

Human Rights in Uganda

Introduction

Uganda's long-standing president, Yoweri Museveni, and his ruling party, the National Resistance Movement (NRM), was declared winners of the fifth presidential and parliamentary elections held in February 2016. Both local and international observers, however, concluded that the elections did "fall short of democratic benchmarks."¹

Recently, a bill to make constitutional amendments in electoral matters was presented in Uganda. One of the provisions in the bill would lift the age-limit on presidential candidates which would favour the incumbent President who is now 73 years old.

While Museveni's 30-year reign has brought relative stability and economic growth to the country, the track record of his administration's respect for basic rights and freedoms is dismal. The human rights development in Uganda remains fragile. Where an overlap between the ruling party and the State is pervasive, the government institutions have very little space to provide any impartial service to all citizens.

The unstable human rights environment in Uganda exists not least due to the introduction of increasingly restrictive legislation, and the lack of independence in several state institutions. As the political space keeps shrinking, the activity of opposition groups has become severely limited. As a result, the public discourse suffocates, and critical voices including journalists are increasingly crowded out.

¹ http://eeas.europa.eu/archives/eueom/missions/2016/uganda/pdf/uganda-fr-forprint-14-04-2016_en.pdf

Government forces are the primary violators of human rights in Uganda. In 2014 and 2015 respectively, the Ugandan Human Rights Commission (UHRC) reported that the highest number of human rights complaints were submitted against the Ugandan Police Force. This is a trend that has been evident also in previous years. In addition, among the top five recipients of complaints that have been lodged to the UHRC in the last six years are the Ugandan Peoples' Defence Forces (UPDF), local governments, and Uganda Prisons Services.²

Summary Uganda

Official name: Republic of Uganda

Population: 41,487,965 (2016)

Form of Government: Presidential Republic

Head of State: President Yoweri Museveni (since Jan 1986)

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Freedom Status: Not Free (2016)

Press Freedom Index: 112/180 (2017)

Corruption Perception Index: 151/176 (2016)

Uganda is currently hosting more than one million South Sudanese refugees as well as hundreds of thousands refugees from the Democratic Republic of Congo and Eritrea. In the conflict and peace making process in South Sudan, Uganda has stood out as a key player since the young country entered into a renewed civil war in 2013.

Between 1980 and 2008, Uganda has ratified ten international UN conventions. This can be seen as commendable when compared to several other countries in Africa. One of the conventions that Uganda has however not ratified is the Convention for the Protection of All Persons from Enforced Disappearance (CED).

² [UHRC 17th and 18th Annual Reports](#)

The Situation for Human Rights Defenders

Over the past year, there have been frequent reports of how journalists have been attacked, and how new legislation has been used as a tool to silence them. In October 2016, the so called Non-Governmental Organisations Act (NGO Act) came into force. This piece of legislation has a direct effect on Uganda's civil society, especially for those working in the field of human rights. Among other things, the law includes a vaguely phrased restriction which forbids NGOs to engage in activities that do not go in line with the "interests or dignity of the people of Uganda". However, no clarification of what this entails is included.³

The Public Order Management (POMA) has extended the power of the police and other security forces, which has resulted in a growing trend of violence and intimidation directed towards political opponents, human rights defenders (HRDs) and journalists. The law has been used frequently, especially during the pre-election in 2016 where numerous incidents against opposition members and journalists took place.⁴

Despite the hostile environment in which HRDs are forced to work in, they have still been able to challenge the government significantly when it comes to certain issues. Even though the restrictive legislation has stayed in place, efforts by HRDs have resulted in the invalidation of some of the extreme provisions, and has further highlighted and recognised the work that is undertaken.

Nevertheless, the crack-down on freedom of speech, assembly and association has significantly obstructed the ability for the civil society to investigate and report on human rights violations in the country. HRDs who are working to protect and promote the rights of the LGBT community are particularly at risk. The Anti-Homophobia Act (AHA) has drastically exacerbated the working environment, and those who are perceived to be tackling sexual minority issues are now facing harassment, abuse and the risk of arbitrary arrests. Despite the annulment of the Act, the negative effects of the provisions are still present, and the rising homophobia and the targeted abuse of lesbian, gay, bisexual, transgender and intersex (LGBTI) activists remain major issues.

³ <https://www.ishr.ch/sites/default/files/documents/uganda.pdf>

⁴ <https://www.hrw.org/world-report/2017/country-chapters/uganda>

The relationship between journalists and the Ugandan police has deteriorated significantly over the last few years. The majority of human rights violations against journalists are carried out by the police, who have been accused of excessive use of force, and the confiscation and destruction of equipment. The government is continuously accused of attempting to silence critical coverage through regularly imprisoning journalists on false defamation charges. HRDs who are working on issues concerning natural resources, governance and accountability have been particularly vulnerable as they are regularly considered traitors or saboteurs to the country's development.

Several civil society organisations have reported that they have received threats and have had their offices broken into. The break-ins have appeared to be attempts to obtain information that the organisations have compiled concerning human rights abuses. According to local CSOs, there has not been any serious investigations conducted with regards to the break-ins.

Civil and Political Rights in Focus

The right to life and physical integrity

The right to life (ICCPR article 6) is implemented by legislation through the Government. It is however not respected on the practical level in Uganda. Government forces are continuously accused of carrying out serious human rights violations against the civilian population, including the use of lethal force against protestors and bystanders without clear justification.

During the 2016 election, incidents connected to the police or military officials' use of violence in attempts to stop opposition demonstrations and protests resulted in the loss of several lives. In the end of 2016, the violent situation in the Rwenzori region escalated and resulted in casualties, and the lack of investigation has left the cases of violence unsolved.⁵ During the post-election time, there were reports of killings and violence directed towards opposition leaders, in particular in the south western part of the country.⁶ At least 22

⁵ <http://www.fhri.or.ug/index.php/2015-07-22-14-08-32/thematic-reports/69-human-rights-and-elections-in-uganda-2016-a-call-for-action/file>

⁶ <http://www.reuters.com/article/us-uganda-security-idUSKCN0WG1G4>

protestors were killed as a result of local post-election violence in 2016.⁷

Reports have suggested that in response to the bloody ethnic violence in western Uganda in 2014, government forces participated in reprisal attacks and torture. These attacks targeted the supposed instigators of the conflict, and witnesses have spoken of brutal tactics used by the police and other security forces, including indiscriminate shootings and beatings with stones, sticks and guns.⁸ Death penalty remains in law but no executions have been carried out since 2005.⁹

Allegations of excessive force used by government troops are not new in Uganda. The riots in 2009 and 2011 resulted in terrible abuses by government troops, including the use of torture against detainees as well as extrajudicial killings and deaths. Live ammunition was in both of these instances fired at the protesting crowds, killing dozens, including non-protesting children and women.

The right to liberty and security of person

Arbitrary arrests and pre-trial detentions remain serious issues in Uganda. The country has a long history of unlawful imprisonment of the political opposition and perceived dissidents. The drafting of new repressive legislation has entrenched this trend, where the government increasingly targets journalists, HRDs and political leaders that are critical of the current administration. The government's crackdown on perceived dissents has been achieved through arbitrary arrests, intimidation and politically motivated charges. During the 2016 election, the opposition candidate Kizza Besigye from the Forum of Democratic Change (FDC) was detained in house arrest during the final time of campaigning. Furthermore, after expressing mistrust against President Museveni and his ruling party conveying a "Defiance campaign", Besigye was charged and sent to prison for treason.

The arbitrary arrests and detentions of homeless youths continue to occur with impunity. Children living on the streets are routinely 'rounded up' and arrested on made up charges or no charges at all. These round-ups have been reported to increase before special events in attempts to 'clean up' the streets. Police

⁷ <https://guardian.ng/news/22-die-in-ugandan-post-election-violence/>

⁸ <https://www.hrw.org/news/2016/11/28/uganda-investigate-killings-rwenzori-region>

⁹ <http://news.bbc.co.uk/2/hi/7841749.stm>

have been reported to extort money from the children or other members of the community to facilitate their release.

Conditions in Ugandan prisons remain dire. Overcrowding is common and food and water resources are scarce. And with no real toilets in the cells, urine and excrement usually cover the same floor that prisoners are forced to sleep on. Violence between inmates is also common and rarely prompts any action from the guards who generally turn a blind eye to it.

The right to a fair trial and an effective remedy

The criminal justice system in Uganda is riddled with widespread corruption and procedural and structural inadequacies, which has impeded access to justice for many people in the country. Ineffective and lengthy drawn-out trials hampered by delays have resulted in a massive backlog of cases and prolonged pre-trial detentions.

The Government of Uganda has, on numerous occasions, promised to investigate the deaths of at least 40 civilians during the 2009 riots that rocked the nation. Despite this, no progress has been made and no police or military officials have been charged and held accountable. This is not uncommon, as the increasing political interference in the legal system continues to obstruct justice and fair trial processes.

Some progress has been made when it comes to international justice. The International Criminal Court's (ICC) arrest warrants from 2005 against Joseph Kony and three other commanders remain in force. Kony, the leader of the brutal Lord's Resistance Army (LRA) continues to evade the law and remains at large. However, Dominic Ongwen, a feared LRA commander, was the first LRA member to appear before the court and has been charged with crimes against humanity and war crimes. Despite the slight progress that has been made, future pursuits of justice for international crimes may be hampered with the current push by the Government to distance themselves from the ICC.¹⁰ In addition to this, Colonel Thomas Kwoyelo, another LRA commander who has been imprisoned since March 2009, is standing pre-trial for crimes against humanity before the International Crime Division of Uganda's High Court. The

¹⁰ <https://www.amnesty.org/en/countries/africa/uganda/report-uganda/>

proceedings have however been delayed several times and resulted in multiple pre-trials during 2017. At the time of writing, no new date is set for the main trial.¹¹

The Anti-Terrorism Amendment Bill of 2017 passed through the parliament after having been up for discussion three times in the last three years. The new amendment act includes a proscription of any form of terrorism without any need of investigation regarding the intent. The parliament decided to remove a clause which will give power to the internal affairs minister to define a terror suspect without further investigation.¹²

The right to freedom of thought, conscience and religion

Article 29 in Uganda's constitution protects freedom of conscience, thought and religion. Uganda has not recognised a formal state religion. Some religious minority groups have refused to participate in government programmes and, therefore, the district security councils depicted these groups as "cults" in a public report.¹³ "Cult" is used to identify the leader of a religious assembly. Some NGOs with religious background have been denied registration with the motivation that the religious groups are based on commercial interests.¹⁴

The right to the freedom of expression

The rights to freedom of expression and free press continue to be restricted by the Government. There have been increased efforts to control the work of journalists and media houses. Despite constitutional provisions that protect the freedom of speech, the working environment for journalists and media outlets is steadily deteriorating. A survey from 2012 showed that 85 percent of Ugandans think that the media should constantly investigate and report on

¹¹ <https://www.ijmonitor.org/2017/07/ugandan-court-fails-to-hold-confirmation-of-charges-hearing-in-kwoyelo-case/>

¹² <http://allafrica.com/stories/201704060337.html>

¹³ "(...) "cult" as a system of religious worship, often with a charismatic leader, which indoctrinated members with "unorthodox or extremist" views, practices, or beliefs. District security councils had the authority to determine whether a group was a "cult."
<https://www.state.gov/documents/organization/256295.pdf>

¹⁴ <http://www.refworld.org/docid/4cf2d05b82.html>

governmental mistakes and corruption.¹⁵

The police are one of the main violators of media freedoms in the country, and journalists that are perceived to be critical of the Government often face harassment, intimidation and physical abuse. Attacks on journalists are very rarely investigated as the police is generally protected from prosecution by other state agencies. The violations are however not only confined to the police – a worrying trend that has begun to develop is that Uganda’s judiciaries have increased their efforts to undermine the importance of the media and access to information. Judges have barred journalists from accessing courts and reporting on certain cases. They have even gone as far as detaining the journalists that try to do so, as well as confiscating their equipment.

Similarly, Uganda’s media sector has faced increased repression and restrictions from the Government. With escalating government constraints and intimidation, many journalists and media houses, which have been openly critical of the Government, have been forced to self-censor their coverage. During the election year of 2016, security forces carried out several attacks on the media and radio stations in the country. These all shared the common variable of expressing criticism against the Government.¹⁶ These, and previous, acts have led to a situation where media outlets live in fear of state repercussions, which underline the deterioration of press freedoms and freedom of expression in the country.

On the election day during the last election in 2016, Museveni blocked different social media channels in the country as he intended to stop people from “telling lies” about his party. In relation to the election, the police arrested two journalists for publishing a picture of a dead body that the newspaper identified as one of the Ugandan presidential candidate’s chief of security. The identified man had been missing for several weeks. The publisher and the editor were arrested for 24 hours without any contact from the outside as the police wanted to know the source of the published photograph.¹⁷

The cybercrime law that came into force in June 2016 regulates public interest

¹⁵ <http://www.afrobarometer.org/countries/uganda-0>

¹⁶ <https://www.amnesty.org/en/countries/africa/uganda/report-uganda/>

¹⁷ <http://www.dw.com/en/rights-group-highlights-election-media-clampdown-in-uganda/a-18972015>

in matters of freedom of speech, which could be seen as an effort of a direct way to make citizens fear their voices online. There have been cases where journalists have been charged with “abetting terrorism”, and this legislation has been used when journalists report on situations where photographs are taken during violent situations.¹⁸

Furthermore, the Anti-Terrorism Act from 2002 provides means for the president to call out a group as a terrorist organisation without any form of juridical procedure. The Act’s definition of a terrorist organisation is wide and could be applied on numerous organisations.

The right to freedom of assembly and association

Despite the presence of constitutional provisions that guarantee the right to freedom of assembly and association, the government of Uganda continues its crackdown on public meetings and civil society groups. Central to the government’s increasingly repressive stance has been the passing of new legislation.

The right to hold public meetings and peaceful gatherings has been severely restricted by the Public Orders Management Act (POMA), which was signed into law in 2013. The Act requires groups and organisations to register with the local police before any gathering that addresses political issues can take place. This provision essentially extends the power of the police by granting them the authority to permit or prohibit any public meeting. The Act has been used by the government to undermine any attempts to voice opposition against the administration. Political parties of the opposition have been adversely affected, with demonstrations regularly blocked or delayed due to procedural technicalities. Likewise, peaceful protests held by students and youths have ended in mass arrests and detentions by police, who have deemed the gatherings unlawful under the POMA.

Uganda has a relatively thriving civil society, with thousands of NGOs operating in the country. Despite this, these organisations are susceptible to legal and operational restrictions. Current legislation requires all NGOs to register with the state, a provision that has been utilised by the government to delay or hinder

¹⁸ <https://www.hrw.org/news/2016/11/28/uganda-investigate-killings-rwenzori-region>

work done by organisations that have been deemed not-friendly to the government, or sympathetic to the opposition. This obstruction is a trend that has been affecting NGOs that are working on sensitive issues such as violations of human rights, oil revenue transparency, land acquisition compensation, and the rights of LGBT persons. Reports abound that such groups face harassment, threats and abuse, and several have claimed that their offices have been broken into and vandalised.

In the beginning of 2016, Museveni signed a Non-Governmental Organisations Act (NGO Act). The act has been criticised for introducing further restrictions on the right to freedom of assembly and association, especially since it includes the vague phrasing that NGOs may “not engage in any act which is prejudicial to the interests of Uganda or the dignity of the people of Uganda”. The bill puts pressure on NGOs, especially since it does not provide a clarification of the meaning of “dignity of the people”. If the bill remains in this format, there will be risks of more consequences in the future.

The right to political rights

For the past 30 years, one party has effectively ruled Uganda. The National Resistance Movement (NRM) is the dominant party in the country while several other smaller parties make up the opposition. Despite the claim of a multi-party system, opposition parties have been hindered by harassment, regulatory restriction, and a lack of access to state media coverage, which effectively neutralises them as a political threat. Efforts have been undertaken by the ruling party to consolidate support and to silence any perceived dissident. Fundamental to these policies is the party’s close affiliation with the military, which provides powerful support for the President and the NRM.

Both the 2011 and the 2016 election results were heavily contested by opposition parties who claimed that Museveni used large amounts of the taxpayers’ money to run his campaign. Related reports claim that the money also was used to bribe voters, candidates and electoral officials.

During the 2011 election, numerous incidents of violence, hate speech and extrajudicial killings directed towards HRDs were reported. Also journalists reported about attempts that had been made to silence them. The crackdown on political protests, press freedom, and general criticism of the administration

later continued during the 2016 election. Furthermore, the 2016 election was criticised for not complying with the international democratic standards of being free and fair.¹⁹

Out of 176 countries, the Corruption Perception Index ranked Uganda as number 151 in 2016. This visualises the lack of accountability and transparency in the political system. Compared to previous years, the index reveals a trend of increasing corruption in the country.²⁰

The right to protection against discrimination

Several groups in Uganda face systematic repression and discrimination, not only from the society they live in, but from legislation that has been enacted by the state. The LGBT community is afforded no legal protection and remains one of the most repressed and exploited groups in Uganda. Same-sex relationships are criminalised under a colonial-era law. Even though the infamous “Uganda Anti-Homosexuality Act 2014” (AHA) was ultimately found unconstitutional and was suspended by the court on procedural grounds, the wave of homophobic rhetoric has left the LGBT community in a very vulnerable position. Existing legislation still punishes same-sex relationships with up to 14 years in prison.²¹

Although the AHA has been annulled, it incited a new wave of homophobia in the country, which resulted in an increase in abuse, attacks and arbitrary arrests of suspected LGBT persons. The AHA has created a culture of extreme homophobia that legitimises violence against the LGBT community, and the government’s stance towards same-sex relationships remains extremely oppressive. The country’s Minister of Ethics and Integrity has been accused of systematically targeting LGBT persons. Among other things, it has been revealed that he has purchased a software that could detect “homos” and porn actors who are “misusing applications like WhatsApp with sex acts”.²²

Homeless children living on the streets are also adversely affected in Uganda. They are treated as a part of a larger crime problem and are often suspected

¹⁹ <https://www.hrw.org/news/2016/05/10/dispatches-ominous-shadows-over-musevenis-inauguration>

²⁰ http://www.transparency.org/news/feature/corruption_perceptions_index_2016#regional

²¹ <http://www.newsweek.com/uganda-russia-homophobia-spreading-worldwide-230358>

²² <http://sexualminoritiesuganda.com/ugandas-pornography-control-committee-to-get-away-with-tracking-lgbt-people-in-uganda/>

first when crimes are committed. They face constant harassment and physical abuse from police officers who routinely beat them with batons and whips, and force the children give up whatever small sums of money they have in order to avoid further abuse. This type of extortion is common when it comes to street children who are regularly arbitrarily detained and forced to pay for their freedom.

Street children are also systematically exploited by the communities in which they live. They are regularly abused by older children or adults, and are often forced to pay “rent” for staying with certain groups in certain areas. They are often coerced into committing crimes, and not seldom they face sexual abuse from older members. These crimes are rarely reported due to fear of reprisals and fear of being arrested instead of helped by the police. Despite the presence of strong domestic legislation that protects children, the government of Uganda has failed to live up to their obligations. As a result, the systematic physical and sexual abuse by the police, local authorities and other street children continue to occur.

The Committee on the Rights of Persons with Disabilities (CRPD) has expressed concerns about Uganda’s treatment regarding the situation for persons with disabilities. The committee argued that the legislation is not in line with the convention.

The role of Civil Rights Defenders in Uganda

While Civil Rights Defenders’ presence in the country is relatively new, we have taken progressive steps in establishing strong local partnerships. Civil Rights Defenders works closely with local CSOs who focus on human rights. The National Coalition of Human Rights Defenders-Uganda (NCHRD-U)²³ is one of our key partners in the country. The Coalition is an umbrella of individuals and organisations that work to promote and protect human rights and their defenders. Our close collaboration with the NCHRD-U enables us to reach a wide spectrum of HRDs across Uganda. We provide support to the Coalition’s

²³ <http://www.hrdcoalition.ug/>

member organisations and individuals by providing training, grants and emergency support for HRDs at risk.

Our partnership with Unwanted Witness-Uganda²⁴ has made a tangible contribution to, among other things, the cyber security and privacy debate. Civil Rights Defenders and Unwanted Witness-Uganda have, in collaboration with Uppsala University, made an assessment of Uganda's cyber laws. The analysis was subsequently published²⁵ and used by many actors to advocate for better laws governing cyber security and privacy. Unwanted Witness-Uganda has engaged members of parliament to convey the key findings of the analysis and to inspire legislative changes. The organisation has further challenged the government in court for unlawful online restrictions.

Another local partner that Civil Rights Defenders has been working with is Sexual Minorities Uganda (SMUG).²⁶ Five of the members of the network are among the HRDs at risk that are included in our Natalia Project – the world's first assault alarm and positioning system for human rights defenders at risk. In addition, our collaboration to improve the digital and physical safety of the network is a noticeable endeavour.

Civil Rights Defenders strategic partner in the region is the East and Horn of Africa Human Rights Defenders Project (DefendDefenders), which is based in Kampala, Uganda.

Civil Rights Defenders joins hands with local and international organisations in order to highlight the state of human rights and the situation for HRDs in the country. We closely monitor and follow the developments in the country. Our strategy foresees a stronger and wider collaboration with Ugandan CSOs in the coming years.

²⁴ <https://unwantedwitness.or.ug/>

²⁵ <https://www.civilrightsdefenders.org/files/Analysed-cyber-laws-of-Uganda.pdf>

²⁶ <http://sexualminoritiesuganda.com/>