



UGANDA: CIVIC SPACE INDEX 2023



A publication of:

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The Civic Space Index Report has been published annually since 2021, with a progressively improved quality and coverage of assessment. This has been made possible by numerous individual Human Rights Defenders and our 60 partner members who work courageously under challenging circumstances often putting their lives on the line to promote and protect human rights.

The national survey could not have been possible without the exceptional hard work of the NCHRD-U Secretariat staff who led the design and data collection process for this Index. Special gratitude is extended to the Capacity Building Manager, Prosy Babirye Wandera, and Program Assistant, Frank Kigoye who coordinated internal processes with our six working groups namely: HRDs in Oil and Extractives, Women HRDs; LGBTI HRDs; Pastoralists; The Batwa and other Indigenous communities and the Journalists fraternity to collect perceptions from the NCHRD-U eight sub-regional structures. These sub-regional structures are collectively involved in all aspects of human rights promotion, protection, and observance which inform this report.

We are particularly grateful to the United States Agency for International Development's Rights and Justice activity (USAID/ RAJA) whose generous grant has enabled us to consistently conduct the civic space assessment since 2021. Our deepest appreciation also goes to our partner organizations, which provide critical support to Human Rights Defenders through peer collaboration, capacity-building, emergency support mechanisms, and finance for many aspects of our Human Rights Defense work. These partners include but are not limited to DefendDefenders, the Democratic Governance Facility (DGF), Civil Rights Defenders, Uganda Human Rights Commission (UHRC), Diakonia, the United Nations Office of the Human Rights Commissioner, and others.

Since 2013, NCHRD-U has played a unique role in coordinating the work of individual human rights defenders, the fraternity of lawyers, journalists, health workers, environmental human rights defenders, and women rights defender organizations spread across Uganda. This coordination has helped Human Rights Defenders (HRDs) to defend themselves and others against State and privately organized threats and attacks that arise as they advocate and defend constitutionally provided rights. We extend our deepest appreciation to the HRDs and partner representatives who actively contributed to this report as respondents, providing invaluable insights through select key informants' interviews, physical and online surveys that inform this Index.

Finally, we appreciate the many civil servants in various arms of government for continuing to foster the functioning spaces and remarkable good governance standards, the rule of law, and for enabling citizens to shape our societies for the better, notwithstanding the many constraints. Suffice it to reiterate that Article 38 of the 1995 Constitution of the Republic of Uganda guarantees participation in civic rights and activities by providing that "every Uganda citizen shall have a right to participate in the affairs of government individually or through his or her representatives in accordance with the law."

It is our hope that the Ugandan government will continue to create an enabling environment for every willing Ugandan to participate in peaceful activities and influence the policies of government through civic engagement.

Robert Kirenga

Executive Director

Foreword

It is my pleasure to write this foreword to the third edition of NCHRD-U's flagship publication, Uganda: Civic Space Index, 2023. The overall purpose of this Civic Space Index is to provide constantly updated information and analysis on the state of space for civil society and citizen activism in Uganda. The Index is a compilation of a succinct review of documented evidence, international and national (datasets and reports), and qualitative assessment of civic space in Uganda according to five dimensions (freedoms of information and expression; rights of assembly and association; citizen participation; non-discrimination/inclusion; and human rights/rule of law).

Over the past decade, both domestic and international rights organizations report that the Government of Uganda has become increasingly intolerant of criticism, whether from civil society or political opposition. This Index and two other Indexes produced in 2021 and 2022 documented attempts to suppress dissenting voices legally and silence political opposition using controversial laws such as the recently passed Computer Misuse Act (2022) and the Public Order Management Act (2013) the NGO Act (2016), the Anti-Terrorism Act (2002), and the Press and Media Act (2000).

NCHRD-U is committed to protecting and promoting the work of Human Rights Defenders and to ensuring that Uganda's civic space environment is safe and secure for all Ugandans and foreigners. We do so by cultivating relationships with local, national, regional, and international stakeholders. This Index is to be used to advocate for the improvement of civic space, network with like-minded organizations, and support the vibrancy of Uganda's civic and political space by building the capacity of individual and organizational HRDs and organizations.

We urge the government to allow civil society to freely contribute to the political, economic, and social life of our societies without restraint, and in line with the constitution of Uganda and other international human rights conventions she ratified. We believe that an enabling civic space will allow individuals and groups to contribute to policy-making that affects their lives, including accessing information, engaging in dialogue, expressing dissent or disagreement, and joining together to express their views.

We believe that reclaiming civic space is a legal process that requires a multi-faceted and harmonized approach that prizes trust between the State arms and civil society. It is our hope that this Index will trigger dialogue on issues affecting civic space, internally with Human Rights Defenders organizations and externally with the government both in invited spaces and by other legal means available.

I encourage you to read the report and join hands with the National Coalition of Human Rights Defenders - Uganda in promoting and defending human rights in Uganda. Together, we can create a just and equitable society where fundamental freedoms are protected and human rights are respected.

Margaret Sekaggya

Chairperson Board of Directors

1.0 Introduction

There is no single agreed definition of civic space in academic literature. Organizations, such as CIVICUS, the International Center for Not-for-Profit Law (ICNL), ARTICLE 19, and The Civic Space Initiative (CSI), provide a useful definition most used by practitioners.



Civic space is the set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination, and in so doing, influence the political and social structures around them.

They go on to explain the importance of civic space: 'By forming associations, by speaking out on issues of public concern, by gathering together in online and offline fora, and by participating in public decision making, individuals use civic space to solve problems and improve lives. A robust and protected civic space forms the cornerstone of accountable, responsive democratic governance and stable societies¹.

The Uganda Civic Space Index, now in its third year, presents a broad measure of civic space, understood as the absence of coercive constraint. This report provides publicities on the reviewed available evidence, international and national (datasets and reports) on the status of civic space in Uganda, mirrored in globally recognized 5 dimensions of civic space (freedoms of information and expression, rights of assembly and association, citizen participation, non-discrimination/inclusion, and human rights/rule of law). The guiding document has been the Transparency and Accountability Initiative (TAI) document "Improving the Measurement of Civic Space."²

Uganda: Civic Space Index 2023 provides a condensed assessment of how state actions have impacted the environment to the extent to which Human Rights Defenders and other civil society actors now have limited space to speak, access information, associate, organize, and participate in public decision-making without fear of unlawful restraint, persecution or

harassment. The motivation for the assessment is driven by the NCHRD-U's desire to have a coherent understanding of the forces at play in constraining or protecting the civic space within which she can deliver her mandate. As such the Index is informed by the experiences of Human Rights Defenders (HRDs) and other civic actors who are seeking a healthy functioning and development of the Ugandan society that has accountable governance and social justice.

The NCHRD-U is drawing attention to the state of civic space in the country to mobilize the collective voice and action of civil society actors and citizens to advocate for a positive working environment by seeking for government to revise oppressive laws and rein hostile actions by some government actors. During the reporting period, three out of the five dimensions of civic space continued to witness record high restrictions, in some cases the restrictions were violently enforced leading to loss of life, injury, and long periods of detention. The Rule of Law, Freedom of Information and Expression, and the Rights of Assembly and Association were perceived to have had the most widespread harassment, intimidation, and attacks on HRDs, politicians, and civil society organizations that work on democracy, rights, and governance.

Furthermore, the LGBT+ community's existence in Uganda faces uncertainty following the passing of a new anti-homosexuality bill in March 2023. The new Bill criminalizes same-sex acts, including broad prohibitions on acts such as touching another person "with the intention of committing the act of homosexuality." The Bill also criminalizes those who identify "as a lesbian, gay, transgender, queer, or any other sexual or gender identity contrary to the binary categories of male and female." It proposes a 10-year jail term for those who identify as LGBT+. Additionally, the proposed Bill declares it unlawful to "purport to contract a marriage with another person of the same sex." The proposed law stipulates that the "promotion of homosexuality" is punishable by up to five years in jail. It essentially declares that all same-sex acts are non-consensual and targets landlords, brothel proprietors, chief executives of pro-gay organizations, journalists, publishers, and film directors with imprisonment or fines³.

The Civic Space assessment concluded that clashes and tensions regarding the exercise of freedom

¹ CIVICUS, Guide to Reporting on Civic Space: Media Toolkit, page 4, <http://www.civicus.org/documents/reports-and-publications/reporting-civic-space/Guide-to-Reporting-Civic-Space-Media-Toolkit>

² <http://www.lasociedadcivil.org/wp-content/uploads/2015/06/TAI-Civic-Space-Study-v13-FINAL1.pdf>

³ Monitor, "How new anti-gay Bill will affect you" 6 March 2023, <https://www.monitor.co.ug/uganda/news/national/how-new-anti-gay-bill-will-affect-you-4147430>

of peaceful assembly, in particular by political opposition members and supporters were considered to be most harsh. This albeit, a constitutional court declaring sections 5 and 10 of the Public Order Management Act 2013 null and void. The police continue to implement restrictions and sections of the POMA and were singled out in this Index as the most repressive state apparatus and the main culprit in restricting civil liberties. Whilst the army was not majorly involved in civic issues in most regions of the country, its continued involvement in seeking to quell cattle rustling in Karamoja resulted in atrocious incidences of torture, arbitrary detention, and in some cases questionable death of suspects. HRDs from the region cited arrest, intimidation, and torture as areas of concern.

Besides politicians who seem to bear the brunt of the State machinery restrictions; journalists reportedly faced forms of assaults, beatings and intimidations including threats of arrest for covering and reporting on politically sensitive topics. There was a marked increase in cases of journalists being assaulted and detained by police. Positively, in January 2023, Uganda's Constitutional Court nullified section 25 of the country's Computer Misuse Act, which constituted a charge of offensive communication for which those found guilty could serve up to five years in prison upon conviction.

The arbitrary restrictions imposed by the government of Uganda did not just impact local organizations but also international organizations like the UNHRC. In early 2023, Uganda refused to renew the agreement on the operations of the United Nations Human Rights office in the country, citing the development of sufficient domestic capacity to monitor rights compliance. The DGF a facility for five (5) Embassies was eventually wound down during the period.

The crippling laws aimed at excessive penalties and even death sentences targeting the LGBT+ community were unanimously passed by Parliament in May 2023. This act by Parliament posed an even greater threat to the already endangered lives of the minority.

The tension between the government, opposition members, and civilians over crippling increases in living costs and restrictions over constitutionally guaranteed rights has increased. In the reporting period, violations of the right to peaceful assembly have been among the most common restrictions respondents pointed out in areas that could be better handled. Police officers continue to use excessive force and extreme methods to disperse

protests.

As the civil liberties and freedoms of Ugandans continue to be under relentless attack the motivation for the NCHRD-U Civic Space Index is to enable a coherent understanding of the forces that constrain the promotion, protection, defence, and expansion of constitutionally guaranteed freedoms and civic space. The mandate of NCHRD-U takes cognizance of the fact that it is essential to safeguard civic space so that individual Human Rights Defenders and organs of society can promote and protect universally recognized human rights and fundamental freedoms.

At NCHRD-U we acknowledge that changes to civic space are not uniform or universal. Within one country, space for civic activism can close in some areas while opening in others. As such we have no fixation on the perceptions of the state of civil space as a defining feature of civic space. As the state of civic space changes, it obscures the nuances of citizen's reactions and organizing capacity. As such the assessment in this report should be a starting point for civil actors to seek locally driven solutions to adapt to shifting civic space amidst new threats and opportunities to dialogue with the State. What should be high on the agenda is the need to address the declining or shrinking civic space – in other words the space outside government where citizens come together, organize and engage in the collective life and wellbeing of their communities.

For purposes of this Index, civic space is defined as the set of conditions that determine the extent to which all members of society, both as individuals and as groups (whether organized groups or informal groups), can freely, effectively, and without discrimination exercise their basic civil rights. The Index is guided by the Transparency & Accountability Initiative document "Improving the Measurement of Civic Space"⁴ which highlights five key dimensions of civic space;

- 1) Freedom of Information and Expression
- 2) Rights of Assembly and Association
- 3) Citizen Participation
- 4) Non-Discrimination / Inclusion
- 5) Human Rights / Rule of Law

A review of reports and available tracking reports from the coalition and opinions from HRDs across ⁴ <https://www.transparency-initiative.org/reports/438/improving-the-measurement-of-civic-space/>

the country point to the state's continued onslaught of civil liberties and the shrinking of civic space. The main reasons for the decline in civil liberties, press freedom, and political rights in Uganda are the increased government [interference](#) with media outlets and the growing [restrictions on civic spaces](#) and an increase in violations and abuse of citizens and human rights defenders.

2.0 Background and Context to the Uganda Civic Space Index

2.1 Global Trends of Civic Space

Civic space, be it freedom of expression, association, and peaceful assembly or the right to participate in public affairs; is essential for citizens to make informed decisions about economic and social development and build democratic societies. Over the past 10 years, an increasing number of governments have adopted new laws and practices that constrain civic space - the set of conditions that allow civil society and individuals to organize, participate and communicate freely and without discrimination, and in doing so, influence the political and social structures around them. These constraints have taken a wide variety of forms, and affect a diverse range of actors, but many have targeted formal civil society⁵. The year 2022 was marked by a serious decline in civic space, with more people living in countries with closed civic space than ever. Twenty-eight percent of the world's population – approximately two billion people – are subject to extreme levels of repression⁶.

Civic space is central for people living in poverty to actively fulfil their rights and address their grievances. However, civic space is shrinking as many countries are enacting vague provisions in laws that are applied arbitrarily under the guise of public management, anti-money laundering, anti-terrorism, national security, public morals, defamation, and protection of national sovereignty among others. Another commonly cited statistic: at least one of three repressive tactics (physical harassment and murder; negative discourses labeling; and restrictive legislation) is [used in 117 of 197 countries \(CIVICUS\)](#). The civic space available is under attack and, [arguably shrinking](#) – even as access and use of new [5 https://www.wfd.org/sites/default/files/2021-11/Civic-space-v1-1%281%29.pdf](https://www.wfd.org/sites/default/files/2021-11/Civic-space-v1-1%281%29.pdf)
[6 https://monitor.civics.org/globalfindings/TacticsOfRepression/](https://monitor.civics.org/globalfindings/TacticsOfRepression/)

digital communication channels are growing⁷.

2.2 Trends of Civic Space in East Africa

Over the last few years, governments in East Africa and elsewhere have used security policies including counter-terrorism strategies to restrict public freedoms and the role of civil society. This has led to the targeting of human rights defenders, such as journalists and activists for threats and attacks by authorities. The situation is even worse for Human Rights Defenders.

Different governments adopt varying tactics to constrain civic space. In 2009, for example, the Ethiopian government imposed new barriers to the creation of civil society organizations (CSOs) and tighter monitoring mechanisms. It also banned international non-governmental organizations (INGOs) and local groups that received more than 10% of their budgets from foreign sources from working on issues such as democracy, human rights (including the rights of children and persons with disabilities), equality, gender, and conflict resolution. A hard cap of 30% on administrative activities also served to weaken CSOs focused more on advocacy work, which requires a greater percentage of funds on human resources than purchasing and distributing food aid for example. This had a big impact on civil society, and in particular, those CSOs working on issues related to democracy. Many smaller groups simply disappeared, while those that survived 'rebranded' or moved their operations into less sensitive areas⁸.

2.3 Recent civic space trends in Uganda

The state of civic space in Uganda has been a concern for the past decade, as the government has been accused of limiting rights, civil liberties and curbing fundamental freedoms guaranteed in Charter 4 of the 1995 Constitution. Despite Uganda having been heralded as a rising democracy in recent years, various internationally scientifically recognized assessments have over the past few years considered curtailing the freedom of expression, association, and participation in public affairs which was taking root in the 2005 referendum in which the people of Uganda voted overwhelmingly in support of reintroducing the multiparty system. The move was seen as the dawn of a new era for the parties [whose existence](#) had been limited to history for [7 Ibid](#)

[8 Dupuy, K., Ron, J., & Prakash, A. \(2015\). Who survived? Ethiopia's regulatory crackdown on foreign-funded NGOs. Review of International Political Economy, 22\(2\), 419–456. https://doi.org/10.1080/09692290.2014.903854](#)

close to 20 years. Twelve years later, Uganda's third multiparty experiment – the first was in the early 1960s and the second early 1980s – seems to be on the road to failure like its predecessors⁹.

The Freedom House, which works to defend human rights and promote democratic change, with a focus on political rights and civil liberties, concluded that Uganda is categorized Not Free in the *Freedom in the World 2023 report*. The report concludes that while Uganda has been holding regular elections, its credibility has deteriorated over time. The country has been ruled by National Resistance Movement (NRM) and President Yoweri Museveni since 1986. The NRM retains power through patronage, intimidation, and politicized prosecutions of opposition leaders. Uganda's civil society and media sectors face legal and extralegal harassment and state violence¹⁰.

One of the key issues affecting civic space is the lack of free and independent media. The government has been accused of clamping down on journalists and bloggers who report on politically sensitive issues. Several media outlets have been closed or subjected to intimidation, while journalists have faced physical attacks and arrests.

Another area of concern is the government's restrictions on political opposition. Opposition leaders have been arrested and detained, with some facing trumped-up charges. This has led to a climate of fear and intimidation, limiting opportunities to hold peaceful demonstrations and protests, which in turn curbs the freedom of assembly.

Civil society organizations have also been targeted, with restrictions placed on their ability to operate freely and access funding. The government has enacted laws, including the recently passed NGO Amendment Act, which gives government officials broad powers to monitor and control NGO activities, including stopping programs and even shutting them down.

Discrimination and inclusion are also serious issues affecting civic space in Uganda. Minority groups, including the LGBT community face discrimination, harassment, and violence, with human rights not being extended to all. Additionally, there have been incidents of police brutality and extrajudicial killings, particularly in the context of violent opposition protests.

⁹ <https://www.monitor.co.ug/uganda/magazines/people-power/uganda-s-multiparty-democracy-limps-on-11-years-later-1659184>

¹⁰ <https://freedomhouse.org/search?key=uGANDA>

While some progress has been made in recent years, civic space in Uganda remains under threat. Freedom of expression and assembly, citizen participation, non-discrimination, and human rights are all areas where further development is urgently needed to create a more inclusive and democratic society. It is important that the Ugandan government works to remove any restrictions on basic civil liberties and actively engages with civil society to foster an environment where all members of society can freely and effectively exercise their basic civil rights.

Respect and support for the activities of human rights defenders¹¹ are essential for the full realization of human rights, the rule of law, and sustainable development¹². Human rights defenders across the world play a critical role in identifying concerns and advocating for redress and accountability of government and business actors involved in human rights abuses. States have the primary obligation to ensure the rights and protections of human rights defenders, as set out in various human rights instruments – in particular, the UN Declaration on Human Rights Defenders – and as reaffirmed in many UN Human Rights Council and General Assembly resolutions, including through the March 2016 resolution on the protection of human rights defenders working on economic, social and cultural rights¹³.

In 1995, Uganda ushered in a progressive Constitution with a Bill of Rights inspired by the International and Regional Bill of Rights. The constitution contains strong provisions for freedom of expression and association and guarantees the right to engage in peaceful activities to influence government policies through civic organizations. Despite such provisions and international and regional treaties to which Uganda is party, the regulatory framework for the non-profit sector, which is overseen by the government's NGO Board, fails to create an enabling environment for all NGOs to work¹⁴.

¹¹ "Human rights defender" is a term used to describe people who, individually or with others, act to promote or protect human rights. See: <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>

¹² Recently recognized in a resolution by the 34th Human Rights Council: A/HRC/34/L.5

¹³ General Assembly Resolution 53/144: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

¹⁴ <https://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda>

Article 38 of the 1995 Constitution of the Republic of Uganda provides for the core elements of civic space rights. The Article guarantees participation in civic rights and activities by providing that every Ugandan citizen shall have a right to exercise the right to participate in the affairs of government, individually or through his or her representatives by law. The Article establishes the right of every Ugandan to participate in peaceful activities to influence the policies of government through civic organizations¹⁵.

3.0 Section 1: About the Civic Space Index

3.1 Summary of general Civic Space situation in 2023

The 2023 Index concludes that most of the respondents are concerned that in comparison to the previous couple of years, there is no improvement in the state of civic space. There is agreed consensus among the Index survey respondents citing State high handedness on two dimensions, the freedom of assembly and association and the information and expression. It can be concluded therefore, that the country's civic state is not improving; and that it's headed in the wrong direction. Overall, Uganda's civic space is restricted.

These civic space dimensions are the enactment of draconian laws that are selectively enforced to suppress citizens' dissenting voices and to silence political opposition. Specifically, the dimension of freedom of assembly and association has been restricted through the enactment of laws that respondents called draconian. These include among others; the Public Order Management Act (2013) the NGO Act (2016), the Penal Code Act (1950), the Anti-Terrorism Act (2002), the Police Act, cap 303, and the Press and Media Act (2000).

There are also proposed and ongoing legal amendments that have drawn attention and an outcry far beyond Uganda with various perceptions expressed by the global civil society and foreign governments. One such law which was perceived to be portraying Uganda as a restricted state is the new Anti-Homosexuality Bill that was passed in March 2023¹⁶. The bill criminalizes same-sex conduct and

sexual and gender identity, and if adopted, most organizations and governments indicate that it would violate multiple fundamental rights and violate the rights to freedom of expression and association, privacy, equality, and nondiscrimination.

With three out of the five civic dimensions still being rated as restrictive, the NCHRD-U concluded that in 2023 the state of Civic Space in Uganda was still restrictive. Key informant HRDs qualified the perception of the majority of the Index survey respondents that whilst basic human rights are guaranteed by law, they are not respected in practice. For instance, in its consideration of the second periodic report on Uganda, the UN Committee against Torture acknowledged the country's significant human rights institutions but raised concerns about unauthorized places of detention and failure to investigate cases of torture conclusively¹⁷.

Restrictions on civil society space in Uganda came from a range of state actors employing a mix of methods that included but were not limited to legal, bureaucratic, financial, political, and security-related methods. Restrictions on civil society space come from a range of actors – different levels of state actors (central and local); security forces; businesses; organized crime; religious groups.

It appeared that the Ugandan government's efforts to restrict civic space were not limited to its citizens and local organizations but were affecting international organizations such as the United Nations agencies and facilities such as the Democratic Governance Facility which was set up by 6 Embassies in Kampala. The 3 February 2023 announcement by the government of Uganda indicated that it will not renew the mandate of the United Nations Human Rights Office in the country, citing the development of its efficient capacity to monitor rights compliance¹⁸.

The literature explored several overlapping methods,

<https://www.hrw.org/news/2023/03/09/uganda-new-anti-gay-bill-further-threatens-rights>

¹⁷ OHCHR, "In Dialogue with Uganda, Experts of the Committee against Torture Welcome the State's Human Rights Institutions, Ask about Unauthorised Places of Detention and Inaction in Prosecuting Several Torture Cases." November 2022, <https://www.ohchr.org/en/news/2022/11/dialogue-uganda-experts-committeeagainst-torture-welcome-states-human-rights>.

¹⁸ Voice Of America, "Uganda Says It Will Not Renew Mandate of UN Human Rights Office" 8 February 2023, <https://www.voanews.com/a/uganda-says-it-will-not-renew-mandate-of-un-human-rightsoffice/6953234.html>,

including restrictions to the formation, registration, operation, and funding of civil society organizations (CSOs); restrictions of rights to freedom of assembly, expression, and association; physical attacks; verbal and reputational attacks; and restrictions to the enabling environment of free media. The period under review, from October 2022 to June 2023 was marred by continued violence and torture of citizens; opposition political party members were arbitrarily arrested, and jailed beyond the time limits provided for in the constitution, while the State's heavy-handedness on the journalist was most pronounced.

Table 1: Overall Rating of Assessment of Uganda's Civic Space in 2023

Five Dimensions of Civic Space	Protected	Partially Protected	Restricted	Non-Existing
1. Freedom of Information and Expression			✓	
2. Rights of Assembly and Association			✓	
3. Citizen Participation		✓		
4. Non-Discrimination		✓		
5. Human Rights / Rule of Law			✓	

The NCHRD-U rating seems to concur with other human rights organizations like the CIVICUS, a global alliance of civil society organizations dedicated to strengthening citizen action and civil society throughout the world that concludes that civic space in Uganda **was repressed** CIVICUS Monitor¹⁹. Uganda is ranked 132nd out of 180 countries in RSF's 2022 [World Press Freedom Index](#)²⁰. The Freedom House's *Freedom in the World* 2022 report also noted that Uganda is "Not free"²¹.

3.2 Incidents of Freedom of Information and Expression²²

On 13 October 2022, President Museveni signed into law the Computer Misuse (Amendment) Act, 2022, under which those found guilty are liable to imprisonment of up to seven years and are barred from holding public office for up to 10 years. In addition, the law criminalizes the publication of information likely to "ridicule, degrade or demean another person or group of persons" under the banner of hate speech, which rights advocates have decried as a further infringement on freedom of expression²³.

In January 2023, Uganda's Constitutional Court nullified section 25 of the country's infamous Computer Misuse Act, which constituted a charge of offensive communication for which those found guilty could serve up to five years in prison upon conviction²⁴. In a unanimous ruling, the bench of five justices led by Deputy Chief Justice Richard Butera ruled that the impugned section "curtails inherent freedoms of speech and expression that are guaranteed in the Constitution."

On 15 November 2022, police officers arrested and detained Africa Ronald, a journalist working for Point
¹⁹ <https://civicus.org/index.php/media-resources/media-releases/5562-uganda-yet-to-address-civic-freedom-gaps-ahead-of-un-review>

²⁰ <https://rsf.org/en/new-computer-misuse-law-poses-grave-threat-press-freedom-uganda>

²¹ <https://freedomhouse.org/explore-the-map?type=fw&year=2022&country=UGA>

²² The overview of documented incidents in this dimension was compiled by the DefendDefenders and presented to the African Commission on the Human and People's Rights (ACHPR) as part of the 2023 Biannual report

²³ African Centre For Media Excellence, "New computer misuse law threatens freedom of expression, activists say," 17 October 2022, <https://acme-ug.org/2022/10/17/new-computer-misuse-law-threatens-freedom-of-expression-activists-say/>

²⁴ Monitor, "Court nullifies section 25 of Computer Misuse Act," 11 January 2023, <https://www.monitor.co.ug/uganda/news/national/court-declares-section-25-of-computer-misuse-nulland-void-4081782>

FM²⁵. Ronald was accused of inciting violence. Later, security forces transferred him to an unidentified location.

On 25 November 2022, Entebbe post journalist Henry Lubulwa was arrested and charged with defamation under Sec 179 of the Penal Code Act. On 28 November 2022, he was granted bond²⁶.

On 5 December 2022, General Muhoozi Kainerugaba, the son of Ugandan President Yoweri Museveni, threatened to “crush” journalists who “abuse” him in a tweet that was subsequently deleted²⁷. In another tweet deleted on the same day, he accused journalists from the Daily Monitor, one of the leading independent newspapers, of being “terrorists (...) that have been abusing us forever”. He threatened to deal with them.

On 17 January 2023, the Magistrate Court dismissed a case against two Digitalk Online TV staff Norman Tumuhimbise (Executive Director) and Faridah Bikobere²⁸. The two journalists were arrested along with seven of their colleagues in March 2022²⁹. Seven journalists were released, but Norman Tumuhimbise and Faridah Bikobere remained in jail and were charged with cyber stalking and “offensive communication” under Sections 26 and 25 of the Computer Misuse Act as amended, respectively³⁰. The judge dismissed the case due to insufficient evidence.

Three journalists were assaulted and later arrested by the country’s Civil Aviation Authority officials on 27 January 2023³¹. The arrest happened after the journalists tried to take pictures of the bus in which the officials were traveling at breakneck speed. Two

²⁵ Twitter, “HRNJ,” 18 November 2022, <https://twitter.com/HRNJUganda/status/1593574680056700930>

²⁶ Twitter, “HRNJ,” 28 November 2022, <https://twitter.com/HRNJUganda/status/1597240600314904576>

²⁷ RSF, “We will crush you,” Ugandan president’s son warns journalists,” <https://rsf.org/en/we-will-crushyou-ugandan-president-s-son-warns-journalists>

²⁸ Human Rights Network For Journalists, “Court dismisses case against two Digitalk TV staff,” 17 January 2023, <https://hrnjuganda.org/?p=9640>

²⁹ Monitor, “Journalists under siege as authorities escalate assaults, raids and arrests,” 31 May 2022, <https://monitor.civicus.org/explore/journalists-under-siege-authorities-escalate-assaults-raids-and-arrests/>

³⁰

³¹ Monitor, “Aviation officials brutally arrest three journalists over ‘computer misuse,’” 26 January 2023, <https://www.monitor.co.ug/uganda/news/national/aviation-officials-brutally-arrest-three-journalists-overcomputer-misuse--4100852>,

journalists sustained bruises while the other could not speak as a result of the trauma experienced from the incident. The aviation officials pounced on the journalists and accused them of taking their pictures to malign them, before taking them to Abaita Babiri police station, where they were held for five hours.

On 5 March 2023, police officers arrested freelance journalist Andrew Arinaitwe, while covering a story on claims of sexual abuse by teachers in Ugandan boarding schools, including at Kings College Budo³². Arinaitwe had gone to the school after failing to reach the principal on the phone to get a response from the school. He entered the school without being questioned or stopped by a security guard, but later the principal, John Fred Kazibwe, accused the journalist of illegally accessing the premises. On 9 March 2023, authorities charged him with criminal trespass with the intent to steal, detained him, and adjourned his case.

3.3 Incidents of Rights of Assembly and Association³³

In October 2022, nine university students were arrested in Kampala for protesting the construction of a new oil pipeline in Uganda and neighboring Tanzania³⁴. They were held for six days and charged with “common nuisance.” Environmentalists and human rights advocates have launched a campaign to halt the oil pipeline project, which they claim will displace tens of thousands of people and endanger fragile ecosystems in the region. Furthermore, they accused the Ugandan government of “forced displacement, deforestation, and other forms of environmental degradation.” They also alleged that the authorities were involved in the intimidation and arbitrary and illegal arrests of environmental HRDs, and EHRDs involved in natural resource governance.

On 9 December 2022, four HRDs, Barigye Bob, Ivan Kabale, Musoke Hamis Walusimbi and Ssemwanga

³² Monitor, “Ugandan journalist Andrew Arinaitwe detained on criminal trespass charges,” 10 March 2023, <https://cpj.org/2023/03/ugandan-journalist-andrew-arinaitwe-detained-on-criminal-trespass-charges/>

³³ The overview of documented cases in this dimension were compiled by the by the DefendDefenders and presented to the African Commission on the Human and People’s Rights (ACHPR) as part of the 2023 Biannual report

³⁴ Reuters, “Uganda police detain nine people for oil pipeline protest” 4 October 2022, <https://www.reuters.com/world/africa/uganda-police-detain-nine-people-oil-pipeline-protest-2022-10-04/>

Jackson, were arbitrarily arrested during a peaceful protest. The protestors demanded the National Environment Management Authority (NEMA) examine the environmental effects caused by the East African Crude Oil Pipeline, its impact on climate change, and the human rights abuses the project has caused³⁵. Three of the HRDs were held at Kampala Central police station. The authorities kept Ssemwanga Jackson at an undisclosed site until the morning of 12 December 2022, at which point they took him to the Kampala Central police station. On 12 December 2022, the four HRDs were released. On 14 December 2022, the four HRDs were rearrested after reporting to the police station as directed. They were charged with “common nuisance” and released on bail³⁶.

In a positive development, the Constitutional Court declared sections 5 and 10 of the Public Order Management Act 2013 null and void on 18 March 2023³⁷. The five justices of the constitutional court ruled that the sections contravene article 29 1 (d) of the constitution, which gives a right to freedom of assembly and demonstration. Despite this decision, police say it will continue implementing Section 5 of the Public Order Management Act.³⁸ According to Margaret Sekaggya, the NCHRD-U Board chairperson people who intend to protest, even in a peaceful manner, must notify the police of their intentions to be given permission.

On 28 November 2022, six security officers arrested Joseph Kabuleta, the president of the political opposition party, National Economic Empowerment Dialogue (NEED) and refused to disclose his location for a day³⁹. Kabuleta was charged with promoting sectarianism because he made a comment on 30 May 2022 that service delivery in some areas of the 35 Front Line Defenders, “Four HRDs arbitrarily arrested during a peaceful protest and later released on bail,” 14 December 2022, <https://www.frontlinedefenders.org/en/case/ssemwanga-jackson-arbitrarilyarrested-during-peaceful-protest-and-later-released>
36 Front Line Defenders, “Four HRDs arbitrarily arrested during a peaceful protest and later released on bail,” 14 December 2022, <https://www.frontlinedefenders.org/en/case/ssemwanga-jackson-arbitrarilyarrested-during-peaceful-protest-and-later-released>
37 YouTube, “UBC,” <https://www.youtube.com/watch?v=7e7G9pfq2ZA>
38 YouTube, “NTV,” <https://www.ntv.co.ug/ug/news/national/police-insists-poma-is-still-law-despite-courtdecision--4165658>
39 Voice Of America, “Rights Activists Demand Release of Arrested Ugandan Opposition Leader” 29 November 2022, <https://www.voanews.com/a/rights-activists-demand-release-of-arrested-ugandanopposition-leader-/6854792.html>

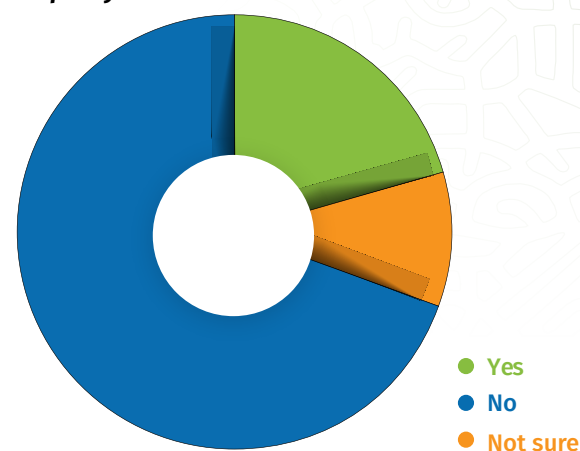
country was based on ethnic lines. Prior to his arrest, Kabuleta, at a press conference, urged President Yoweri Museveni to take the nation’s on-going insecurity very seriously. On 14 December 2022, the leaders of NEED called for Kabuleta’s release claiming that his health was deteriorating and that he needed medical treatment⁴⁰.

On 30 December 2022, the umbrella group, the United Forces of Change, led by former Forum for Democratic Change (FDC) president Dr Kiiza Besigye, and National Unity Platform (NUP) leader Robert Kyagulanyi also known as Bobi Wine organised a prayer meeting at Sharing Hall Nsambya. The police officers arrested 30 of the opposition supporters and fired tear gas. Luke Owoyesigyre, the deputy spokesperson for the Kampala Metropolitan Police, claimed that the meeting was illegal as organisers failed to inform the chief of police before holding it. Prayers were to be offered for those detained, killed, or abducted, particularly those from NUP party, whose whereabouts have remained a mystery for the past two years.

3.4 Uganda is heading in the wrong direction on human rights and rule of law observance

As in the previous index reports, the survey sought to establish the opinions of the respondents with regard to the country’s perceived direction in respect to human rights and the rule of law.

Figure1: Is Uganda heading in the right direction in adherence to human rights and the rule of law over the past year?



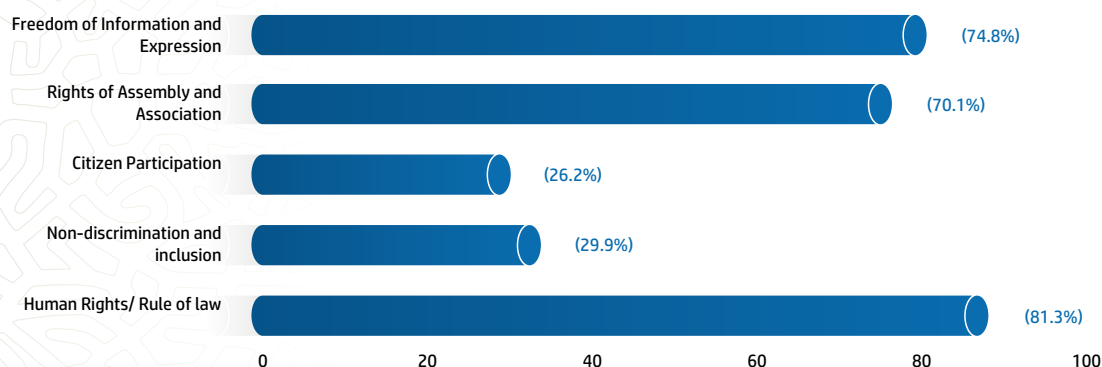
⁴⁰ The Independent, “Government given nine days to release Kabuleta,” 26 March 2023, <https://www.independent.co.ug/government-given-nine-days-to-release-kabuleta/>

In this survey, 70.1% of respondents expressed that Uganda is headed in the wrong direction while 20.6% of respondents said the country was headed in the right direction. This is a negligible drop in comparison to the 2021 Index report which showed over 73.9 % and 2022 which showed a 73.3% response towards a negative perception of the direction Uganda is taking. A slight increase of 5% was recorded among the respondents who indicated that the country is heading in the right direction from 10.9%, and 15% to 20.6% in years 1, 2, and 3 respectively. There is therefore a general upward trend in confidence in the existence of respect for the rights in the country. The country is obligated to guarantee freedoms in the 1995 Constitution of the Republic of Uganda and established under international and regional human rights instruments which Uganda is a signatory.

3.5 The most violated civil liberties

Out of the five (5) civic space dimensions, respondents believed that the most violated liberties in 2023 were the Rule of law and Human Rights followed by Freedom of information and expression; and Rights to assembly and association.

Figure 2: The top three rights or freedoms believed to be most violated in Uganda



Human Rights/ Rule of law was rated as the most violated right among the civic space dimensions with an 81.3% score which is a slight decrease from the 2022 report which recorded 86.9%. This is followed by the Right to Information and Freedom of Expression another dimension ranked as restricted at 74.8%. The Right to Assembly and Association was rated 3rd on the most violated rights in the measurement of the civic space at 70.1% with a 3% jump from the previous report of 2022. The dimension on Non-discrimination and inclusion were 4th and Citizen Participation came 5th with 29.9% and 26.2% respectively. Citizen participation had a significant drop of 16.4% in comparison with the previous report at 42.6 %.

A follow-up general question was asked to assess respondents' perceptions of human rights concerns which will likely prompt them to act and defend human rights. Eleven (11) aspects were used for the assessment and respondents were asked to indicate the 3 top human rights violations.

Table 2: Human rights violations that are likely to incite civic action

Asterisk denotes variations of 10% and above either for increase or decrease.

Concerns	Previous 2022	Current reporting 2023
Police Brutality	56.5%	77.6%
Abductions and kidnappings	45.2%	43.9%
Corruption	38.7%	26.2%
Torture	35.5%	30.8%
NGOs and CSOs' office closures	32.3%	28.0%
Abuses of women and girls	32.8%	27.1%
Unfair restrictions on peaceful assembly	32.3%	45.8%*
Media restrictions	17.7%	42.1%*
Internet and media shutdowns	11.3%	7.5%
Abuse of LGBTQI rights	8.1%	7.5%
High handed enforcement of COVID-19 prevention measures	0%	2.8%

The top three concerns were listed as Police brutality 77.6%, unfair restrictions on peaceful assembly 45.8% and Abductions and kidnappings 43.9%. Police brutality saw a significant increase of 21% in responses in comparison to the previous Civic Space Index Report 2022. The recent images of demonstrating female parliamentarians who were bundled forcefully into police vehicles were cited as how unrestrained the Police were to mete violence on honorable members. A commission of inquiry was convened to ask the IGP to explain the manner in which the honorable members were arrested. The police are well known for brutally crushing protests especially deemed or associated with the opposition.

Other areas of concern were torture 30.8%, NGO office closures 28%, abuse of women 27.1% and corruption 26.2%. These three areas of concern had a slight decrease with a mean average of 6% from the previous index report. Table 3 shows the results of a follow-up question on institutions that are perceived to be the greatest violators of civic space in Uganda. Police are ranked high tying up with the perception of police brutality in Table 2 above. Police is the institute entrusted to keeping the law and peace, the opinions of the respondents are a far cry compared to the UPF motto which is to 'Protect and Serve'.

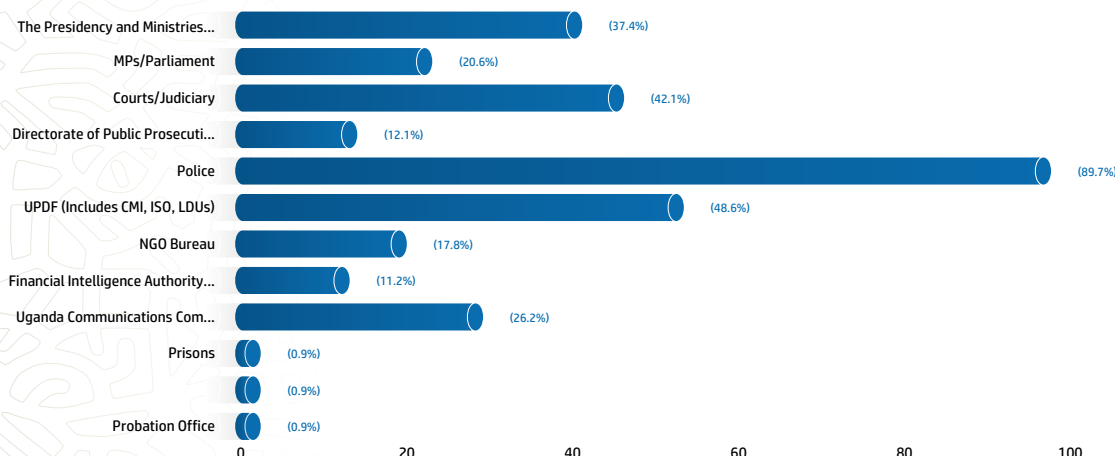


Figure 3: Institutions perceived greatest violators of the civic space

The top three institutions associated with violating the civic space most were Police at 89.7% followed by UPDF (which includes CMI, ISO and LDUs) at 48.6% and the courts and judiciary system at 42.1%. The findings compared to the previous reports which also placed Police and the UPDF as top violators. The previous report had The Executive/ The Presidency as the 4th a drop in position from the report of 2021. This is worrying as the pinpointed institutions are supposed to be the ones providing security and ensuring freedoms are enjoyed by the citizens.

4.0 Section 2: Parameters for assessing Civic Space

4.1 Methodology used to ascertain civic space in Uganda

The NCHRD-U is aiming to standardize the assessment of civic space in Uganda in line with the prevailing international standards and to ensure that it is fair, easy to read, and helpful in understanding the ever-evolving civic space situation, to the extent possible.

The Index is based on perceptions of key informants and data from a desk review of relevant international and national documents that specifically follow human rights, democratic governance, civil society, and government activities in the civic space of Uganda.

The survey for the Index solicits Human Rights Defenders and Civil Society experts' views on their

ranking of perceived assessment of the enjoyment and/or deterrent around five human rights dimensions which they answer on the backdrop of all international covenants Uganda has ratified and the parallel domestic laws that apply for the specific rights and freedoms.

The Index analyses the extent to which state actions or omission of domestic laws protect or restrict civic space for citizens and civil society organizations from engaging with people in power.

The Human Rights Defenders' perceptions are then analysed and triangulated against the NCHRD-U datasets of documented incidents, and media monitoring reports; which have been documented over a period of time as part of the coalition monitoring efforts of the civic space. The accounts are witnessed and/or documented by international human rights organizations. The international reports reviewed as part of this assessment are in part documented by international research organizations, United Nations organizations, and International NGOs among others, and in part documented by Government institutions, credible NGOs, Academic Institutions, media, academia, and raw data from key informants in these institutions.

The above-mentioned human rights dimensions are further unbundled into their core principles to focus on the critical elements that inform the ranking of civic space at a given time. The principles are assessed on whether the legal framework is enabling or progressive and whether the exercise or enjoyment of the rights and freedoms are enabled or hindered.

Based on the ranking, the Index provides a brief narrative of the context and highlights major incidents or themes that can help illustrate the findings as per the five human rights dimensions. This analysis is based on the opinions of the respondents or desk research by the researchers who compiled this report.

This Index is an annual publication on the state of civic space in Uganda. It, therefore, attempts to capture new developments in each of the civic space dimensions as per the benchmark from the previous year's Index and perceptions of Human Rights Defenders regarding the perceived situation regarding highlighted human rights dimensions.

This year's Index is the third series published by the National Coalition of Human Rights Defenders Uganda (NCHRDU). This index report makes comparisons to the findings in the first report 2021 and the second report 2022 in benchmarking the shifts and emerging trends. The assessment also relates dimensions of civic space provisions to international, regional, and domestic laws.

The survey tool consisted of 35 perception, experience and observation based questions. The social demographics of all respondents were also included in the questionnaire. The Index report relied on secondary information from a literature review of existing reports for NCHRD-U based on its continued tracking and reporting systems. International reports were also used to assess the civic space in Uganda.

The self-administered questionnaire both online and physical reached 273 respondents across the 5 regions and 11 Sub-regions as shown in figures below:

Figure 4: Respondents per region

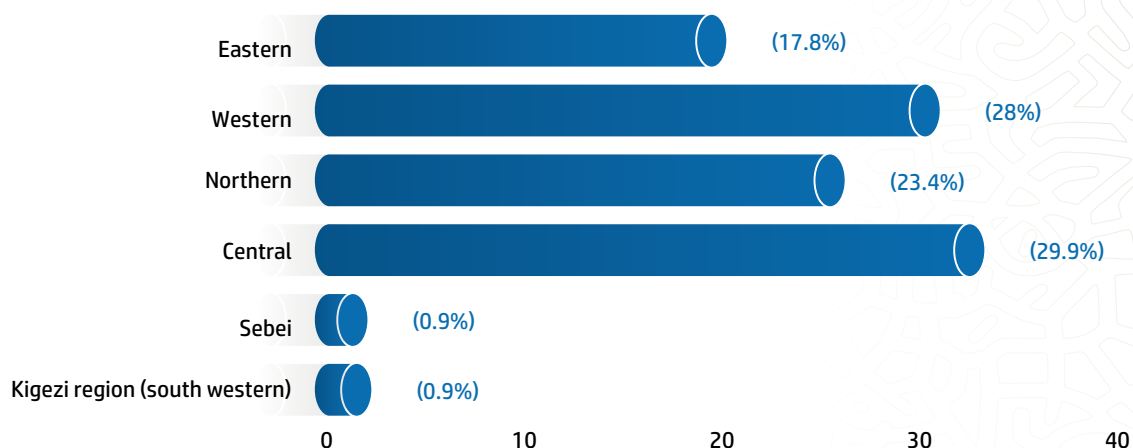


Fig 5: Sub regional respondents' distribution

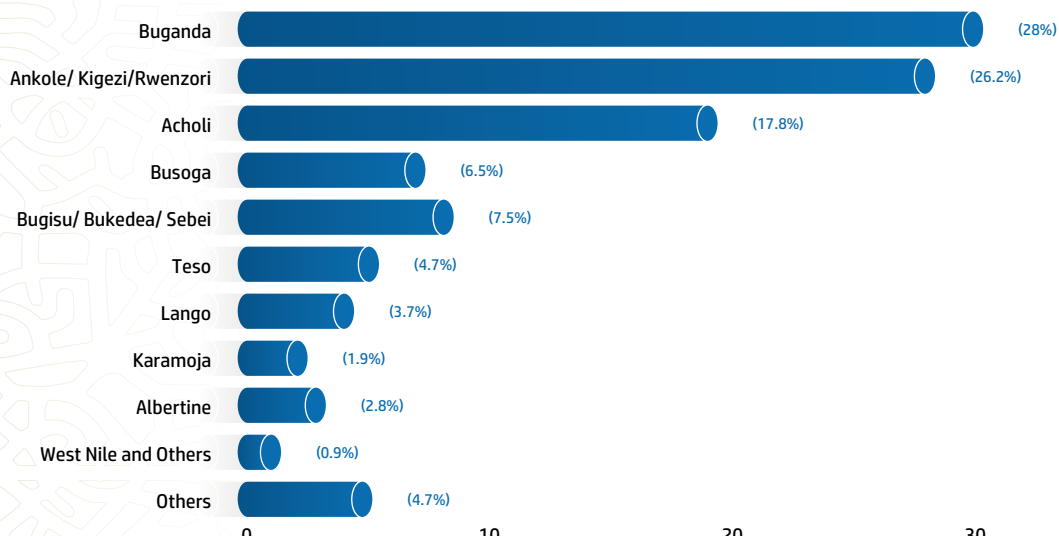
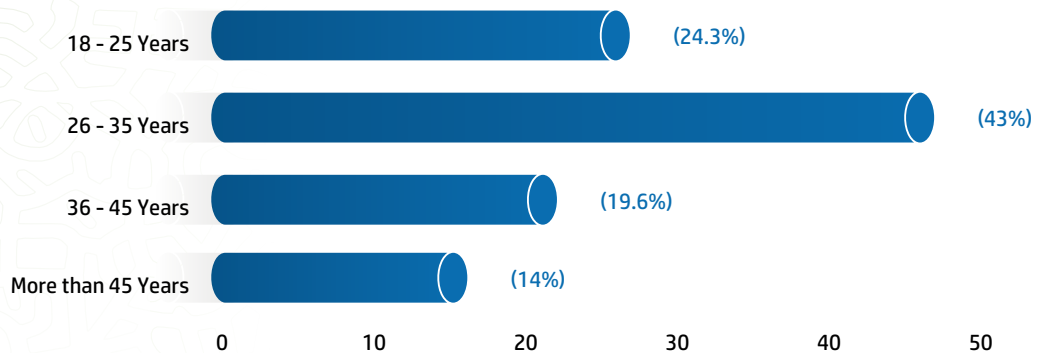
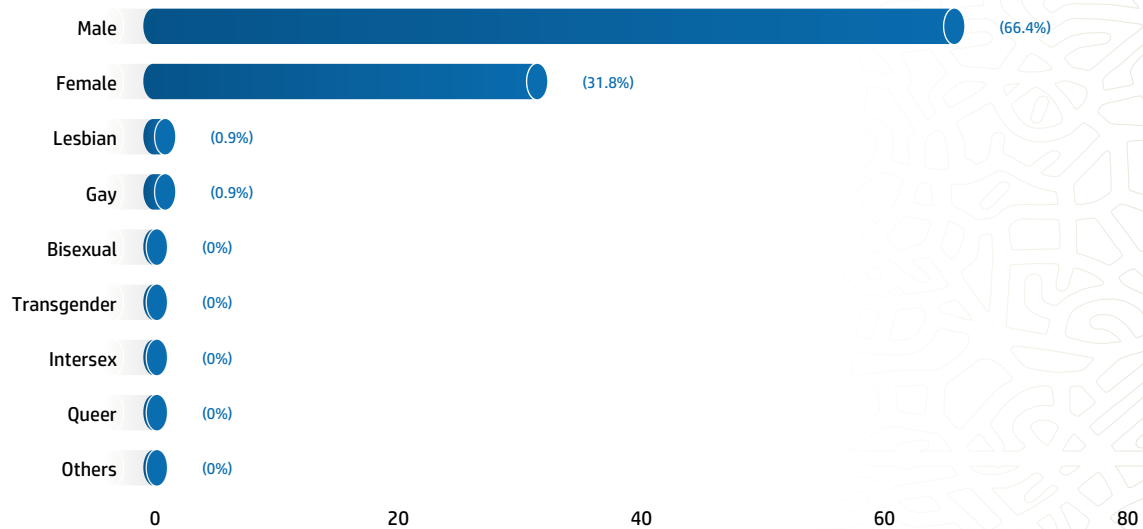


Figure 6: Respondents age groups



The respondents were largely in the age bracket of 26-35 years and 36-45 years with a 43% followed by 18-25 years 24.3%. Third was the age category of 36-45 years at 19.6% with the more the 45 years category at 14%.

Figure 7: Respondents' sexuality and gender identity



The survey reached males 66.4% and females at 31.8%. Only about 1% of the respondents were gay and lesbian. The recent bill passed in Parliament on LGBTQI could have influenced respondents' liberty to disclose their sexuality status.

4.2 Dimensions and Principles Measured

The dimensions and principles highlighted in the table below informed the tools for data collection.

Table 3: Civic Space Dimensions and Principles

<p>1. Freedom of Information and Expression: <i>This extends to holding, receiving, and imparting all forms of opinions, ideas, and information. It is not confined to categories, such as correct opinions, sound ideas, or truthful information:</i></p> <ul style="list-style-type: none"> a) Access to information guaranteed by law and respected in practice b) Freedom of expression guaranteed by law and respected in practice c) Media freedom guaranteed by law and respected in practice d) Is internet freedom guaranteed by law and respected in practice 	<p>2. Rights of Assembly and Association: <i>This refers to whether individuals and groups can gather and organize themselves freely, have the freedom to protest, or publicly express disagreement.</i></p> <ul style="list-style-type: none"> a) Rights of assembly are guaranteed by law and respected in practice b) Rights of association guaranteed by law and respected in practice c) CSOs able to function independently and free of government interference d) There is an enabling fiscal environment for CSOs
<p>3. Citizen Participation: <i>This refers to how governments engage with citizens in the development of policy and the extent to which civil society can shape government decision-making.</i></p> <ul style="list-style-type: none"> a) Elections free and fair b) The government facilitates the participation of citizens and CSOs in processes of public deliberation and decision-making? c) The government recognizes and respects the legitimate role of citizens and CSOs as independent advocates, watchdogs, and development agents 	<p>4. Non-Discrimination / Inclusion: <i>Refers to guarantee that human rights are exercised without discrimination of any kind based on ethnicity, religion, sex, language, political or other opinions.</i></p> <ul style="list-style-type: none"> a) Women have equal civil rights and equal access to civic space b) Minority groups have equal civil rights and equal access to civic space c) Marginalized groups have equal civil rights and equal access to civic space
<p>5. Human Rights / Rule of Law. <i>This refers to the ability of those affected by restrictions on civic space to seek redress and access justice.</i></p> <ul style="list-style-type: none"> a) Basic human rights guaranteed by law and respected in practice b) There is an effective rule of law 	

4.4 Rating of Uganda Civic Space Index

The NCHRD-U recognizes that the perception-based ratings alone may not offer an exact measure of the state of civic space in any given context, which is why the CIVICUS Monitor emphasizes the importance of up-to-date locally generated analysis to complement its ratings and those of other governance and human rights organizations that assess the wellness of civic space and related conditions. Nonetheless, we believe the NCHRD-U internationally accepted rating index system enables comparisons from one year to the other and also encourages the tracking of a country's overall civic space conditions over time.

Based on our constant analysis of multiple streams of human rights datasets and interviews for perceptions about the state of civic space each year, each of the five civic space dimensions are assigned a rating as follows:

- a) Protected Space;
- b) Partially Protected Space;
- c) Restricted Space;
- d) Non-Existing Space.

Table 4: Description of Civic Space Parameters

Description of rating	The rationale for each level is as follows:
a) Protected Space:	<ul style="list-style-type: none"> All principles for the specific dimensions are met The country respects all relevant international treaties it has ratified by amending its domestic legislations so as not to contradict with the provisions of the international treaties The country's protection mechanisms are effective
b) Partially Protected Space:	<ul style="list-style-type: none"> Ratification and enacting legislations that protect the relevant dimension There are protection mechanisms in place There are legal loopholes that can restrict civic space if not properly checked
b) Restricted Space:	<ul style="list-style-type: none"> Presence of legislations that restrict the space provided in the ratified international treaties or in the mother law (e.g. constitution) Some of the international treaties are not ratified Ineffective protection mechanism
c) Non-Existing Space:	<ul style="list-style-type: none"> Civic space is completely denied; there is no provision for its protection

4.5 Mapping on International Covenants and Parallel Ugandan Legal Framework on Civic Space

The highlighted frameworks provide the basis for freedoms that should be enjoyed and are related to civic space. The index report will make reference to some of the provisions as it analyses the situation in Uganda's civic space for the reporting period. Uganda ratified the stated International Covenants and Treaties and as such is bound to uphold the provisions of the frameworks and be accountable to the same.

Table 5: International Covenants on Civic Space Ratified by Uganda and Domestic Laws

International Covenant / Treaty	Year of Ratification	Domestic Laws
1. Freedom of Information and Expression		

International Covenant / Treaty	Year of Ratification	Domestic Laws
Declarations of Principles on Freedom of Expression in Africa (2002)		<ul style="list-style-type: none"> Official Secrecy Act (1964) Constitution of Uganda (1995) Electronic Media Act (1996) Press and Journalist Act (2000) Electronic transactions Act Anti-terrorism Act (2002) Leadership Code Act (2002) Referendum and other Procedures Act (2005) Access to Information Act (2005) and Regulations (2011) Presidential Elections Act (2005) National Information Technology Authority, Uganda Act (2009) Computer misuse Act (2011) Interception of Communications Act (2011) Electronic Media Act (2011) Uganda Communications Act (2013) Public Order Management Act (2013) Anti-pornography Act (2014) Evidence Act (1909)
Covenant on Civil and Political Rights (1966)	1995	
Universal Declaration of Human Rights (1966)		
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)		
African Charter on Human and People's Rights (1981)	1986	
UN Declaration of Principles on Expression 2000		
UNHRC Resolution on Freedom of Opinion and Expression (2009)		
International Convention on Civil and Political Rights		
International Covenant on Economic, Social, and Cultural Rights (ICESCR) 1966	1987	
2. Rights of Assembly and Association		
African Charter on Human and People's Rights (1981)	1986	<ul style="list-style-type: none"> Public Order Management Act (2013) The NGO Act (2016) Company Act (2010) Penal Code Act (1950) Anti-Terrorism Act (2002) Constitution of Uganda (1995) Police Act, cap 303 Press and Media Act (2000)
International Covenant on Civil and Political Rights (ICCPR)	1995	
UNHRC Resolution on the Rights to Freedom of Peaceful Assembly and of Association (2010)		
UN Declaration of Human Rights Defenders 1998		
UNHRC Resolution on Civil Society Space: Creating and Maintaining in law and in practice, a safe and enabling environment (July 2016)		

International Covenant / Treaty	Year of Ratification	Domestic Laws
3. Citizen Participation		
Covenant on civil and Political rights		<ul style="list-style-type: none"> ○ National Constitution (1995) ○ Local Government Act (1992) ○ Public Order Management Act (2013) ○ NGO Act (2016) ○ Whistle blowers Act 2010 ○ Political parties and organisation 2010
African Charter on Human and People's Rights (1981)		
African Charter on Democracy, Elections and Governance	2008	
African Union Youth Charter	1994	
Covenant on Civil and Political Rights (1966)	1995	
4. Non-Discrimination / Inclusion		
International Convention on the elimination of all forms of racial discrimination (ICERD)	1980	<ul style="list-style-type: none"> ○ National Constitution (1995) ○ Persons with Disabilities Act (2006) ○ Employment Act (2006) ○ Local Governments Act (as amended) 1997 ○ The Equal Opportunities Act (2007) ○ The Education Act (2008) ○ The Parliamentary Elections Act (2005) ○ Prohibition of Female Genital Mutilation Act (2010)
Convention on the rights of people with Disabilities (2006)	2008	
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979	1985	
Convention on the Rights of Persons with Disabilities	2008	

International Covenant / Treaty	Year of Ratification	Domestic Laws
5. Human Rights / Rule of Law		
Universal Declaration of Human Rights (1948)		<ul style="list-style-type: none"> ○ National Constitution 1995 ○ Anti-Pornography Act 2014 ○ Interception of Communications Act ○ Penal Code Act 1950 ○ Computer Misuse Act ○ Prohibition of Torture Act 2012. ○ Uganda Human Rights Commission Act 1997 ○ All the laws mentioned above that seek to regulate the other dimensions of civic space
International Convention on Civil and Political Rights	1987	
African Charter on Human and Peoples' Rights	1986	
AU Policy Framework for the Implementation of the UN Guiding Principles on Business and Human Rights in Africa.		
Draft Additional Protocol on the Abolition of Death Penalty in Africa was adopted at the African Commission on Human and Peoples' Rights in April 2015.		
United Nations Convention Against Torture and other Cruel, inhuman or Degrading Treatment or Punishment	1987	
International Convention for the Protection of All Persons from Enforced Disappearance	2007	

5.0 Section 3: Assessment of Civic Space Dimensions Findings

5.1 Freedom of Information and Expression



5.1.1 Domestic Laws on Freedom of Information and Expression

*Freedom of Information and Expression was ranked in the survey for this Index Report as **Restricted**.*

a) The Constitution of Uganda (1995)

Article 41 of the Constitution guarantees the right of access to information in possession of the state.

b) The Anti-Terrorism Act (2002)

Under Section 9, the law provides that any person, who establishes, runs or supports any institution for...publishing and disseminating news or materials that promote terrorism...

c) The Leadership Code Act (2002)

The Act has a secrecy provision that prohibits the Inspector General of Government from making public the declaration of assets and liabilities submitted by public officers.

d) Presidential Elections Act (2005)

The Act contains provisions that affect freedom of expression in general. Section 24 imposes broad restrictions on the right of candidates and the media.

e) The Access to Information Act (2005) and Regulations (2011)

This law is an offshoot of Article 41(1) of the Constitution which provides for the right of every citizen to access information in the possession of the State or any other organ or agency of the State.

f) The Computer Misuse Act (2011)

The Act provides for safety and security of electronic transactions and information systems; prevents unlawful access, abuse or misuse of information systems by including computers (and electronic devices like mobile phones) and makes provision for securing the conduct of electronic transactions in a trustworthy electronic environment.

g) The Uganda Communications Act (2013)

Provides for establishment of Uganda Communications Commission as the state body to regulate all forms of public and private communications including cyber space.

h) The Anti-Pornography Act (2014)

Section 2 of the Act defines pornography as any representation through publication, exhibition, cinematography, indecent show, information technology or by whatever means of a person engaged in real or stimulated sexual activities or any representation of the sexual parts of a person for primarily sexual excitement. Under Section 13, pornography is prohibited.

i) The Interception of Communications Act (2013)

The Act aims at tracking, intercepting and monitoring

communications (telecommunications and any other related mode of communication) of suspected criminals in pursuit of their illegal activities

j) The Information Technology Authority Act (2009)

The Act provides for the establishment of the National Information Technology Authority (NITA) – a body that is charged with coordinating and regulating Information Technology services in Uganda.

k) The Electronic Media Act (2011)

Act provides for the setting up of a broadcasting council to license and regulate radio and television stations, to provide for the licensing of television sets, to amend and consolidate the law relating to electronic media and to provide for other related matters.

l) The Referendum and Other Procedures Act (2015)

Section 23 of the Act sets the procedure of media engagement during the canvassing of support for each side in the referenda.

m) Press and Journalist Act – (2000)

The Act is intended to ensure among other things freedom of the press.

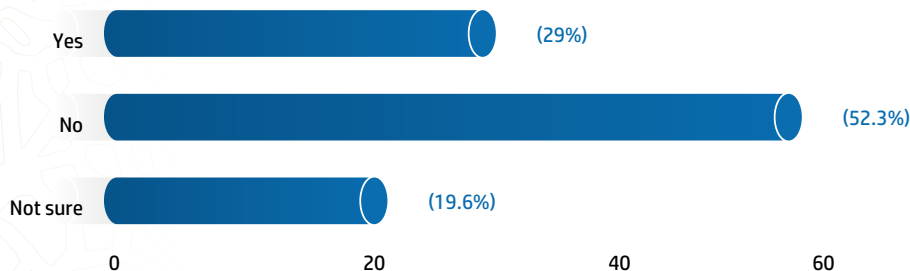
n) Penal Code Act -

The sections on libel have elements that infringe on the freedom of expression.

In its social dimension, freedom of expression is a means for the interchange of ideas and information among human beings and for mass communication. It includes the right of each person to seek to communicate his/her own views to others, as well as the right to receive opinions and news from others. Exceptions for this right only exist in circumstances where it is likely to compromise national security or the privacy of another person, guaranteed by Article 41 of the Constitution.

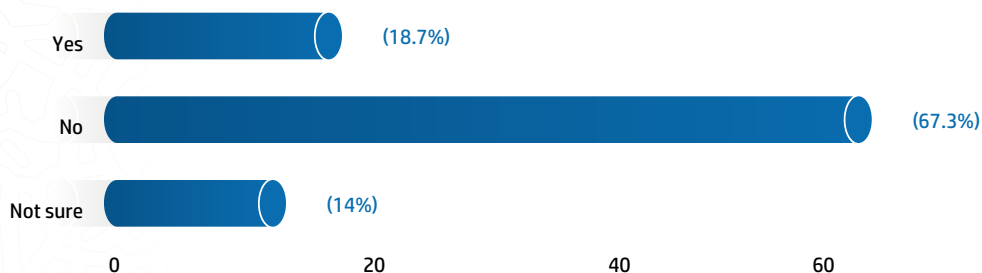
To assess the dimension of freedom to information and expression four questions were asked to respondents and the figure below shows the responses recorded.

Figure 8: Is access to information guaranteed by law and respected in practice in Uganda?



A significant percentage of the respondents (52.3%) felt access to information is not guaranteed by law and respected in practice. This is a worrisome percentage as information is crucial in decision making and having informed citizens who can decide on how to chart their lives. The Access to Information Act (2005) and Regulations (2011) provides for access to information however HRDs in Uganda did not feel that this is the practice. About 29% of the respondents agreed that access to information is guaranteed by law and respected in practice in Uganda. This is an increase of 9% towards a positive response from the 2022 report.

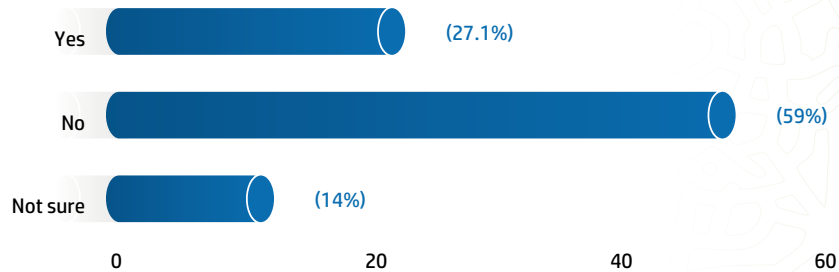
Figure 9: Is freedom of expression guaranteed by law and respected in practice in Uganda?



A follow-up question on access to information was asked, to understand the respondents' perceptions of freedom of expression. The respondents (67.3%) responded "No" indicating that freedom of expression is not provided and practiced. There was an improvement from the 2022 report which showed that 81.7% felt that the provisions of freedom of expression were not respected by the law. The Computer Misuse (as amended) Act, 2011 is one of the laws which was viewed as repressive to freedom of expression. It was used to arrest Dr. Stella Nyanzi on two charges of cyber harassment. A Ugandan lecturer and author was allegedly tortured when jailed in December 2022 for "offensive communication" through his tweets targeting President Yoweri Museveni and his son General Muhoozi Kainerugaba. The recent incident of the slain popular blogger Isma Olaxess who was shot and killed by unknown gunmen in May 2023 in Kampala for supposedly having uttered offensive messages about the Minister of Labor who was shot and killed by his bodyguard further points to intolerance of freedom of expression in the country.

Figure 10: Is media freedom guaranteed by law and respected in practice?

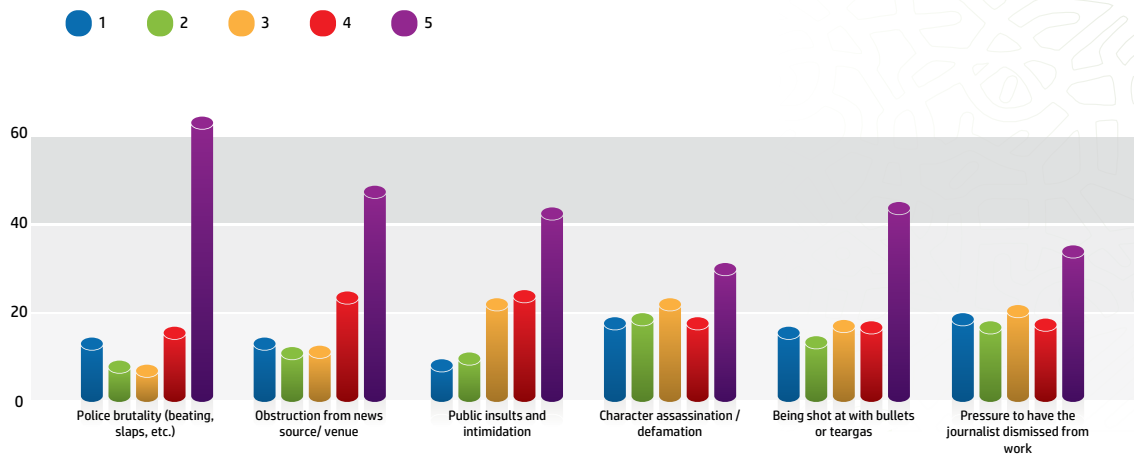
This was another follow-up question to assess the perceptions of respondents and looked at media freedom.



Asked if media freedom was guaranteed by law and respected in practice the respondents No (59.8%) with about 27.1 % saying Yes. About 14% said there were not sure there is the freedom to access media. There is a positive shift in perception as there is a noticeable reduction from the previous year's report which overwhelmingly (77.4%) said NO there is no media freedom.

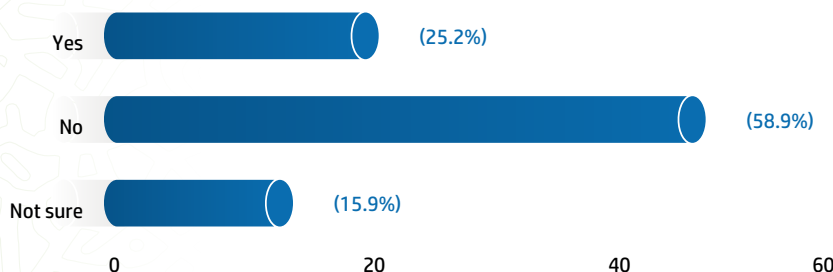
Journalists bear the brunt of harassment from both government agencies and the public. A follow-up question was asked to get respondents' opinions and observations of violations committed towards journalists in particular.

Figure 11: Have you seen any of the following actions being directed at journalists or media workers in your region over the past year?



Some of the observed actions were the beating of journalists by police; obstruction of journalists from news sources and public insults.

Figure 12: Is internet freedom guaranteed by law and respected in practice in Uganda?



Asked whether internet freedom was guaranteed by law and in practice in Uganda, 58.9% of respondents said No; 25.2% said yes and 15.9% were not sure. It was observed that the Government can instruct the shutdown of the internet at a whim which made the respondents feel the law was not followed for this freedom. In the 2021 Index report, 82.6 percent noted that it is “very likely”; while 17.4 percent suspect that Uganda will have yet another internet shutdown. The 15.9% of Not sure can be inferred that citizens are uncertain of guarantees to the freedom to internet as the law has not been honored in regard to switching off the internet in the past.

6.0 Rights of Assembly and Association



6.1 Domestic Laws on Rights of Assembly and Association

*Rights of
Assembly and
Association
were ranked as
Restricted*

- a) *Constitution of Uganda 1995*
Article 29 of the constitution guarantees the freedom of expression, assembly, movement and association. It provides that every person has the right to assemble and demonstrate together to petition with others peacefully and unarmed.
- b) *Public Order Management Act 2013 (POMA)*
Section 8 of the Act provides police with powers to stop or prevent the holding of a public meeting where the public meeting is held centrally to this Act. This law gives police powers to prohibit or disperse public gatherings on a mere basis of administrative faults e.g. not being able to notify police at least three days in advance.
- c) *The NGO Act (2016)*
Under the Act, NGOs are required to apply for an operating permit, which could be denied. The Act enjoins NGOs not to engage in any act, which is prejudicial to the interests of Uganda and the dignity of the people of Uganda’.
- d) *Company Act (2010)*
Provides for incorporation of CSOs as companies limited by guarantee, which is a precondition for an organisation to be registered at the National Bureau for NGOs under the newly enacted NGO Act (2016).
- e) *Penal Code Act (1950) cap 120*

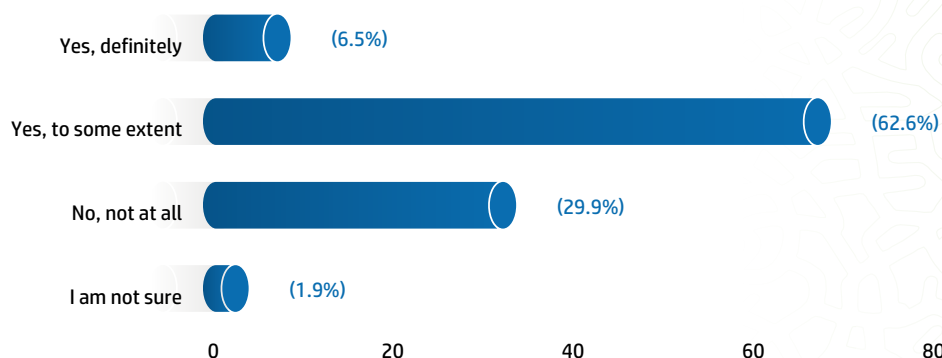
Sections 56, 57 and 58 of the Act define the parameters under which a society or gathering is deemed unlawful. However, these sections were repealed by POMA.

- f) *Anti-Terrorism Act (as amended) (2015)*
The definition of terrorism is vague.
- g) *Police Act, cap 303*
The Act gives the Inspector General of Police (IGP) powers to regulate the conduct of all public meetings and assemblies. Section 32 gives him/her powers to prohibit at his/her whim, the convening of public assembly or a procession.

6.2.1 Assessment of Rights of Assembly and Association dimension

Under the 1995 Constitution of Uganda, **every person has the freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition the government.** Assemblies can be platforms to advocate for change and for people to raise awareness about the issues that matter to them, whether it is human rights, socio-economic rights, or any other issue.

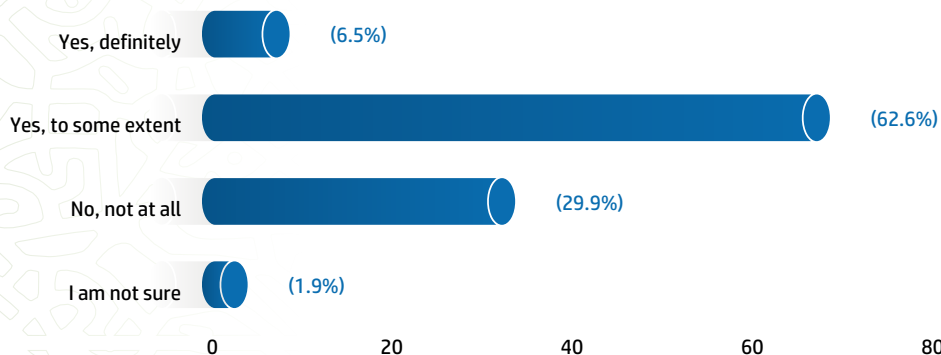
Figure 13: Over the past year were the Rights of assembly guaranteed by law and respected in practice in your region?



The 2021 and 2022 Index reports show a percentage above 80% of the respondents expressed perceptions that freedom to assembly was to some extent guaranteed by law and in practice. The 2023 Index report shows a 54.2% response towards agreement that to some extent there is some guarantee to freedom of association and assembly. During the reporting period, however, several violations of the same dimension were reported. The brutal arrest of 11 female lawmakers in April 2023 is a case in point; the lawmakers were accused of staging an unlawful demonstration protesting “police brutality” and “use of excessive force” to disburse protesters.

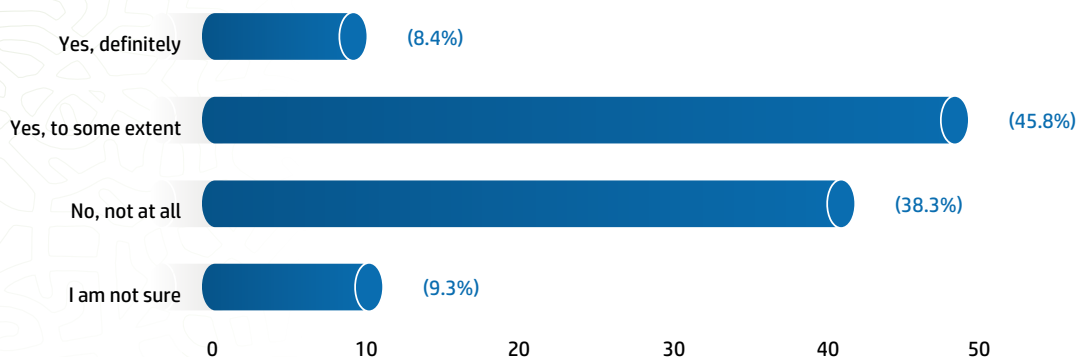
A follow up question was asked;

Figure 14: Over the past year were the Rights of association guaranteed by law and respected in practice in your region?



An encouraging 62.6% of respondents indicated that the Rights of association are somehow guaranteed by law and respected. However, the absolute confidence margin is still low at only 6.5%.

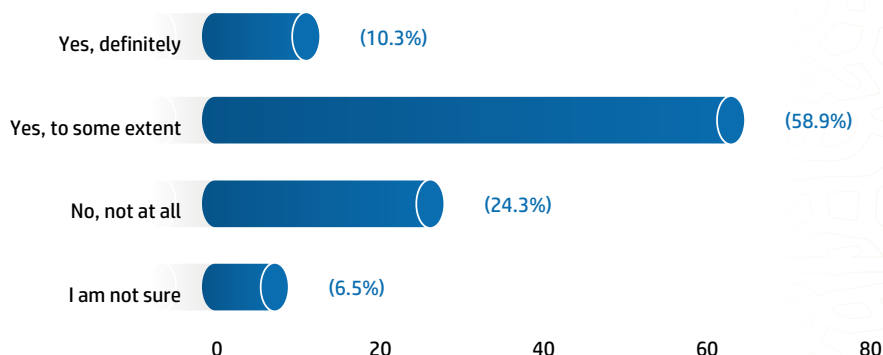
Figure 15: Over the past year were CSOs able to function independently and free of government interference in your region?



Civic society plays a crucial role in giving citizens a voice and observing the government actions and making sure of accountability. The free operations of a healthy civic society are ensuring that government is held accountable on its promises to uphold the law and commitments of freedoms for the citizens are guaranteed. Respondents felt that to some extent the Uganda government provides an environment for CSOs to operate freely without interference. About 45.8% agreed that to some extent, the environment exists, while 38.3% felt there is no free operating environment and there is interference by Government in operations of CSOs.

A follow up question was asked to get views on how the government is enabling CSOs to perform their role.

Figure 16: Over the past year did government recognize and respect the legitimate role of citizens and CSOs as independent advocates, watchdogs, and development agents in your region?



More than 50% of respondents expressed that to some extent, the government aided the CSOs to exercise their role of providing oversight and ensuring participation of citizens. A significant number (24.3%) still felt the government is not helping CSOs, while 10.3% of the respondents were in the affirmative that the government is providing a conducive working environment for CSOs.

6.3 Citizen Participation

6.3.1 Domestic Laws on Citizen Participation



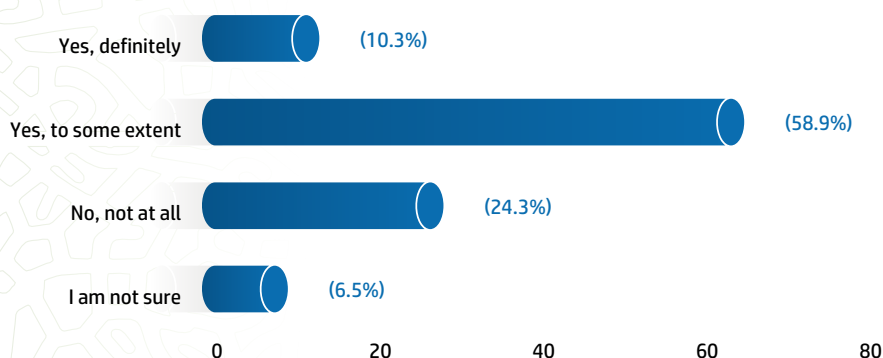
Rights to Citizen participation was ranked as Partially Protected

- i. *National Constitution 1995*
Article 38(i) of the Constitution provided that every Uganda citizen has the right to participate in the affairs of government, individually or through his or her representatives in accordance with law. Subsection (ii) grants every Ugandan the right to participate in peaceful activities to influence the policies of government through civic organisations. Article 59 guarantees the right of every citizen of Uganda aged 18 years and above to vote.
- ii. *Local Government Act (1992)*
The Act provides for establishment of Local government structures that serve as the main frameworks for citizen participation in governance at the local level.
- iii. *Public Order Management Act 2013*
The Act provides for the regulation of public meetings; the duties and responsibilities of police, organisers and participants in relation to public meetings; and gives police powers to prescribe measures for safeguarding public order.
- iv. *NGO Act (2016)*
The new NGO Act establishes an administrative and regulatory framework under which citizens can participate in affairs of their country through Non-Governmental Organizations.

6.3.2 Assessment of the Citizen Participation Dimension

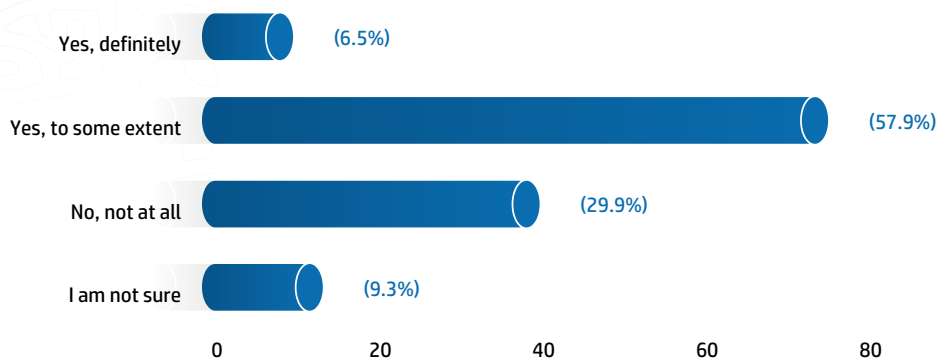
Uganda has made strides in providing opportunities for citizen participation in building strong systems aimed at serving the interest of all citizens and fostering sustainability. Uganda has embraced E-platforms to enhance citizen participation and access to services and information. District Planning and Barraza's are some of the good practices the country utilizes to empower citizens to participate in developmental issues.

Figure 17: Were elections conducted in Uganda from Sept 2022 – to date free and fair in your region?



While there were no notable elections in the reporting period, respondents (58.9%) expressed that to some extent, citizens freely participated in elections to choose leaders. About 10.3% were in the affirmative on participation in elections and 24.3% felt participation in elections was not guaranteed.

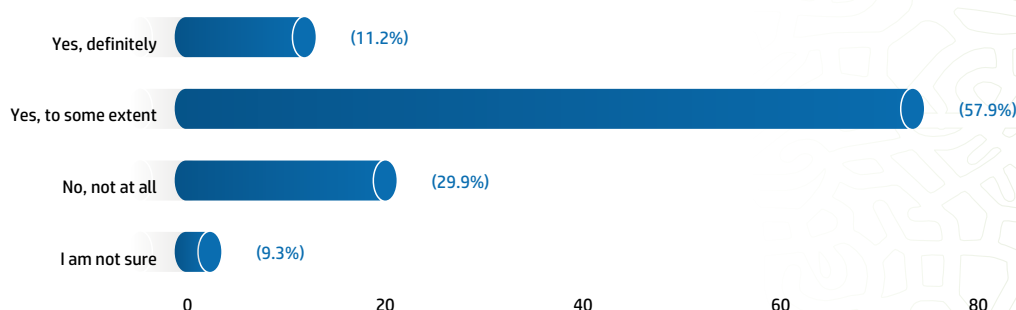
Figure 18: Over the past year, did the government facilitate the participation of citizens and CSOs in processes of public deliberation and decision-making on major issues of concern in your region?



The government encourages citizens' participation in development forums such as the much-promoted Parish development initiatives, Budget reviews and District Planning where civic society organizations are part of the process.

About 29.9% respondents felt the opportunities to participate were nonexistent while 57.9% expressed that government facilitates the participation of citizens and CSOs in processes of public deliberation and decision-making on major issues of concern. 6.5% of the respondents gave a positive response to their freedom of participation and CSOs in development issues.

Figure 19: Over the past year, were marginalized groups given equal civil rights and equal access to participate in civic affairs in your region?



6.4 Non-Discrimination / Inclusion

6.4.1 Domestic Laws on Non-Discrimination / Inclusion

*Rights to Non-Discrimination/ Inclusion was ranked as **Partially Protected***

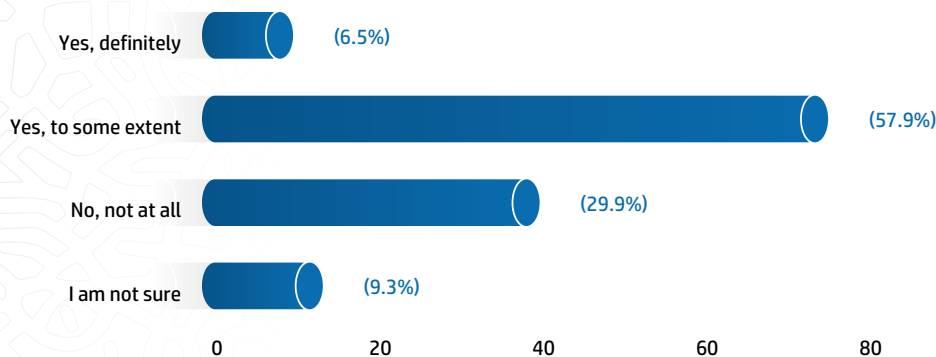
- a) *National Constitution 1995*
Article 32 prescribes affirmative action, while Article 36 states, 'Minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes'. Article 78 guarantees one parliamentary seat per district for women and allows Parliament to provide representation for people with disabilities, youth and other disadvantaged groups.
- b) *Persons with Disabilities Act (2006)*
Provides a comprehensive legal protection for PWDs and lays out the framework for their participation in all affairs of the country as citizens of Uganda.
- c) *Employment Act (2006)*
Guards against the discrimination of any person from employment on the basis of their ethnic background, sex, age or religion, etc.
- d) *Local Governments Act (1992)*
The act enjoins Local Government officials to ensure protection of rights of minorities and disadvantaged sections of the population.
- e) *The Equal Opportunities Act (2007)*
Act was enacted to guard and promote the equality of opportunities for all persons irrespective of

gender, age, physical ability, health status or geographical location, in all activities, programmes, plans and policies of the Government, private sector and NGOs in all spheres of social, economic, political and civil life.

- f) *The Education Act (2008)*
Lays out a framework for all-inclusive education to male and female citizens of school-going age.
- g) *The Parliamentary Election Act (2005)*
The Act lays out a framework for the participation of women and other special interest groups as representatives in the National Parliament.
- h) *Prohibition of Female Genital Mutilation Act (2010)*
The Act protects girls and women from the notorious cultural practice of female genital mutilation.

In this dimension several questions were asked to respondents to determine their views on rights to non-discrimination and inclusion.

Figure 20: Do women have equal civil rights and equal access to civic space?



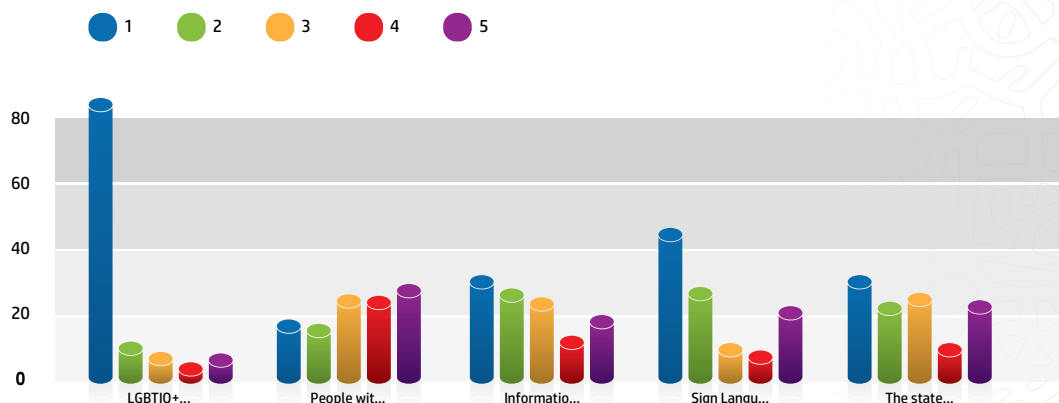
The women's rights are respected, and women have access to civic space in Uganda. The survey showed a 57.9% down from 73.3% from the 2022 report. 6.5% respondents agreed that women have access to civil rights to some extent, a reduction from 10% from the 2022 report. About 9.3% were not sure however if women enjoy the civil rights this is a reduction from the previous report which indicated a slightly higher percentage of uncertainty.

Uganda has made progress in pushing the gender affirmative objective of having women in leadership positions. Currently, Uganda's parliament has 529 members. It is a policy that out of the 529, 146 seats are reserved for women – one woman per district. More women can stand for the open seats and compete with men. Women are covered by policy but that may not necessarily result in effective representation.

The Constitution⁴¹ was the first step in ongoing reforms that have significantly strengthened protections for women's rights under the formal framework. The National Equal Opportunities Policy, 2006 aims at promoting equality of opportunities for all persons in Uganda, irrespective of gender, age, physical ability, health status, or geographical location, in all activities, programmes, plans, and policies of Government, private sector and Non-Governmental Organizations in all spheres of social, economic, political, and civil life.

⁴¹ 1995 Constitution of the Republic of Uganda

Figure 21: Do marginalized groups such as Persons with Disabilities (PWD), women etc. have equal civil rights and equal access to civic space?



The recently passed New Anti-Gay Bill (March 2023) is seen as repressive to LGBTIQ + individuals to freely exercise their right to freedom of association, assembly, and expression on an equal basis with others.

To a large extent, the survey discovered that People with disabilities are able to freely exercise their right to freedom of association, assembly, and expression on an equal basis with others. The Government of Uganda enacted a new **Persons with Disabilities Act 2020** which domesticates the Convention of the Rights of Persons with Disabilities (CRPD) and is the Principal Legislation that guarantees the rights of Persons with Disabilities to equality and non-discrimination. This law was assented to on 19 September 2019 and commenced on 14 February 2020. Persons with Disabilities Act (2006) provides a comprehensive legal protection for PWDs and lays out the framework for their participation in all affairs of the country as citizens of Uganda.

The Act seeks to provide for the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities; to re-establish the National Council for Disability as the National Council for Persons with Disabilities; to transfer the property of the Uganda Foundation for the Blind to the National Council for Persons with Disabilities; to provide for the local government councils for persons with disabilities; to repeal the Persons with Disabilities Act, the National Council for Disability Act and the Uganda Foundation for the Blind Act, and to provide for related matters.⁴² To operationalize the Persons with Disabilities Act, 2020, the Government of Uganda also initiated the formulation of Regulations which are now pending approval by Government.

6.5 Human Rights / Rule of Law

6.5.1 Domestic Laws on Human Rights / Rule of Law

a) National Constitution 1995

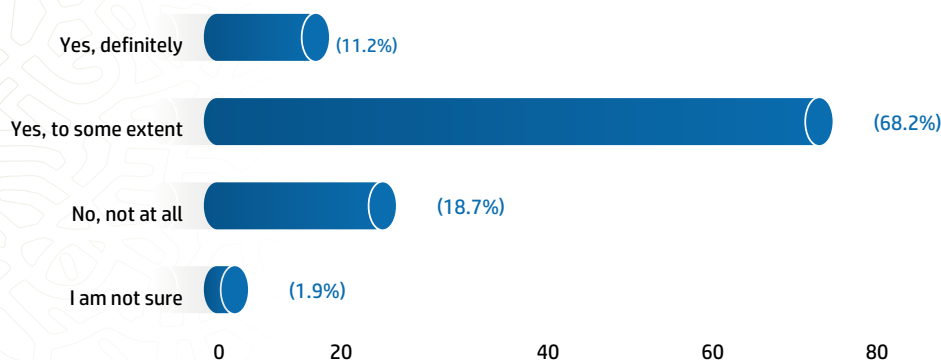
Chapter 4 of the national Constitution (also known as the bill of rights) guarantees the rights and freedoms of citizens of Uganda.

*Human rights/
Rule of law was
ranked as Partially
Protected.*

⁴² The law is accessible at <https://ulii.org/akn/ug/act/2020/3/eng%402020-02-14>

- b) **Anti-Pornography Act (2014)**
The definition of pornography in the act is too vague and can violate the human right of expression. Moreover, this Act breaches the right to privacy as it asks to keep a registry of all persons found guilty under the act.⁴³
- c) **Interception of Communications Act**
The act gives powers to the state to violate the human right to secrecy of communication.
- d) **Penal Code Act – (1950)**
This is largely a colonial legislation meant to protect the interests of the colonialists, some of the offending anti-freedom and rights provisions remain prevalent therein to date.
- e) **Computer Misuse Act (2011)**
Prescribes liability for offenses relating to computers. It penalizes unauthorized access to computer programmes and data, and unauthorized modification of computer material.
- f) **Prohibition of Torture Act (2012)**
The Act criminalises all acts of torture in Uganda.

Figure 22: Are basic human rights guaranteed by law and respected in practice?



Uganda is consistently ranked low in terms of the rule of law and judicial integrity. The World Justice Project's (2018) Rule of Law Index rates Uganda 104th out of 113 countries globally. Uganda is a signatory to UN Convention of human rights which enshrines such rights as right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education among others without discrimination.

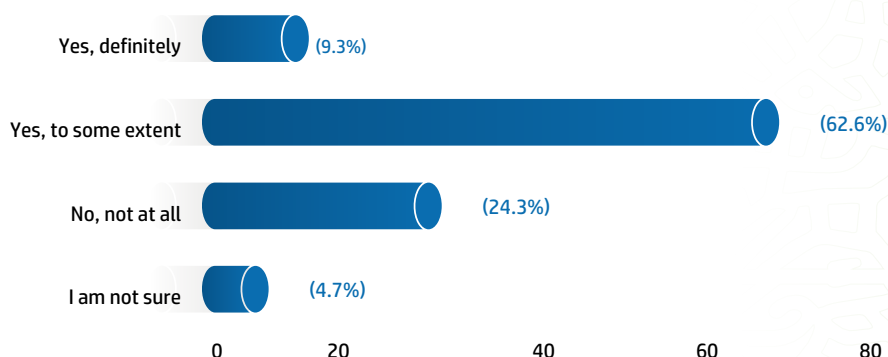
Asked if human rights are guaranteed by law and respected in practice in Uganda the respondents 68.2% of the respondents agreed up from a 53.3% from a previous report. In contrast 18.7 % felt the rights are not at all guaranteed and respected in practice. About 11.2% felt the rule of law is respected and practiced in Uganda.

The human rights actors are concerned with the impending closure of the UN Human rights office mandate in Uganda. Uganda announced in February 2023 that it would not be extending the Human Rights Offices term in the country. This move has been decried by human rights activists in Uganda who feel the civic space is shrinking contrary to the government suggestion that the civil society has the capacity to monitor human

⁴³ Africa Freedom of Information Centre, 2017, Report on Study on Freedom of Information in Uganda.

rights violations in the country. The role of the OCHR is still needed by the civil society in strengthening protection of human rights.

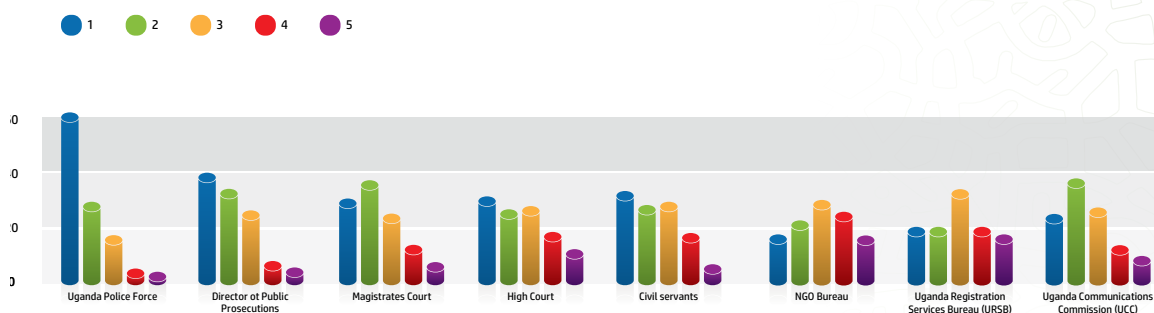
Figure 23: Is there an effective rule of law in Uganda?



During the study, 24.3% of the respondents noted that they feel that there is no effective rule of law in Uganda while 62.6 % felt there is some rule of law. A few respondents 9.3% expressed that there is rule of law in Uganda with 4.7% were unsure.

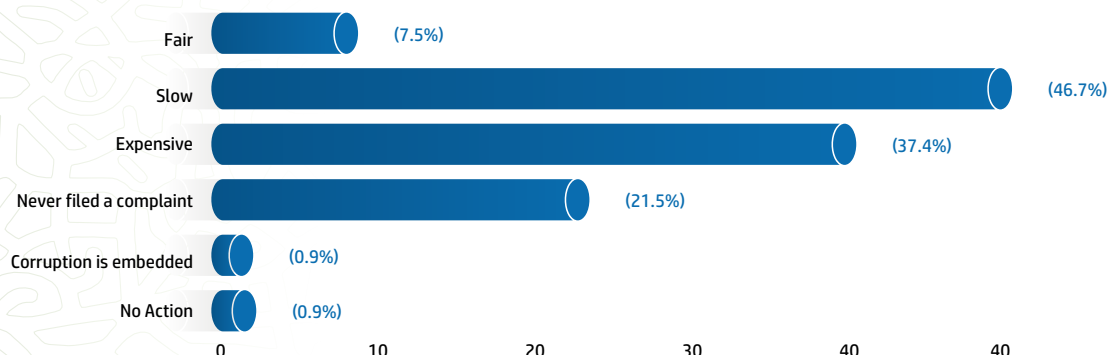
Figure 24: Please tell us how much trust you have in each of the following institutions

No 1 represents the least trusted institution.



The Uganda Police Force was ranked as the least trusted institution in Uganda. The Directorate of Public Prosecutions, Magistrates courts, and High court were also ranked as not very trusted in regard to upholding the rule of law. This is a worrying result as these institutions are key in ensuring the rule of law is applied and justice is served.

Figure 25: If you have ever filed a complaint to the police or court, how would you rate the process followed?



In the survey when asked if respondents have ever filed a complaint with the police or courts 37.4% felt it was a costly process. Other respondents 46.7% felt the process of filing a complaint with either police or courts is a slow process, while 21.5% said they have never filed a complaint. Less than 1% sighted corruption as an impediment to accessing justice.

7.0 Conclusions

It is evident that the Ugandan Civic Space is increasingly becoming a risky environment for citizens to participate in any form of political, social, and economic organisation. It appears as if the incumbent regime which was being heralded as a rising democratic state not too long ago, appears to have become insecure and frightened of citizens that it is reversing the many good tenets of civic space, rule of law and right to freedoms associated with civil liberties.

By and large the NCHRD-U concludes that the space for citizens to organize around democracy, human rights, constitutionalism, rule of law and environmental degradation is being restricted. This is due to the enactment of draconian laws that were amended to suppress citizens' dissenting voices and to silence political engagement. Several laws that respondents to this Index cited, have served to shrink the space for citizens to engage with power, make choices, organise and demand accountability from government and corporations, and play a constructive and substantial role in framing of just development outcomes.

We urge the various pillars of government to listen to the citizens and review and amend the restrictive provisions on several legal instruments that curtail civic space, and replace them with more enabling provisions. Some of the laws that require amendment include; NGO Act 2016, the Computer Misuse (as amended) Act 2011, the Public Order Management Act 2013 among others. These should conform to the International Conventions on Civic and Political Rights. In the same vein, we believe that security agencies namely the Police, Internal Security Organisation (ISO) and the Uganda People's Defence Forces (UPDF), should stop arbitrary arrests, detentions and persecutions of human rights defenders, pro-democracy, constitutionalism, and political activists.

We urge the government to reconsider relaxing some of the conditions it imposed on the biggest European basket fund in East Africa, the Democratic Governance Facility (DGF). Whilst the President H.E President Yoweri Kaguta Museveni lifted the suspension of the 100-million-euro basket funding mechanism on 22 June 2022 support to the over 90 civil society organizations, 10 government institutions and political parties that subscribed to IPOD have never resumed. The ongoing wind-down of the DGF has caused many organizations to shut down and has weakened the work of civil society efforts to deepen democracy, protect human rights, improve access to justice, and social accountability in Uganda.

On the other hand, we urge civil society to work hard to create strong local links with the grassroots communities with a view of creating and consolidating relevant citizens' participation in civic affairs. Uganda's thriving democracy can only be built and preserved on the participation and consensus of all its citizens. Government's ongoing efforts such as The Parish Development Model which are taking a multi-sectoral strategy and multi-actor approach to improve incomes and welfare of Ugandans by bringing services closer to the citizens deserve the support of civil society.

NCHRD-U believes in the importance of protecting the rights and freedoms of every individual and promoting an inclusive and democratic society. We encourage civil society and the key pillars of government to engage in constructive dialogue on issues of concern. Let us work together to create a society that values the voices and contributions of every citizen.



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