highlights a number of key international and regional human rights instruments that Uganda has ratified, which enshrine the rights that specifically promote and protect the rights of HRDs. The chapter introduces the new United Nations Special Rapporteur (UNSR) on the situation of HRDs and mentions resolutions adopted at the African Commission on Human and People's rights at the 15th extraordinary session and 55th ordinary session. National laws which attracted controversy such as Anti-Homosexuality Act 2014 (AHA), which was declared null and void on a technicality, and the Anti- Pornography Act 2014 (APA) were analysed. This chapter also reports how HRDs filed petitions against laws, such as AHA and POMA at the national and regional levels.

Status of the rights of Human Rights Defenders in 2014

The chapter lists the commonly violated rights of HRDs in 2014 according to the key informants; the right to freedom of assembly and the right to freedom of opinion and expression, just like the last report, were most commonly violated rights. The rights discussed are those enshrined in the UN Declaration on human rights defenders that facilitate the work of promoting and protecting human rights. This is then followed by analysis of each of the rights of HRDs which were violated, which were the right to a peaceful assembly, the right to freedom of opinion and expression and the right to be protected. The report also illustrates the perpetrators of violations and from where HRDs sought remedies

Successes, Challenges and Best Practices

The chapter highlights the challenges and successes experienced by HRDs in 2014. It reports on awards such as the Uganda Law Society (ULS) female lawyer of the year and European Union HRDs award, given to HRDs for their outstanding performance. The chapter also highlights the improved relationship between State and non-state actors, increased dialogue and use of media to highlight human rights issues. Challenges of HRDs such as office break-ins, political interference and limited funding were also highlighted. Best practices for HRDs to emulate were mentioned, such as good working relationship with state agencies, understanding of the working environment and regular community awareness, among others.

Recommendations

This chapter presents recommendations for concrete action to address issues raised by key informants to Civil Society Organisations (CSOs) and the Government. Key recommendations include:

- a. It is the Government's primary responsibility to promote and protect human rights. It is therefore called upon to respect the international human rights standards to which it subscribes and respect the rights of HRDs and their contribution towards the achievement of human rights.
- b. Enact a specific law that protects and recognises the work and role of HRDs. The domestication of the Declaration on HRDs would enable them work in an environment that enhances promotion and protection of their rights.
- c. JLOS institutions should act expeditiously in administration of justice, specifically with regard to cases brought to court.
- d. Government should take the lead in holding the perpetrators of human rights abuses and violations accountable and ending impunity.
- e. There is need to increase dialogue with key stakeholders especially members of Parliament, RDCs and security agencies on human rights and their role in the promotion and protection of human rights.
- f. HRDs should lobby for the newly appointed UNSR, Mr. Michel Forst to undertake a country visit to Uganda in order to raise attention to the issues faced by HRDs at the international level.
- h. HRDs need to adopt evidence based-documentation which is paramount in proving allegations of human rights violations when remedies are sought.

CHAPTER 1

INTRODUCTION

This chapter explains the background to the situation of HRDs in Uganda, the purpose of the report, methodology applied and limitations of this research.

1.1 Background

Since its inception in 2008, one of HRCU's core focus is to monitor and report on the situation of HRDs in Uganda. HRCU has so far published three annual reports: "Human Rights Defenders in Uganda 2010-2011: A situational Analysis of their rights and Challenges", "Human Rights Defenders in Uganda 2012: The Quest for a Better Working Environment" and "Human Rights Defenders in Uganda: Understanding and Overcoming Potential Violations of their Rights". These reports are a valuable source of information for HRDs with regard to the status of their rights and how to overcome potential violations of their rights. The fourth report, "Human Rights Defenders in Uganda: The Continued Pursuit of the Realization of their Rights", builds on the previous reports in a bid to track changes in the working environment, document good practices that HRDs can adopt as well as make recommendations for improving the environment in which HRDs operate in Uganda.

HRDs are defined under the UN Declaration of HRDs which stipulates that anyone can be an HRD; it can be a teacher, police officer, soldier, doctor, or a lawyer among others. HRDs play an important role in promoting and protecting human rights and fundamental freedoms to which citizens are entitled. Such roles include reporting and/or publicising violations and demanding redress. They also educate citizens on their rights and responsibilities and demand for accountability from the duty bearers.

The year 2014 saw a remarkable improvement in the use of advocacy platforms by HRDs as they challenged the Public Order Management Act 2013 (POMA), Anti Homosexuality Act 2014 (AHA) and the Anti-Pornography Act 2014 (APA), the laws that HRDs felt restricted of freedom of expression and association¹ as well as the violation of human rights. In 2014, HRDs filed petitions in the Constitutional Court to challenge the APA and AHA at the national level; while at the regional level a petition was filed at the East African Court of Justice to challenge AHA.

¹ "Rule by Law: Discriminatory Legislation and Legitimized Abuses in Uganda," Amnesty International, 2014.

Improvements were noted in the relations between state and non-state actors as well as in the networking among HRDs which were attributed to capacity building, awareness creation and dispute resolution. It was also worth noting that the culture of recognising HRDs for their contribution in promoting and protecting human rights continued to take root.

Despite the remarkable improvements in the utilisation of the legal framework by HRDs, there is still lack of a specific law that domesticates the UN Declaration on HRDs in Uganda. Some communities, state institutions and HRDs still do not understand the mandate of HRDs and in addition lack the capacity to take advantage of the opportunities offered by the existing networks and coalitions.

1.2 Purpose

The main purpose of the research was to highlight the challenges, successes and good practices for engaging in the promotion and protection of human rights. The research built on previous reports of the situation of HRDs and made recommendations to different stakeholders in a bid to improve the environment in which HRDs operate in Uganda.

This report provides information for both state actors and non-actors on how to improve their roles as HRDs. It can be used as an advocacy and accountability tool to benchmark practices of HRDs.

1.3 Methodology

The research applied qualitative and quantitative methods of data collection and analysis regarding the experiences of HRDs in 2014. Interview guides and questionnaires were used to get information from key informants who constituted active HRDs working on various rights including civil and political rights, social, economic rights, minority rights, the media, women groups, persons with disabilities, police, prisons, the army, the Uganda Human Rights Commission, the judiciary and development partners.

The research team applied purposive² and snowball³ sampling techniques to select key informants that were deemed informed about the situation of HRDs in their regions or areas of operation and were also willing to share their experience. A total of 75 key informants (43 male and 32 female) were interviewed in the districts of Arua, Gulu, Hoima, Jinja, Lira, Kabarole, Kampala, Kasese, Masaka, Masindi, Mbale, Mbarara and Soroti. In the sampling of respondents, the research team ensured that all sub-regions were represented by using focal persons in the regions. Similarly, secondary data was also analysed through literature review of key human rights reports, websites, online libraries and

²The purposive sampling technique is also sometimes known as judgemental sampling where a researcher targets specific respondents on the basis of his or her judgement that they have knowledge or experience in relation to the problem or subject matter under investigation.

³A snowball sample is one in which the researcher collects data on the few members of the target population he or she can locate, then asks those individuals to provide information needed to locate other members of that population whom they know.

newspaper articles among others.

The research team took measures to ensure that all information was handled with strict standards of confidentiality and utilised solely for the purposes of the report. None of respondents' names, offices, positions and any other information that would reveal their identity has been revealed in this report.

1.4 Limitations of the research

The experiences shared by the key informants may not have been truly representative of all HRDs across the country because the data was collected in 11 out of over 112 districts in Uganda⁴. Furthermore, some HRDs were reluctant to share information for fear of their own security and others could not recall past events since they had not been properly documented. Whereas these limitations were important, they may not have significantly affected the validity of the findings.

⁴"List of current Local Government Districts in Uganda", Ministry of Local Government, accessed December 8, 2014, <https://molg.go.ug/local-governments/>

CHAPTER II

THE LEGAL FRAMEWORK

This chapter presents an overview of the legal and institutional framework that fundamentally supports the promotion and protection of the rights of HRDs. It also highlights specific legislation that HRDs who were interviewed mentioned had significant influence on their work in the period under review.

2.1 International legal framework

The protection of the rights of HRDs has its foundation at the international, regional and national levels and States are obliged to adopt necessary measures to create a favourable working environment for HRDs. Uganda has ratified several international instruments⁵ which guarantee the existence and rights of HRDs. These are reinforced by a number of national, regional and international mechanisms charged with the implementation and realisation of the legal guarantees.

The UN Declaration on HRDs⁶ obliges States to recognise the rights of HRDs to defend human rights and the need for international collaboration and cooperation. The Declaration therefore makes significant strides in the recognition of the legitimacy of the work of HRDs and the need to protect them. It also calls upon States to implement and respect all the provisions obligating them to adopt legislation which would ensure the protection of HRDs.

2.1.1 International mechanisms

There are several international mechanisms relevant for the protection of HRDs. These include the Human Rights Committees; the Universal Periodic Review⁷ (UPR) mechanism of the Human Rights Council (HRC) as well as the UN Special Rapporteur on the Situation of Human Rights Defenders (UNSR). The committees are a crucial means of oversight which assist in guaranteeing State accountability for commitments undertaken.

⁵ Uganda has ratified all core international instruments with the exception of the International Convention for the Protection of all persons from Enforced Disappearance and several optional protocols i.e. Optional Protocol to the ICESCR, Optional Protocol 2 to the ICCPR, Optional Protocol to the CEDAW, Optional Protocol CAT and CED (signature only, 2007).

⁶ The United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms adopted by the UN General Assembly in 1998

⁷ Uganda is next scheduled for review under the UPR mechanism in 2016, which presents an important opportunity for enhancing the protection of HRDs.

In December 2014, a list of issues⁸ that Uganda had to respond to was issued by the pre-session working group meeting in preparation for Uganda's first ever review by the United Nations Committee on Economic, Social and Cultural Rights (UN-CESCRs) scheduled for June 2015 in Geneva, Switzerland. Notable amongst the issues impacting the work of HRDs were queries on the measures taken to raise awareness, prevent and combat discrimination based on sexual orientation and gender identity and also on the contents and status of the bill on NGOs and on what impact it would have on NGOs.

The UNSR⁹ mechanism is an important tool in raising the profile of HRDs at risk and alerting Government and other stakeholders on the situation of HRDs. It also works as a watchdog by exposing State actions against HRDs and therefore is a preventive tool to dissuade the abuse of HRDs. Through communications issued, authorities are alerted about the alleged human rights violations against HRDs. Regardless of the response from the Government, the communications report is a protective tool that raises the profile of HRDs as important and well-known at the international level.

A joint communication was issued on 4th February 2014 to Uganda by the UN Special Rapporteur on the Right to Freedom of Peaceful Assembly and of Association on the signing of the Anti-Homosexuality Act (AHA) expressing concerns that it compromised the free exercise of the rights to freedom of association and peaceful assembly, by preventing organisations working on issues related to the rights of Lesbian Gay Bisexual Transgender and Intersex (LGBTI) people from carrying out their work¹⁰.

In June 2014, Mr. Michel Forst (from France) was appointed by the President of the Human Rights Council as the UNSR¹¹. Mr. Forst succeeded Ms. Margaret Sekaggya (from Uganda) who had been the mandate holder for six years (2008 to 2014). In keeping with the main objective of the mandate of the UNSR, Mr. Forst carried out some key activities that signify milestones within the mandate including launching guidelines on the protection of HRDs under Organization for Security and cooperation in Europe¹².

⁸ "List of issues in relation to the initial report of Uganda", ISER Uganda, accessed on 12th January 2015, http://www.iser-uganda.org/images/stories/Downloads/CESCR_list_of_issues_uganda.pdf

⁹ The UNSR executes the mandate through country visits, thematic studies, issuing communications to states as well as through workshops, conferences and seminars. Findings of thematic studies, country visits and other reports are presented to the Human Rights Council and to the UN General Assembly

¹⁰ "Uganda communications: May 1, 2011 to February 28, 2014", United Nations Special Rapporteur on the rights of peaceful assembly and association, accessed on 12th January 2014, <http://freeassembly.net/rapporteurreports/uganda-communications/>.

¹¹ "Special Rapporteur on the situation of human rights defenders", United Nations Office of the High Commissioner for Human Rights, accessed on 12th January 2014, <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>

¹² http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_63_ENG.doc. Accessed on 21st January 2015.

2.2 Regional legal framework and mechanisms

2.2.1 The African Charter on Human and People's Rights (ACHPR)

The African Charter on Human and People's Rights (ACHPR) provides the standard for the rights of HRDs. The Charter which was ratified by Uganda on 10th May 1986 promotes and protects human rights and basic freedoms on the African continent. Under the Charter and its subsequent protocols, specific mechanisms have been adopted which contribute to the protection of HRDs in Africa. These include the establishment of an African Commission for Human and Peoples' Rights; an African Court on Human and Peoples' Rights; as well as the appointment of an African Special Rapporteur on HRDs. At the 15th Extra Ordinary Session¹³ that was held in Gambia from the 7th - 14th March 2014 a resolution on attacks against journalists and media practitioners in the Federal Republic of Somalia was adopted¹⁴. At the 55th Ordinary Session in Luanda-Angola that took place from 28th April – 12th May 2014 a resolution on extending the scope of the mandate of the Special Rapporteur on HRDs in Africa was adopted¹⁵. The other noteworthy resolution adopted during the same event was one condemning acts of violence, discrimination and other human rights violations against persons on the basis of their sexual orientation and/or gender identity¹⁶.

2.3 National legal framework

2.3.1 The Constitution of the Republic of Uganda, 1995 (Amended)

The Constitution of the Republic of Uganda enshrines a number of rights that HRDs are entitled to¹⁷. The National Objectives and Directive Principles of State Policy (NODPSP) provide that the State

¹³264: Resolution on Attacks against Journalists and Media Practitioners in the Federal Republic of Somalia", African Commission on Human and People's rights, accessed on 3rd February 2015, <http://www.achpr.org/sessions/15th-ao/resolutions/264/>.

¹⁴Calling upon the Somali authorities to respect, protect and promote the right to life, freedom of expression and freedom of association and assembly of journalists and media practitioners as provided in the African Charter and other international and regional human rights instruments.

¹⁵Added responsibilities to the mechanism include gathering information on and effectively addressing cases of reprisals against civil society stakeholders; documenting and maintaining a database on cases of reprisals brought to its attention; providing guidance to the Commission for the adoption of urgent measures to deal with specific cases of reprisals; presenting reports on cases of reprisals at each Ordinary Session of the Commission in the Special Rapporteur's activity report; and ensuring a follow-up of registered cases.

¹⁶Resolution 275: Protection Against Violence and other Human Rights Violations Against Persons on the Basis of their Real or Imputed Sexual Orientation or Gender Identity

¹⁷Chapter 4 of the 1995 Constitution of Uganda

shall guarantee and respect the independence of non-governmental organisations which protect and promote human rights¹⁸. They also provide that civic organisations shall remain autonomous when they pursue their stated objectives¹⁹. In particular, the Constitution guarantees the freedom of expression, assembly, movement and association (Article 29) and the right to participation (article 38), which together lay a firm foundation for the legality and legitimacy of the work of HRDs. It also provides, in case of violations of those rights, avenues for redress which can be obtained through the Courts of law, the Uganda Human Rights Commission or the Equal Opportunities Commission²⁰.

There were a number of developments within the legal framework relating to enactment of new laws and implementation of some contentious laws.

2.3.2 The Anti-Homosexuality Act (2014)

The Anti-Homosexuality Act (2014) (AHA) that was passed amidst a lot of controversy was overturned by the Constitutional Court on grounds of lack of a requisite quorum²¹ when it was passed. This success was achieved through combined efforts of HRDs. The Act had led to homelessness, joblessness as many victims had to flee Uganda for fear of being arrested²². Although the law was declared null and void by the Constitutional Court, there were efforts to have the bill tabled again before Parliament this time titled the 'Prohibition of the Promotion of Unnatural Sexual Acts Bill', but with substantially the same provisions as the nullified Act²³. This inevitably implies that the threat against LGBTI HRDs remains.

It is noteworthy that the AHA was also challenged before the East African Court of Justice (EACJ)²⁴.

¹⁸Objective V (ii)

¹⁹Objective II (vi)

²⁰Article 50 of the Constitution provides for access to the courts by those persons whose rights and freedoms have been infringed. The Uganda Human Rights Commission also has quasi-judicial powers to provide legal remedy in cases where there has been infringement of human rights, Article 53 (2) (c). Article 32 of the Constitution establishes the Equal Opportunities Commission to address issues of

²¹See *Oloka Onyango & 9 Others v Attorney General Constitutional Petition No. 8 of 2014*, available at <http://www.ulii.org/ug/judgment/constitutional-court/2014/14>

²²Amnesty International: Rule by Law; Discriminatory Legislation and legitimized abuses in Uganda, Amnesty International, accessed on 12th February 2015, <http://www.amnesty.ch/de/themen/weitere/lgbt/dok/2014/uganda-folgenschwere-gesetze-foerdern-repression-homophobie-und-sexistische-gewalt/uganda-report-rule-by-law-2013-discriminatory-legislation-and-legitimized-abuses-in-uganda>

²³Ruling NRM party committee drafts a new anti-homosexuality bill, Human Dignity Trust, accessed on 31st January 2015, <http://www.humandignitytrust.org/pages/Country-news/Uganda>

²⁴Human Rights Awareness and Promotion Forum v Attorney General of Uganda, Reference No.6 of 2014, http://www.hrapf.org/sites/default/files/publications/14_04_23_uganda_anti_homosexuality_act_eacj_reference_as_filed.pdf, accessed on 24th January 2015.

The petition stated that specific provisions of the AHA violate the Treaty for the Establishment of the East African Community, in particular the provisions which enjoin partner states to exercise good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the ACHPR.²⁵

The increased number of petitions filed by HRDs was a positive trend in 2014 that showed the confidence the HRDs had in the court system and the non-confrontational methods that HRDs embraced to work together to defend their rights and the rights of others. The jurisprudence obtained from these cases will provide precedents that other HRDs will be able to use in their work in other parts of the country.

2.3.3 Public Order Management Act (2013)

With regard to the Public Order Management Act (POMA), a constitutional petition²⁶ was instituted challenging the constitutionality of some of its provisions. The petitioners requested that sections of the POMA restricting public meetings and giving the police excessive powers be struck out of the Act. By the time of writing this report, the petitioners had prepared an interim order to stop the implementation of the Act till the main hearing is disposed of²⁷.

The impact of this law had already been felt, with police repeatedly arresting opposition leaders to prevent their public appearances and some reports indicating that the police were monitoring social media in order to restrict the legitimate activities of civil society, students, and journalists.²⁸

HRDs interviewed stated that some security agencies were misusing POMA to disrupt any form of gathering by HRDs. They stated that different state agencies interpreted the law differently to suit their interests. The common form of misinterpretation was calling any gathering a public rally and stopping it claiming that the HRDs did not seek permission from the Police. An example was cited of a meeting in Soroti by the Public Accountability Centre (PAC) to give out bicycles to community leaders, which was stopped by the RDC on the grounds that it was an illegal gathering and the bicycles were confiscated.

²⁵ The application was dismissed on 17th February 2015. Anti-Homosexuality Act Case: East African Court dismisses two amicus curiae applications, Human Rights Awareness and Promotion Forum - Uganda (HRAPF), accessed on 25th February 2015, <http://www.hrpf.org/news-events/east-african-court-justice-dismisses-two-amicus-curiae-applications#sthash.NmeWq5QE.dpuf>.

²⁶ Constitutional Petition No. 53 of 2013

²⁷ No date had been scheduled for the hearing of the interim order by the time of writing the report.

²⁸ Interview with HRDs in Soroti

2.3.4 Anti-Pornography Act 2014

In May 2014, a constitutional petition was filed challenging the Anti-Pornography Act (APA). The petition stated that the APA violates the right to equality and freedom from discrimination and asserted that the vague definition of what constitutes "pornography" had resulted in harassment and mistreatment of women in public, denying them bodily autonomy, personal liberty and freedom of movement and association²⁹.

This petition was filed against the increased and high handed discrimination against women that was meted out by non-state actors in various communities around the country³⁰. The selective implementation of the law and vagueness of its key sections violated the rights to privacy, liberty and movement of women. Some HRDs interviewed especially women expressed their dissatisfaction in the application of this law. An example is a journalist in Kampala who was denied access to information at a Police Station because of the way she was dressed.

2.3.5 The Press and Journalist Regulations 2014

In February 2014, the Ministry for Information and National Guidance issued a statutory instrument, the Press and Journalist (fees) Regulations, 2014, which require journalists to pay US\$80 for a practising certificate and US\$40 for renewing the certificate every year³¹. HRDs questioned these regulations stating that they violate the right to freedoms of speech, expression, the press and other media. They further noted that requiring journalists to be licensed could give the regulatory bodies leeway to withhold license from those deemed critical of government³².

Three organisations petitioned the Constitutional Court over the constitutionality of the law under which the new regulations were issued³³. The petition identifies a number of areas where the Act is in contravention of the Constitution, including unduly restrictive licensing conditions for journalists; unclear, inconsistent and overly broad powers of the Minister and the Media Council to punish journalists; a code of ethics that holds journalists liable for disseminating "incorrect or untrue" news or allegations and requires them to disclose their sources if there is "an overriding

²⁹ Constitutional Petition No. 13 of 2014

³⁰ Fifty women stripped over pornography law; the Observer, accessed on 10th February 2015, http://observer.ug/index.php?option=com_content&view=article&id=30526-fifty-women-stripped-over-pornography-law&catid=34:news&Itemid=114.

³¹ How Recently Enacted Laws Undermine Ugandan Citizens' Rights, CIPESA, accessed on 11th January 2015, http://www.cipesa.org/?wpfb_dl=74.

³² Groups file petition challenging the Press and Journalists Act, African Centre for Media Excellence, accessed on 27th March 2014, <http://acme-ug.org/?p=1497>

³³ Centre for Public Interest Law, Human Rights Network for Journalists and the East African Media Institution vs AG Constitutional Petition 9 of 2014, a date for hearing is expected to be set in April 2015.

consideration of public interest”³⁴

2.4 Update on petition on freedom of association and assembly

In February 2012, the Minister for Ethics and Integrity Father Simon Lokodo, raided a workshop organised by LGBTI activists³⁵. Four activists subsequently filed a case against the Minister, claiming that the raid infringed on their constitutional rights³⁶. On 23rd June 2014, the High Court found in favour of the government, holding that it acted in the public interest by closing the workshop. The ruling found that the applicants “acted in a manner prohibited by law”; that the Minister’s actions were “permissible limitation of the applicants’ rights”; and that the police acted lawfully in order to “protect public morals”, because same-sex sexual activity is illegal under Ugandan law³⁷.

The decision of the High Court was a setback to HRDs who had been working tirelessly to carry out workshops, outreaches and different advocacy campaigns to defend the rights of others. This decision clearly violated the rights of HRDs to freedom of expression, association and peaceful assembly and has contributed to the reluctance by HRDs working on sexual and gender identity to continue carrying out their work.

2.5 Conclusion

The overview of the legal framework presents both challenges and opportunities for the promotion and protection of the rights of HRDs. The various legislations that were passed during the period under review clearly point to shrinking space of the working environment of HRDs especially with regard to the freedoms of opinion, expression and assembly. This clearly demonstrates the need for the enactment of a specific law that protects and recognises the work and role of HRDs. Domestication of the Declaration on HRDs would enable them to work in an environment that enhances promotion and protection of their rights.

³⁴ ibid

³⁵The Human Rights Centre Uganda: HRDs Annual Report, Understanding and overcoming potential violations of their rights, 2013.

³⁶Miscellaneous Cause No.033 of 2012, High Court of Uganda, Civil Division.

³⁷ibid

The increasing number of petitions filed by HRDs points to the confidence they had in the court system as well as the choice they made to use non-confrontational methods in pushing for their rights. The developments at the regional and international level also provide opportunities to HRDs that should not be undermined. HRDs should lobby for the newly appointed UNSR to carry out a country visit to Uganda in order to raise attention to the issues faced by HRDs at the international level. Additionally, the resolutions adapted at the African Commission provide further opportunities for protection and awareness raising on the plight of HRDs. On this note, HRDs are encouraged to utilize these mechanisms in addition to those at the national level to further increase their protection.

CHAPTER 3

STATUS OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS IN 2014

This chapter focuses on the rights of HRDs that were most violated in the course of their work. These include freedom of expression, freedom of assembly, the right to access information, the right to be protected, the right to an effective remedy, the right to protest, the right to access funding and the right to discuss new human rights ideas among others. Whereas HRDs may have faced human rights violations and abuses similar to those faced by their communities this chapter places emphasis on only the violations of the rights of HRDs as spelt out by the United Nations Declaration on HRDs.

3.1 The most violated rights of HRDs

The right to freedom of assembly was the most violated right of HRDs according to 17% of the respondents as indicated in the pie chart below. This was closely followed by the right to freedom of opinion and expression as cited by 15% of the respondents and the right to be protected (14%). These are discussed in detail below.

Figure 1: Violations of the rights of HRDs in 2014



3.1.1 The right to peaceful assembly

The rights of HRDs to peaceful assembly and association continued to be the most violated in 2014 like was the case in 2013³⁹. This right is guaranteed under international human rights instruments⁴⁰ and all States are under the obligation to respect and uphold it. The Constitution of the Republic of Uganda guarantees the freedom of assembly under Article 29, although it is subject to limitation in the public interest (Article 43). However, any limitations must not exceed what is “acceptable and demonstrably justifiable in a free and democratic society.”

Freedom of assembly includes numerous forms of assembly, ranging from meeting in private residences, conferences in public places to demonstrations. The right to freedom of assembly involves being able to meet and convene peacefully for purpose of promoting human rights.⁴¹ This also entails the rights to participate in any peaceful activities against human rights violations.⁴² In exercising this right, HRDs are entitled to equal protection under the law.⁴³

However, in 2014 the right of HRDs to assemble peacefully was violated in many ways. The violations were mainly associated with the implementation of the Public Order Management Act 2013 (POMA). The passing of the POMA was seen as an attempt to limit public gatherings and the right to peaceful assembly and the findings indicate that to some extent it was the practice.

HRDs that focus on governance and accountability issues faced the most limitations in conducting their gatherings/meetings. Pro-democracy activists had challenges conducting meetings in some areas of Uganda; for example, on 22nd March 2014, a meeting organised by pro-democracy activists advocating for free and fair elections in Mbale town was dispersed by the police. The arrival of police fully armed and dressed in riot gear with the Police commander issuing an order to vacate the venue intimidated the participants from taking part in the meeting. It was stated by the organisers that the Police commander claimed not to have received the notice of the meeting and that he would not disclose the origin of the order given to disperse the gathering.⁴⁴

Over 50% of HRDs interviewed were of the view that there seemed to be no uniform standard of interpretation of the POMA. Whereas Section 5 and 6⁴⁵ provide that organisers of a public gathering

³⁹Human Rights Defenders in Uganda: Understanding and overcoming potential violations to their rights, 2013 Pg 15

⁴⁰Article 20 of the Declaration and Article 20 of the Universal Declaration on Human Rights. It is also guaranteed in the International Covenant on Civil and Political Rights (Article 21), and the African Charter on Human and People's

⁴¹Article 5 (i) of the UN Declaration on HRDs

⁴²Article 12 (1)

⁴³Article 12 (3) of the UN Declaration on HRDs

⁴⁴Amnesty International: Rule by Law; Discriminatory Legislation and legitimized abuses in Uganda, Amnesty International, accessed on 12th February 2015, <http://www.amnesty.ch/de/themen/weitere/lgbt/dok/2014/uganda-folgenschwere-gesetze-foerdern-repression-homophobie-und-sexistische-gewalt/uganda-report-rule-by-law-2013-discriminatory-legislation-and-legitimized-abuses-in-uganda>

should notify the police and get written authorisation to hold the meeting, this was interpreted as seeking permission. It was common for a public gathering to be misinterpreted as a public rally and therefore stopped by police claiming that the HRDs did not seek permission. One such case happened in Soroti where a meeting organised by the PAC to give out bicycles to community leaders was stopped and the bicycles confiscated by the RDC who called the gathering an illegal meeting. It took the intervention of senior police officers for the bicycles to be returned and the organisation to conclude the event.

The main perpetrators in misusing POMA to disrupt gatherings were security agencies especially Police and RDCs. Since the statistics of 2013 also show that the right was the most violated, it is evident that the right to freedom of assembly needs urgent protection from such wanton violation. HRDs expressed fears that the situation might even get worse as the country nears the election period in 2016.

3.1.2 The right to freedom of opinion and expression

Freedom of opinion and expression was also widely violated in 2014. At 15%⁴⁶, it ranked the second most violated right of HRDs. The right to freedom of opinion and expression entails HRDs being able to seek, obtain and hold information about human rights⁴⁷. It includes the right to freely disseminate and publish information on human rights; discuss and hold opinions on the observance of human rights; advocate and develop new human rights principles. The freedom of opinion and expression is quite broad in terms of the range of activities which it covers and partly because mediums of expression are many and varied. Protection and promotion of this right would therefore cover protection of writings in publications, newspapers, speeches, lectures, and even casual discussions.

The violations of freedom of opinion and expression in 2014 were mainly associated with infringement on media freedoms. HRDs in the media profession, especially journalists, continued to face harassment, threats and intimidation from state and non-state actors. The Human Rights Network for Journalists, an NGO working on promotion and protection of the rights of journalists in Uganda, reported over 120 cases of journalists who had been harassed, threatened, assaulted and even manhandled countrywide⁴⁸. The perpetrators of the violations were as follows: 33 by police, 6 by RDCs, 7 by members of the UPDF and 5 by communities where they worked⁴⁹.

⁴⁶Fig 1

⁴⁷Article 6 UN Declaration on Human Rights Defenders

⁴⁸Human Rights Network for Journalists (HRNJ) 2014 records

⁴⁹ibid

An example was cited of a news correspondent for Radio Simba in the South Buganda sub-region who was harassed and roughed up by a mob as she covered a court session. Together with other journalists, she was accused of exaggerating the Lwakataka's case⁵⁰. His fans warned the journalists against continued reporting of Lwakataka's trial.⁵¹

In May 2014, a Uganda Radio Network journalist was assaulted by a Police officer as he covered the by-elections for the Luweero district women parliamentary representative. According to the journalist, the officer kicked and pushed him as he moved to interview the area police spokesperson. The other case involved the arrest of two journalists on duty by a local leader who accused them of criminal trespass.⁵² Yet, by the nature of their work, journalists are always out in the field and on the ground investigating and reporting on issues that affect citizens, including highlighting human rights concerns. So they have to access scenes of happenings as well as sources.

Compared to 2013 where there was closure of media houses⁵³, in 2014 the focus seemed to have shifted to journalists who were direct victims of attacks. HRDs noted that as much as journalists were able to investigate and report on different issues, there were those who acted unprofessionally. Many a time, the cases that were reported were those involving journalists being harassed or beaten up and their property destroyed in the course of doing their work in a lawful and peaceful manner.

3.1.3 The right to be protected

The third most violated right of HRDs was the right to be protected as reported by 14% of the respondents⁵⁴. This right is derived from the duty of the state to promote, protect and implement all human rights and fundamental freedoms.⁵⁵ The duty to protect should be exercised regardless of the status of the alleged perpetrators, whether state or non-state actors. It includes both negative and positive aspects. On one hand, states should refrain from violating human rights and on the other hand, states should act with due diligence to prevent, investigate and punish any violation of the rights enshrined in the UN Declaration.⁵⁶

⁵⁰ Ponsiano Lwakataka is a prominent rally driver who was charged in court for illegal fish transactions in Kasese, Western Uganda and murder in Rakai, Central Uganda. Lwakataka re-arrested over Rakai murders, New Vision, accessed on 5th August 2014, <http://www.newvision.co.ug/news/657647-lwakataka-re-arrested-over-rakai-murders.html>

⁵¹ HRNJ-Uganda alert, journalist weeps as he testifies against senior police officer, Human Rights Network for Journalists Uganda, accessed on 22nd January 2015, <http://www.article19.org/resources.php/resource/37650/en/newsletter:-freedom-of-expression-in-east-africa,-july-2014>

⁵² Freedom of Expression in East Africa July 2014, Article 19, accessed on 22nd January 2015, <https://hrnjuganda.wordpress.com>

⁵³Ibid

⁵⁴Fig 1

⁵⁵Article 2 of the Declaration

⁵⁶Commentary to the UN Declaration on HRDs-July 2011

The right to be protected is therefore violated in many ways where the state has failed in its duty to protect the rights of HRDs. HRDs that HRCU interacted and communicated with in 2014 shared how their right to be protected was violated in different ways. These include denied or delayed access to information, arbitrary arrests, torture, intimidation, unfair trial and conviction among others. The perpetrators HRDs identified were mainly the police, plain clothed security personnel, army and in some instances politicians. When interviewed, the Police and state attorneys confirmed that indeed suspects were detained beyond 48 hours due to circumstances beyond their control. Investigations take long partly because of poor facilitation but also because of the nature of some cases that need detailed and technical evidence.

The common victims were HRDs focusing on sensitive issues like oil and gas; governance and accountability; and LGBTI issues as well as journalists. A journalist interviewed in Masaka was of the view that the reason police and the public attacked them was because they are ignorant about the work of the media. Instead of looking at them as partners, HRDs were viewed as anti-government.

An armed policeman in Hoima attacked a journalist who was recording a peaceful demonstration by angry butchers at Hoima Central Market on 23rd July 2014. The journalist working for Bunyoro Television and Liberty Radio was accused of recording the scuffle between the police and the angry butchers demonstrating over newly introduced levies and regulations by the Hoima Municipal Council authorities. The police brutally manhandled him and confiscated his equipment to stop him from recording.

HRDs focusing on gender and sexual issues such as defilement, domestic violence LGBTI, marital rape, female genital mutilation were also still vulnerable to attacks. This was particularly common amongst HRDs working on LGBTI rights after the passing of the Anti-Homosexuality Act, 2014. Although the law was subsequently nullified in courts of law, there was still tension around these issues especially since there were efforts to have the law re-tabled in Parliament. This constituted a violation on the right to be protected because of failure of the state to provide adequate protection for HRDs.

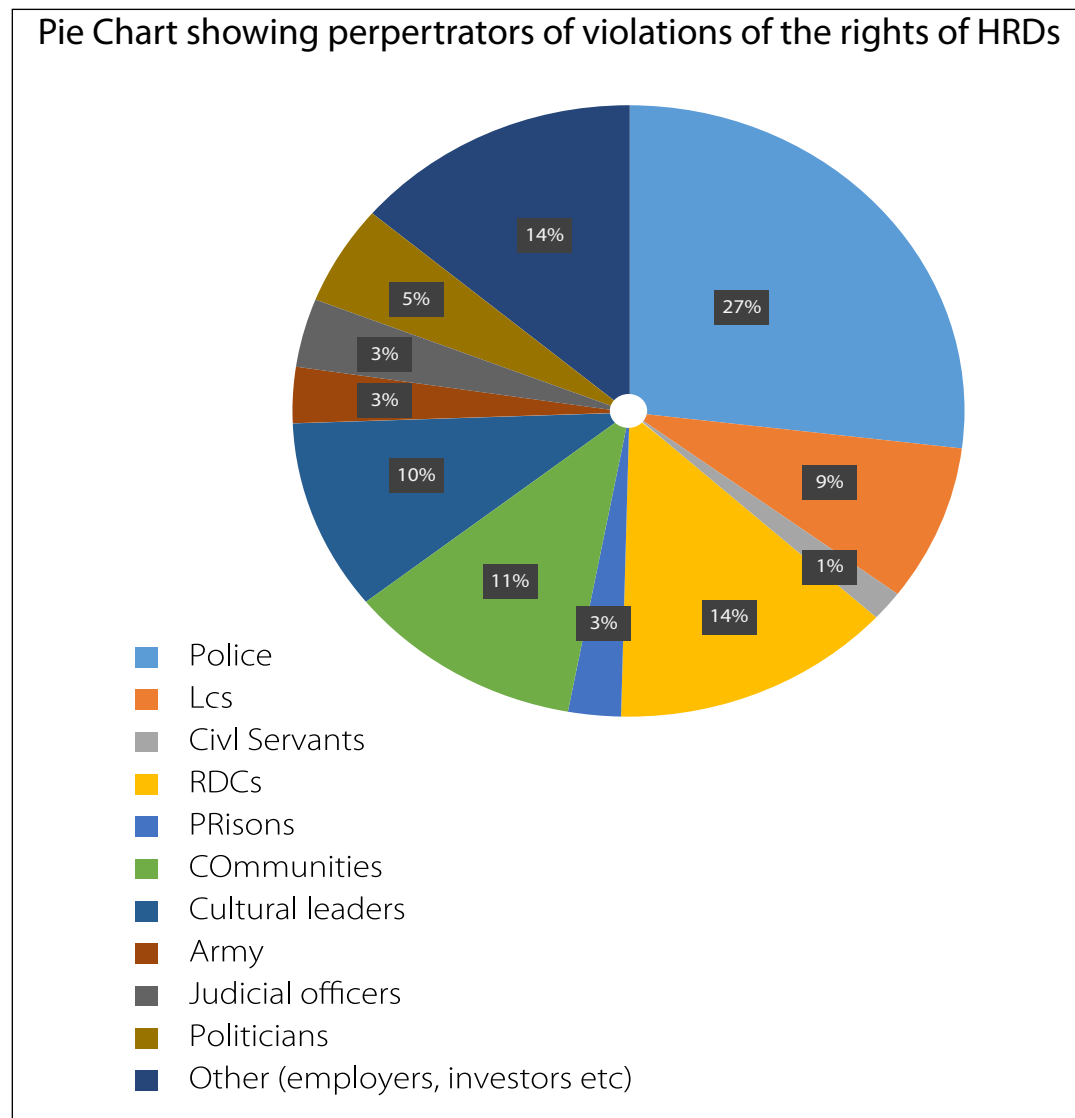
3.1.4 Summary of HRDs most at risk

The HRDs most at risk in 2014 were HRDs working on issues of oil and gas and other mineral resources as well as those that focused on governance and accountability who were commonly branded saboteurs of government programmes and traitors. The journalists also worked in an increasingly hostile environment especially those who covered demonstrations and protests or any situations that turned violent. The HRDs working on the rights of LGBTI also worked under tension and with caution especially following the passing of the Anti-Homosexuality Act 2014. Even though the law was subsequently nullified in courts of law, HRDs remained on tension given that there were efforts to have it re-tabled in Parliament.

3.1.5 Summary of the common perpetrators

Over 60% of the respondents reported that the perpetrators of these abuses were state agencies. This was a trend that cut across the country and was similar to the situation in 2013. The main perpetrators of the violations of the rights of HRDs were mainly security agencies especially Police and RDCs. The UPDF, local government officials and the communities also sometimes attacked HRDs doing their work.

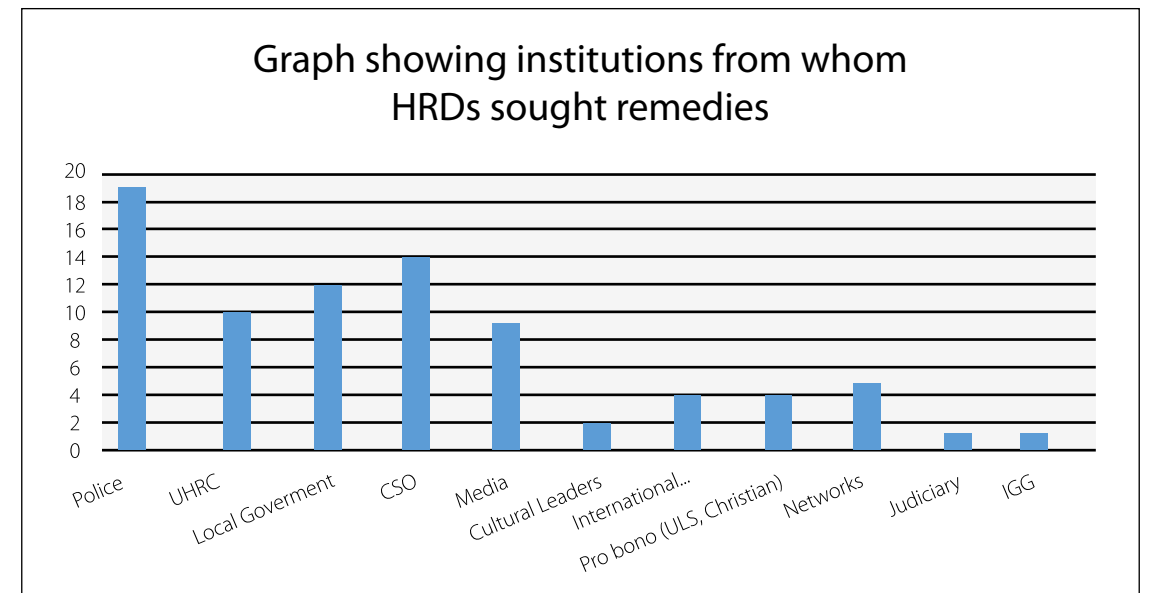
Figure 1: Violations of the rights of HRDs in 2014



3.2 The institutions where HRDs sought remedies

The HRDs whose rights were violated mostly sought remedies from the Police. Police was noted as the first point of call in reporting violations or abuses of rights. Other HRDs reported to the Uganda Human Rights Commission and the UN Office of the High Commissioner for Human Rights among others. Most HRDs belong to different networks at the regional and national level and some reported cases to the networks such as Human Rights Network (HURINET) and East and Horn of Africa Human Rights Defenders Project (EHAHRDP). Some HRDs also reported cases to international organisations such as Front Line Defenders and mechanisms like the UNSR.

Figure 3: Institutions from whom HRDs sought remedies



3.3 Conclusion

There is greater need to address the concerns raised by several HRDs, especially the desire to end impunity and hold the perpetrators of human rights abuses and violations accountable. As discussed, the trend was that the right to freedom of opinion and expression was constantly violated by both state actors and non-state actors. Journalists, media practitioners and all citizens be they male or female have a right to freely express their opinions and views as long as they do it within the law. It remains the responsibility of all stakeholders to advocate and continuously strive for the promotion and protection of this right.

There need for HRDs to understand their rights and responsibilities in order to work effectively was evident. In-depth knowledge and understanding of rights of HRDs would enable easy identification of their violations and reporting to relevant protection mechanisms. HRDs also need to consistently scan the working environment in order to devise means to deter occurrences of some human rights violations/abuses.

CHAPTER IV

SUCCESSSES, CHALLENGES AND GOOD PRACTICES

This chapter presents major successes by HRDs at both the national, regional and international levels as well as the good practices that have positively impacted on their work. It also highlights the challenges that HRDs have encountered in their work.

4.1. Successes

In 2014 some HRDs were recognised for their contribution towards the improvements in the promotion and protection of human rights in Uganda. In the past, contributions made by HRDs often remained unnoticed. However, since 2012 the culture of recognising HRDs has evolved and it is appreciated as a good virtue to acknowledge and reward good work.

4.1.1. The Uganda Female Lawyer of the Year 2014 Award

The Uganda Law Society through its Female Lawyers Committee on 19th September 2014 honoured outstanding and achieving women lawyers. These were women lawyers that were recognized for not only challenging, influencing or changing the practice of law, but for pushing boundaries, excelling in the legal profession, opening doors for other women and inspiring other younger women lawyers to excel⁵⁷.

⁵⁷Female Lawyer of the year: Lifetime Achievement Award: Margaret Sekaggya – Executive Director , Human Rights Centre Uganda, Female State Attorney of the Year: Directorate of Public Prosecution: Jane Francis Abodo – Head of Anti-Corruption, Female State Attorney of the Year: Attorney General's Chambers: Patricia Mutesi – Principal State Attorney , Attorney General's Chambers, Female Legal Practitioner of the Year: In House Counsel: Doris Akol – Company Secretary Uganda Revenue Authority, Female Legal Practitioner of the year: Private Legal Practice: Deepa V. Jivram – Managing Partner V J Associates, Female Human Rights Lawyer of the year: Lillian Keene Mugerwa – Chairperson Africa Platform on Social protection, Female Legal Academician of the year: Nakachwa Owiny Dollo – Deputy Director Makerere Law Development Centre, Upcoming Young Female Lawyer of the year: Irene Ikumo – Operator/ Manager Parliament Watch Uganda, Ugandan Law Society hosts first "Women in Law Awards", Lawyers for Africa Blog, accessed on 17th November 2014, <http://www.lawyersforafricablog.com/2014/10/ugandan-law-society-hosts-first-women-in-law-awards/>



Female Lawyers recognised by the Uganda Law Society in 2014

The Executive Director HRCU, Ms. Margaret Sekagya was among the awardees, receiving the Lifetime Achievement Award in recognition of the outstanding impact she had on the advancement of human rights practice in Uganda and at the international level.

4.1.2. European Union Human Rights Defenders' Awards⁵⁸

Ms. Gladys Canogura, the Executive Director of Kitgum Women Peace Initiative, Ms. Christine Alalo, Head Uganda Police Child and Family Protection Unit and Mr. Mohammed Ndifuna, Chief Executive Officer Human Rights Network–Uganda (HURINET) were recognised for their outstanding contribution in the promotion and protection of the universally recognized human rights and fundamental freedoms in Uganda.

⁵⁸The annual European Union Human Rights Defenders Award is given by the EU Member States, Norway and the EU Delegation in Uganda to recognise the achievements of Human Rights Defenders in Uganda. http://www.norway.go.ug/News_and_events/pressrelease/Winners-of-the-2014-EU-Human-Rights-Defenders-Award/#.VO7pEMLfrIU accessed on 17th November 2014



Front R-L: Ms. Gladys Canogura, The Executive Director of Kitgum Women Peace Initiative, Mr. Mohammed Ndifuna, Chief Executive Officer Human Rights Network – Uganda (HURINET) and Ms. Christine Alalo, Head Uganda Police Child and Family Protection Unit with the EU delegation members

During this ceremony, the Head of the Austrian Development Cooperation in Uganda Dr. Simone Knapp, who was also the host of the EU Human Rights Defenders Award ceremony 2014, recognised the role of HRDs and civil society organisations as indispensable partners for governments. She emphasised the need for HRDs to be protected and their work recognised.

4.1.3. Strengthened working relationships with state and non-state actors

HRDs successfully established strong support networks that enhanced their visibility as well as the understanding of state actors of the nature of human rights defence. In Arua, the Arua Justice Peace Commission (JPC) in collaboration with the Uganda Human Rights Commission (UHRC) established the Arua Elders Forum Network. This forum was used by HRDs, CSOs and government agencies to regularly discuss and resolve issues affecting the community. Similarly, with increased awareness of the mandates of CSO HRDs, state actors including the police, RDCs and LCs freely attended workshops and participated in activities organised by the CSOs. In Maracha district in West Nile, the police voluntarily escorted HRDs who had gone to investigate land conflicts in the district and protected them when the situation became violent.

4.1.4. Increased dialogue on contentious issues

Dialogues were held and opened up discussions that would otherwise have been shelved by communities due to fear of reprisals. HRDs in Bundibugyo participated in peace dialogue meetings when the clashes amongst the Bamba broke out in July 2014. In this respect, HRDs in this region endeavoured to sensitise the masses through the media emphasising the use of peace and reconciliation strategies, mutual dialogue and collaboration between the state and the alleged perpetrators as investigations were going on.

Through dialogues, communities were empowered to address their issues and seek redress. Consequently, this has fostered the growth of local council parliaments and tribunals specifically formed to address any issues affecting communities. In Otuke district a bridge collapsed and part of the community was cut off. Through community awareness, HRDs assembled a community parliament to implore civil servants and elected officials to work on the bridge. These HRDs made a follow up and established that the bridge had been repaired. In addition, HRDs noted that when engaged in dialogue, RDCs, police, prison warders were more responsive to the issues raised by HRDs.

4.1.5. Increased use of print and electronic media to highlight human rights issues

HRDs endeavoured to use the media to expose situations where the rights of HRDs were grossly violated. A case was cited of HRDs who condemned the rampant arbitrary arrests of persons; and the aggression and harassment of HRDs especially those who were deemed to be critical of government programmes and policies particularly, at the time laws that violated human rights were enacted. HRDs used radio talk shows to raise awareness on various human rights issues affecting their communities. A journalist working with Messiah FM situated in the western region stated that due to the demand by some listeners to address issues such as domestic violence, the radio station had to hire specialists to counsel and guide listeners. This practice was said to have influenced a positive change of attitude in the communities.

4.2. Challenges

HRDs both in civil society and within the state were able to engage in commendable work regarding the realisation of human rights and fundamental freedoms. However, this came at a cost given the fact that despite the selfless and charitable work they carry out on behalf of citizens, many HRDs experienced several challenges as discussed below.

4.2.1. Office break-ins

In 2014, a number of offices of HRD organisations such as HURINET, Uganda Land Alliance were broken into and various properties stolen or destroyed⁵⁹. The robbers took laptops, computers, Central

⁵⁹Ugandan human rights office vandalised in latest crackdown on civil society, Universal Human Rights Research Association, accessed on 7th January 2015 <http://uhrra.org/ugandan-human-rights-office-vandalised-in-latest-crackdown-on-civil-society/>

Processing Units (CPUs), cash and other vital information. In some instances, it was clear that the information files were carefully scrutinised and only those containing vital information were taken. The cause and motive of these acts were not established by the time of writing this report. This raised concerns and perception that the rampant office break-ins and thefts were linked to wrong elements within the population, who wished to interfere with the operations of NGOs as indicated in the table below. According to reports from the National NGO Forum, over 15 human rights organisations were broken into in 2014 under similar circumstances and no conclusive reports had been presented by the time of writing this report.

Table 1: Office Break-ins in 2014⁶⁰

Name of organisation/ Victim	Date alleged violation took place	Property stolen	Suspected perpetrators	Link between the violation and human rights work
Uganda Land Alliance (ULA)	Saturday May 17th, 2014	Computers, documents and money	The security guards	ULA focuses on lobbying and advocating for fair laws and policies that address the land rights of the poor, disadvantaged and vulnerable groups and individuals in Uganda
Human Rights Network (HURINET-U)	Sunday May 5th, 2014	Computers, cameras, laptops, server, money, some documents	The security guard because he abandoned his gun and disappeared.	The organisation strives for the promotion and protection of human rights in Uganda and also places efforts in police accountability and reform
Women and Girl Child Development Organisation (WGCD)	February 27th, 2014	One computer, one laptop and training materials	Community members	The organisation works to promote the rights of vulnerable children and women through empowering them with life skills and counseling
Environmental Alert (EA)	The night of 7TH January, 2014	Computers, laptops, TV sets, radios, flasks, internet modems, video camera, server, projectors, external hard drives, and several valuable documents	The night guard because he left his gun behind and disappeared.	Environmental Alert's work aims at contributing to improved livelihoods of vulnerable communities by enhancing agricultural productivity and sustainable natural resource management.

⁶⁰National NGO Forum records 2014.

4.2.2 Political interference

From the findings made, there were several incidents that point to consistent political interference as a hindrance to HRDs' work. HRDs expressed concern that they had not been able to interact with communities because of the restrictions provided under the POMA. RDCs, LCs and security agencies such as the police were highly affected by political interference as they had to be seen to support and enhance the policies and programmes of the ruling party.

There were clashes in Moyo district arising from a border dispute about an area in Wano village which was claimed by both Uganda and South Sudan as part of their territory. The clashes on the other hand were not resolved by the time of compiling this report due to political interference from the governments of Sudan and Uganda. Almost all respondents who discussed this issue categorically stated that local leaders did not have the capacity to solve the intertribal clashes because they were being handled as a political issue.

4.2.3 Limited Funding

It was generally reported by several HRDs that they faced challenges in acquiring information about what was actually happening on the ground due to limited funding and resources. In addition, infrastructural hindrances in form of poor roads, telecommunications break-down among others, affected any form of immediate intervention by HRDs.

It was also mentioned that some HRDs were working under very harsh conditions. Journalists, security agents, prison warders and RDCs were getting low salaries which sometimes were delayed or not paid at all. Job security at media houses was uncertain since media houses could be closed and journalists dismissed any time.

Most government facilities such as the police stations and prison facilities were in appalling conditions. A number of prisons in Mbarara and Gulu districts were constructed over 40 years ago and were dilapidated as well as overcrowded since they did not have the capacity to handle the increasing numbers of prisoners. These institutions were operating on a minimum budget and as such struggling to provide basic necessities such as water, food and electricity.

4.3. Good practices

Over the years, HRDs have adopted good practices⁶¹ that have facilitated advancement in the realisation and respect for human rights. These good practices that seem to cut across all regions are discussed below.

⁶¹The term "good practice" is preferred to "best practice," because in many situations, it is not possible to identify a single "best" approach. Similarly, a "best" approach in one situation may not be considered as successful in another situation. The good practices can be implemented by a wide range of actors, including all levels of government, civil society, the private sector, communities, and individuals.

4.3.1. Good working relationships with state agencies

HRDs that have cultivated strong working relations with state agencies operate smoothly without major challenges. These state agencies are mainly JLOS institutions that include the police, prisons and courts of Judicature. These institutions are mandated under the constitution to maintain law and order, deliver justice thus protecting and promoting human rights. In order to succeed, HRDs need to have a good working relationship with them as partners in the same struggle. The good working relationship can be initiated and maintained through regular meetings, courtesy calls and sharing/discussing different human rights issues/cases openly, capacity building and trying to find a solution/way forward together. Such relationships have created an enabling environment for HRDs to carry out their work since there is support from all stakeholders.

4.3.2. Understanding the working environment

HRDs that have taken time to analyse and understand their working environment have been relatively successful. This involves understanding the social, economic and political terrain in order to design appropriate strategies to address the human rights situation. It also involves carrying out a stakeholder mapping to understand those in support of the work done and those that are not. This helps in managing all stakeholders' expectations.

4.3.3. Regular community awareness campaigns

Having regular community based dialogues, public meetings and using radio talk shows as platforms to address human rights issues has been used by all HRDs be they state or non-state actors. These encourage local communities, civil servants and various stakeholders and build their capacity to address human rights issues affecting them. They also increase visibility of the work of HRDs and enhance coordination and networking with other stakeholders such as Government. Public dialogues particularly help in solving disputes peacefully and foster better understanding of the human rights issues and laws.

4.3.4 Use of proper documentation tools and methods

It is good practice for HRDs to consult, investigate and carry out factual reporting. Documentation involves keeping records in order to provide proof or evidence of certain issues. This method not only exposes issues affecting HRDs but also allows room to address them. This is important so that the information or the reports of HRDs are credible. This is achieved as a deliberate effort by the different HRDs in all aspects of their work. Having a credible team and cooperative stakeholders including the community members is a very important aspect in factual reporting. Documentation also enables HRDs to monitor services pledged by the state and other stakeholders, for instance through Poverty Resource Monitoring and Tracking (PRMT) programmes. In addition, evidence-based documentation enables journalists to report and write on sensitive issues impartially.

4.3.5. Good practice at the Regional level

At the regional level the participation of the Pan African Human Rights Defenders Network⁶² (PAHRDN) at the African Commission on Human and Peoples Rights presents a number of good practices that can be emulated. Over the years, its members have built a wealth of experience on how to participate effectively at the African Commission and collaborate with it.

Members of PAHRDN have taken part in a number of joint initiatives with the African Commission's Special Rapporteur on Human Rights Defenders in Africa, including the Study Group on Freedom of Association and Assembly in Africa as well as the Advisory Group on Women Human Rights Defenders⁶³. This has been done through joint meetings with the relevant commissioners or through organising joint side events. This has been very instrumental in reaching a larger audience and generating more debate on the issues raised.

Furthermore, members of PAHRDN have participated in joint initiatives with the different Special Rapporteurs with whom they have partnered. Cases have also been referred jointly and these have been featured in the African Commission activity report which also highlights steps taken by the Commission to provide remedies.

4.4 Conclusion

Good practices have developed over time and should be adopted by different HRDs in order to have smooth operations and create impact in their work. However it is important that HRDs continue to be innovative in their approaches in the noble work of human rights promotion and protection.

⁶²The Pan African Human Rights Defenders Network is a body mandated to promote and protect human and peoples' rights in Africa, as well as to interpret the provisions of the Charter. The Pan-African Human Rights Defenders Network (PAHRDN) brings together the five sub regional human rights defenders networks in Africa. All of the networks are active at the Commission.

⁶³Good practices for CSO Participation at the African Commission on Human and Peoples Rights by the Pan-African Human Rights Defenders Network, accessed on 27th February 2015 <http://civicus.org/index.php/en/expert-perspectives/2035-good-practices-for-cso-participation-at-the-african-commission-on-human-and-peoples-rights>

CHAPTER 5

RECOMMENDATIONS

This chapter summarises recommendations based on the findings from the research and information shared with HRCU. These recommendations are made to the government and CSOs. Every year HRCU endeavours to follow up on the recommendations to analyse how far they have been implemented or the positive steps taken towards implementation. It should be noted that some recommendations recur while others are new.

5.1. The Government of Uganda

1. It is the Government's primary responsibility to promote and protect human rights. It is therefore called upon to respect the international human rights standards to which it subscribes and respect the rights of HRDs and their contribution towards the achievement of human rights.
2. The Government should consider increasing budgetary allocations to the Justice Law and Order sector with specific focus on Prisons, Police and Judiciary. Proactive steps must be taken to ensure that it improves the environment in which they operate..
3. JLOS institutions should act expeditiously in administration of justice, specifically with regard to cases brought to court.
4. The government should take positive steps in sensitising the general public on their rights and responsibilities to empower them to become proactive in identifying and reporting human rights violations.
5. Government should take the lead in holding the perpetrators of human rights abuses and violations accountable and ending impunity.

5.2. Civil Society Organisations

- A. HRDs need to strategically identify the priorities of the communities in order to design the best approaches and interventions to tackle the human rights challenges that need to be addressed within their communities.
- B. There is need to increase dialogue with key stakeholders especially members of Parliament, RDCs and security agencies on human rights and their role in the promotion and protection of human rights.
- C. HRDs should lobby for the newly appointed UNSR, Mr. Michel Forst to undertake a country visit to Uganda in order to raise attention to the issues faced by HRDs at the international level.
- D. HRDs should have an in-depth understanding of their rights, responsibilities, and legislations in order to work effectively. This will enable easy identification of their violations and reporting to relevant protection mechanisms.
- E. HRDs need to adopt evidence based-documentation which is paramount in proving allegations of human rights violations when remedies are sought.
- F. HRDs are encouraged to increase the use of print and electronic media to highlight human rights issues. They should also take advantage of new media and technology to design new structures to popularise the work of HRDs and spread the human rights message.
- G. HRDs are encouraged to utilise the mechanisms at the regional levels in addition to those at the national level to further increase their protection.

5.3. Recommendations which recurred

The table below outlines previous recommendations that recurred in 2014. The recurrence of the recommendations may be a manifestation of the same challenges in the working environment of HRDs.

Table 2: Recurrent recommendations

Recommendations
The government needs to increase the budgets it allocates to State institutions
Court cases should be handled expeditiously in order to ensure access to justice
Enact a specific law that protects and recognises the work and role of HRDs. The domestication of the Declaration on HRDs would enable them work in an environment that enhances promotion and protection of their rights.
HRDs need to adopt advocacy skills that lobby for legislative changes and legal mechanisms consistent with democratic institutions with focus on innovative human rights education and consciousness raising.

5.4 Previous recommendations being implemented

Previous Recommendation	Progress
CSOs and state agents should collaborate to enhance realisation of human rights and effective enforcement of laws	A number of CSOs and state agents revealed to the research team that they collaborate with each other to promote human rights through sensitisation programmes
HRDs should utilise existing structures such as district committees in all districts to address human rights issues. CSOs should take advantage of any community arena such as church, community meetings to sensitise the communities about rights.	Some HRDs joined or formed district committees to promote human rights.
HRDs should utilise the media to sensitise the communities about human rights and responsibilities as well as updates on emerging issues. This could be through radio talk shows, television talk shows or newspapers	Some HRDs used the media such as the radio to sensitise communities about human rights
CSOs should promote dialogue whenever there is conflict. Arbitration can bring peace and harmony in the country and avert tensions.	Alternative dispute resolutions was used by a number of HRDs whenever they were called in to arbitrate conflicts

The Human Rights Centre Uganda



Defending Human Rights Defenders

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