



USAID
FROM THE AMERICAN PEOPLE



UGANDA'S CIVIC SPACE INDEX, 2022 : CIVIL LIBERTIES AT STAKE

December, 2022



NATIONAL
COALITION OF
HUMAN
RIGHTS
DEFENDERS
UGANDA



A publication of:

National Coalition of Human Rights Defenders Uganda (NCHRDU)

Plot 148 Ssemawata Road, Ntinda

P.O Box 302, Ntinda

Kampala, Uganda

Phone: +256-414-699-373

Email: info@hrdcoalition.ug

This publication is available online at www.hrdcoalition.ug/resources

This report is distributed at no charge and all attribution should be made to the National Coalition of Human Rights Defenders Uganda.

This Index was undertaken with the financial support of the United States Agency for International Development (USAID) and Rights and Justice Activity (RAJA)

Disclaimer

This publication is made possible with the support of the American People through the United States Agency for International Development (USAID). The contents of this publication are the sole responsibility of the authors and do not necessarily reflect those of the United States Agency for International Development or the United States Government.

Contents

List of Abbreviations.....	4
Acknowledgement.....	5
Foreword.....	6
1.0 Introduction	7
2.0 Background and context to the Uganda, Civic Space Index	8
3.0 Section 1: About the Civic Space Index	9
3.1 Summary Civic Space assessments in 2022	9
3.2 Uganda is heading in the wrong direction on human rights and rule of law observance	10
3.3 The most violated civil liberties.....	10
4.0 Section 2: Parameters for assessing Civic Space	13
4.1 Methodology use to ascertain civic space in Uganda	13
4.2 Dimensions and Principles measured.....	15
4.4 Rating of Uganda civic space Index	17
4.5 Mapping on International Covenants and Parallel Ugandan Legal Framework on Civic Space.....	18
5.0 Section 3: Assessment of Civic Space Dimensions Findings	20
5.1 Freedom of Information and Expression	20
5.2 Rights of Assembly and Association.....	26
5.3 Domestic Laws on Rights of Assembly and Association.....	26
5.4 Citizen Participation	29
5.4.1 Domestic Laws on Citizen Participation	29
5.5 Non-Discrimination / Inclusion.....	32
5.5.1 Domestic Laws on Non-Discrimination / Inclusion.....	32
5.6 Human Rights / Rule of Law	35
5.6.1 Domestic Laws on Human Rights / Rule of Law.....	35
6.0 Conclusions	39
Annexe 1: Survey Questionnaire.....	40

List of Abbreviations

ACHPR	African Charter on Human and Peoples' Rights
CBO	Community-Based Organisation
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social, and Cultural Rights
CSO	Civil Society Organisation
FIA	Financial Intelligence Authority
HRC	UN Human Rights Committee
HRDs	Human Rights Defenders
ICCPR	International Covenant on Civil and Political Rights
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer plus
MP	Member of Parliament
NGO	Non-Governmental Organisation
NGO Act	Non-Governmental Organisations Act, 2016
NGO Bureau	National Bureau for NGOs
POMA	Public Order Management Act, 2013
RAJA	Rights and Justice Activity in Uganda
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UPDF	Uganda Peoples' Defence Forces
USAID/RAJA	United States Agency for International Development/ Rights and Justice Activity in Uganda
URSB	Uganda Registration Services Bureau
WHRDs	Women Human Rights Defenders

Acknowledgement

The National Coalition of Human Rights Defenders Uganda (NCHRDU) commissioned its second study for this *Uganda: Civic Space Index, 2022* report. The team of David Manyonga and Justin Mucheri was identified as the consultants. We acknowledge their diligent efforts to producing this much needed index study and its accompanying Advocacy framework.

We would like to acknowledge the invaluable insights of the human rights defenders who actively participated as the respondents. The HRDs and partner representatives who attended the Index report validation meeting and shared their inputs are greatly appreciated.

The consultants worked in close consultation with the NCHRDU staff who give insights and guidance to the process. Appreciation is extended to secretariat team of Prosy Babirye, Sharon Nakanwagi, Elizabeth Namayanja and Frank Kigoye under the overall leadership of Robert Kirenga, the Executive Director.

This report would not have been without the funding support from Freedom House and the USAID funded RAJA project to which we are forever grateful.

Foreword

On behalf of NCHRD-U, I am delighted to present the second issue of our flagship publication, Uganda: Civic Space Index, 2022. Building on last year's Civic Space Index, this report gives an overview of the many ways in which a continued on-slaughter of civil liberties continued in 2022. The report highlights persisting challenges civil society is facing in an operational space that has over the years continued to shrink and is now restrictive.

Reports by domestic and international rights organizations allude to the fact that the Government of Uganda has over the past decade grown increasingly less tolerant of criticism be it from civil society or political opposition. This report bears witness to legal attempts to suppress dissenting voices and silence political opposition through such laws as the recently ascended Computer Misuse Act (2022) Public Order Management Act (2013) which criminalize some internet activities despite concerns that the law could curtail online freedom of expression.

NCHRD-U aims to protect and promote the work of Human Rights Defenders in a safe and secure environment through linkages with national, regional, and international like-minded entities; advocacy and networking; capacity building; and protection, safety, and security management. NCHRD-U takes cognizance of the fact that safeguarding of civic space where she and the over 60 Coalition members can freely operate is essential to not only these organizations but to the rest of civil society.

A dark cloud is hanging on hundreds of Uganda's governance and human rights NGOs which are on the verge of closure because Uganda's donor basket funding scheme Democratic Governance Facility (DGF) was forced to wind down its operation in Uganda, ending a long drawn-out fight between government authorities and European donors. The donors had, we are told, reached the end of their tether due to intimidation, harassment and other forms of abuse meted by state agents against beneficiaries of the multi-million dollar facility.

The period under review, from October 2021 to October 2022 was marred by continued violence, and some summarily killing of citizens, more especially opposition political party members were arbitrarily arrested, and jailed beyond the time limits provided for in the constitution, whilst the state heavy-handedness on the journalist was most pronounced in 2022.

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 it ratified. We believe that an enabling civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: accessing information, engaging in dialogue, expressing dissent or disagreement, and joining together to express their views.

Reversing the shrinking civic space trend requires a multi-faceted and harmonized approach that prizes trust, efficiency, and local knowledge. There are robust and ongoing conversations on issues affecting civic space, but the wide range of conversations has diluted both the urgency and nuance in figuring out how to ensure civil society actors can and continue to do their work.

We hope that this kind of report would bring human rights issues to the fore and persuade the various players to respect the rights of the citizens.

1.0 Introduction

Uganda: Civic Space Index, 2022 concludes that Uganda's Civic Space is **restricted** and 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.

Since 2013, the National Coalition for Human Rights Defenders – Uganda (NCHRD-U) has played the unique role of coordinating many human rights defenders such as lawyers, journalists, health workers, environmental human rights defenders, and women rights defenders, among others to defend themselves against threats and attacks encountered when standing up to defend other people's rights. As such, the NCHRD-U is paying attention to the state of civic space in the country and seeking the collective support of civil society actors and citizens to advocate for a positive working environment by seeking for government to revise oppressive laws and also rein in hostile actions by some government actors.

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 Uganda: Civic Space Index 2022 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.

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 it is essential to safeguard civic space so that individual Human Rights Defenders, groups, and organs of society can promote and protect universally recognized human rights and fundamental freedoms.

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 the available evidence, International and national (datasets and reports), and quantitative status 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).

2.0 Background and context to the Uganda, Civic Space Index

Respect and support for the activities of human rights defenders¹ are essential for the full realization of human rights, the rule of law, and sustainable development². 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 rights³.

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 provision, 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 work⁴.

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 Uganda 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 organizations⁵.

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 space⁶" which highlights five key dimensions of civic space namely;

- 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 the country point to the continued state's on-slaughter 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.

3.0 Section 1: About the Civic Space Index

3.1 Summary Civic Space assessments in 2022

The NCHRD-U concluded that in 2022 Civic Space was concluded to be restrictive. This was after an analysis of perceptions of human rights defenders indicated that three (3) out of the five (5) civic dimensions were ranked as restricted whilst the remaining two were partially protected. The rating confirmed that whilst there is the presence of legislation that restricts the space provided in the ratified international treaties some international treaties are not ratified and thus there is ineffective civil liberties protection mechanism in Uganda. According to consensus in the literature, there is a wide range of restrictions that are being pressed on civil society.

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 came from a range of actors – different levels of state actor (central and local); security forces; businesses; organized crime; religious groups

The literature explored several overlapping methods, 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.

Table 1: Overall Rating Chart of Uganda's Civic Space in 2022

Dimensions	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** by the [CIVICUS Monitor](#)⁷. Uganda is ranked 132nd out of 180 countries in RSF's 2022 [World Press Freedom Index](#)⁸. The Freedom House's *Freedom in the World 2022* report also noted that Uganda is "Not free"⁹

The period under review, from October 2021 to October 2022 was marred by continued violence, and some summarily killing of citizens, especially opposition political party members, who were arbitrarily arrested, and jailed beyond the time limits provided for in the constitution, whilst the state heavy-handedness on the journalist was most pronounced in 2022.

Again, NGOs that engage in activities that are viewed to be against the Government have had their finances and sources of financing investigated by the Central Bank reportedly on the Government of Uganda instructions. UWONET, and NGO Forum are such examples of organizations who faced closure due to their work in the governance and democracy space. In 2021 the government went on to sever the life line of the majority of Uganda's civil society funding when it suspended the operations of the Democratic Governance Facility (DGF), a \$100 million annual grant giving mechanism. DGF will close its business in Uganda at the end of December 2022, a decision- which will deprive NGOs and vital government agencies of funds to continue operations¹⁰.

Already, hundreds of jobs have been drastically cut, and so has funding for many non-governmental organizations. It's all doom and gloom for about 80 beneficiary organizations working in the areas of democracy, human rights, and extractive industries, among others. The on slaughter of civil liberties

and draconian handling of NGOs has created an atmosphere of mistrust both between Government and the CSO sector, in particular those organizations engaged in human rights and advocacy/critiques of Government policy and its implementation; and also among CSOs, despite the fact that they had over the decades since the reintroduction of multiparty democracy, established successful thematic networks in order to advance mutual interests¹¹.

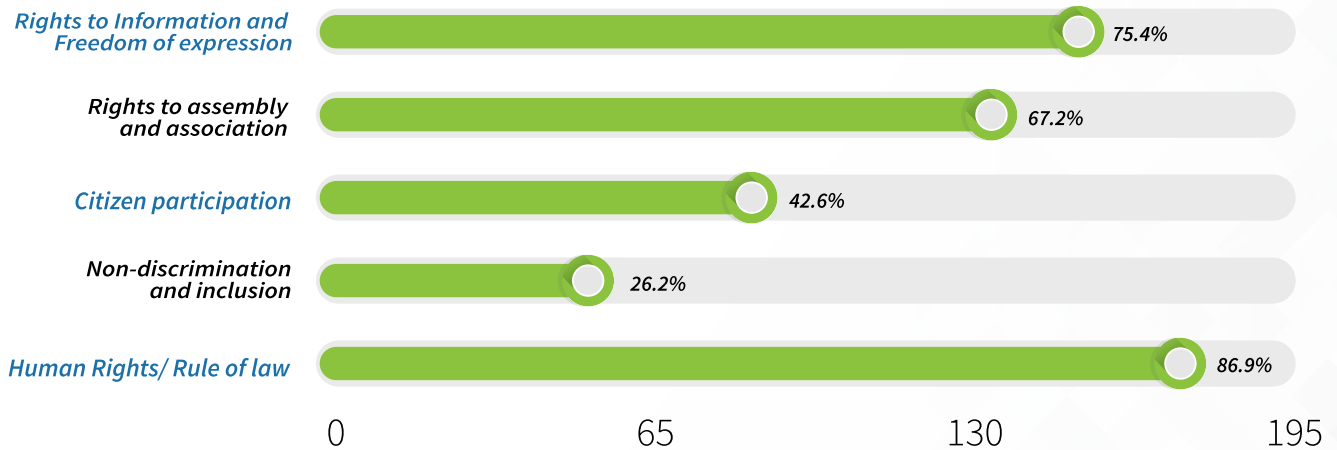
3.2 Uganda is heading in the wrong direction on human rights and rule of law observance

The Index survey sought to establish the opinions of the respondents with regards to the country's perceived direction in respect to human rights and the rule of law. In the survey, 73.3% of respondents expressed that Uganda is headed in the wrong direction while 15% 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 % response towards a negative perception of the direction Uganda is taking. The difference in opinion did not change much in the recent past period under review. This could be an indication attributed to the continued proliferation of laws with repressive clauses that claw back freedoms which are originally guaranteed freedoms in the 1995 Constitution of the Republic of Uganda and established under international and regional human rights instruments which Uganda is a signatory.

3.3 The most violated civil liberties

Out of the five (5) civic space dimensions' respondents' believed that the most violated liberties in 2022 were Rule of law and Human Rights followed by Freedom of information and expression; and Rights to assembly and Association.

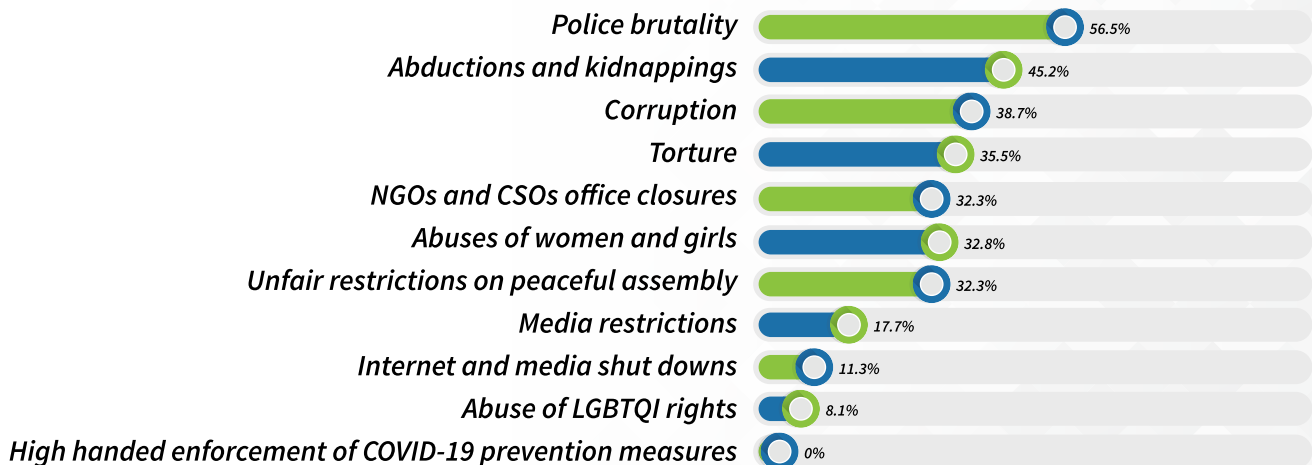
Figure 1: The **top three rights or freedoms that you believe are most violated in Uganda.**



Human Rights/ Rule of law was rated as the most violated right among the civic space dimensions with an 86.9% score. This is followed by Rights to Information and Freedom of expression, another dimension ranked as restricted at 75.4%. Rights to assembly and association was rated 3rd on the most violated rights in the measurement of the civic space at 67.2%. Citizen participation came 4th and Non-discrimination and inclusion was 5th with 42.6% and 26.2% respectively.

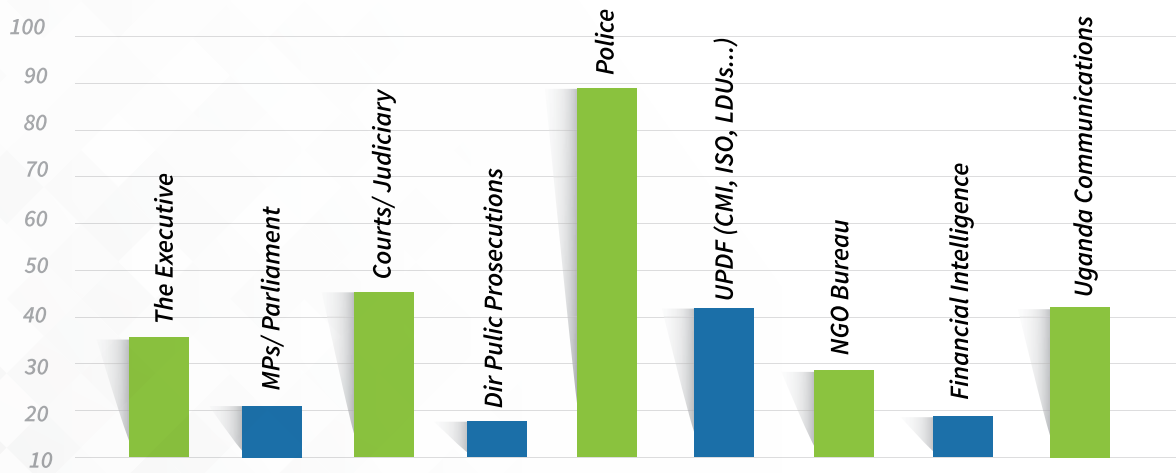
A follow up general question was asked to assess respondents’ perceptions on human rights concerns which will likely prompt them to take action and defend human rights. Eleven (11) aspects were used for the assessment and respondents were asked to indicate the 3 top human right violations.

Table 2: Human rights violations which are likely to make one take action



The top three concerns were listed as Police brutality 56.5%, Abductions attributed to the police infamous “drones” 45.2% and corruption at 38.7%. Equally issues of concern were torture, NGO closures, Abuse of women and girls and unfair restrictions on peaceful demonstrations. Table 3 shows the results of a follow up question on institutions who are perceived to be the most violators of civic space in Uganda. Police is ranked high tying up with the perception on/about police brutality in table 2 above. This sums up some of the issues of concern as it pertains to the civic space in Uganda.

Table 3: Institutions perceived to be the worst violators of the civic space



The top three institutions associated with violating the civic space were Police at 88.7% followed by the courts and judiciary system at 46.8% and thirdly was, The findings were similar to the previous report which also placed Police and the UPDF as top violators. The previous report had The Executive/ The Presidency as the second highest violator while this report has the courts and judiciary as the second violator. This is worrying as the fingered 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 use 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's 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 from Human Rights Defenders and Civil Society expert's views on their ranking of perceived assessment of the enjoyment and or deterrent around five human rights dimensions which are 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 protects or restricts civic space for citizens and civil society organisations to engage 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 has been documented over a period of time as part of the coalition monitoring efforts of the civic space. The accounts 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 organisations, United Nations organisations, 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 to 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 frameworks are enabling or progressive and whether the exercise or enjoyment of the rights and freedoms are enabled or hindered.

Basing on the ranking, the Index provides a brief narrative on 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 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 tries 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 second of its nature published by the National Coalition of Human Rights Defenders Uganda (NCHRDU). This index report where possible makes comparisons to the first report findings in benchmarking the shifts and emerging trends. The assessment also relates dimensions of civic space provisions to both international, regional and domestic laws.

The survey tool consisted of 33 perception based questions and experience and observation questions. The social demographics of all respondents was also included in the questionnaire. The Index report relied on secondary information from 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 out to 193 respondents across the country.

Figure 2: Respondents per region.

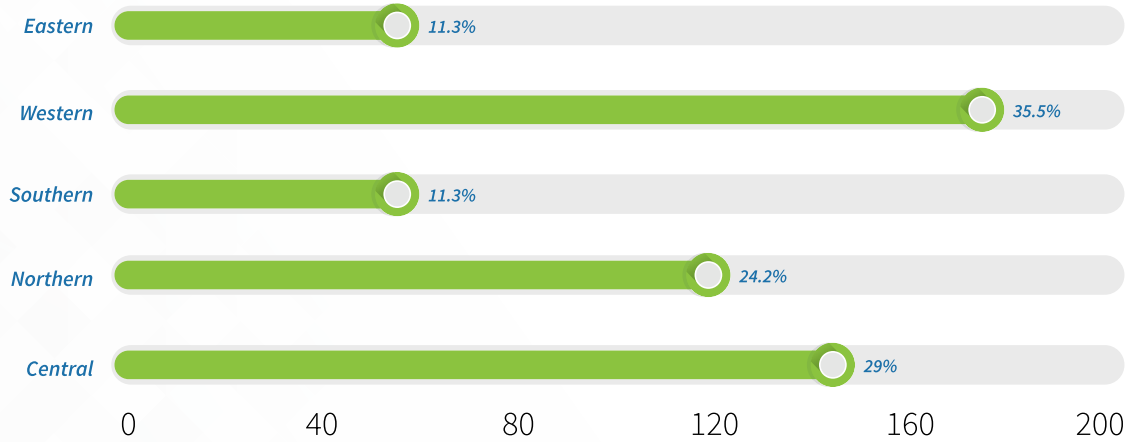
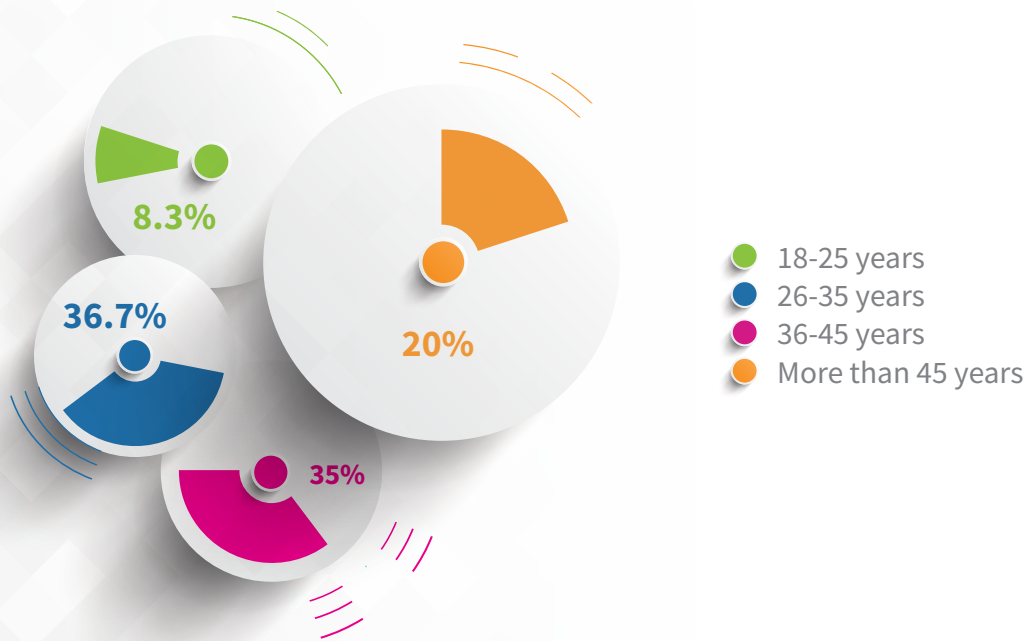
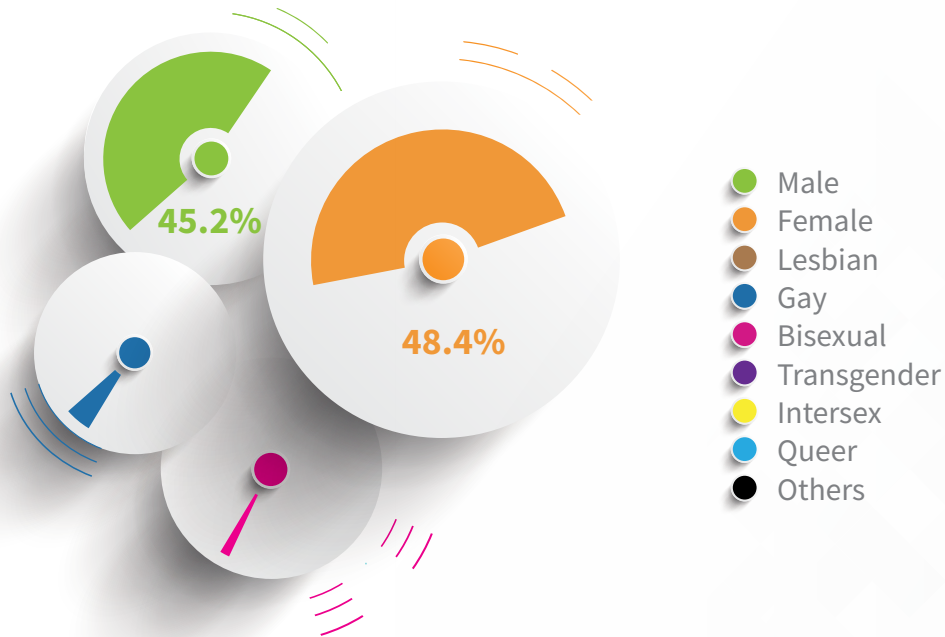


Figure 3: Respondents age groups



The respondents were largely in the age bracket of 26 to 35 years and 36-45 years with a 36.7% and 35% respectively. The more than 45 years' age category was 20% and 18-25 years made for 8.3% of the respondents.

Figure 4: Respondents sexuality and gender identity?



The survey reached males 48.4% and females at 45.2% for both genders. Only about 5% of the respondents were gay and bisexual.

4.2 Dimensions and Principles measured

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

Table 2: *Civic Space Dimensions and Principles*

Civic Space Dimensions and Principles

1. **Freedom of Information and Expression:** *the right to freedom of expression 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:*
 - 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. Internet freedom guaranteed by law and respected in practice

2. **Rights of Assembly and Association:** *This refers to whether individuals and groups can gather and organize themselves freely, have the freedom to protest, or publicly express disagreement.*
 - 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

3. **Citizen Participation:** *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.*
 - a. Elections are 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

4. **Non-Discrimination / Inclusion:** *This refers to the government seeking to guarantee that human rights are exercised without discrimination of any kind based on ethnicity, religion, sex, language, political or other opinions.*
 - 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

5. **Human Rights / Rule of Law.** *This refers to the ability of those affected by restrictions on civic space to seek redress and access justice.*
 - 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 ratings alone may offer a crude 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 simple rating 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 in a given year, each of the five civic space dimension is assigned a rating as follows:

The assessment of what the combined sources suggest for each dimension of civic space was synthesized and labelled as:

- 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:
<p>a) Protected Space:</p>	<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
<p>b) Partially Protected Space:</p>	<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
<p>c) Restricted Space:</p>	<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
<p>d) Non-Existing Space:</p>	<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 which should be enjoyed and is 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/ Accession/signatory	Domestic Laws
1. Freedom of Information and Expression		
Declarations of Principles on Freedom of Expression in Africa (2002)	1995	<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 (2011) • 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) • Pubic 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)	1995	
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	1995	
African Charter on Human and People's Rights (1981)	1986	
UN Declaration of Principles on Expression 2000	1986	
UNHRC Resolution on Freedom of Opinion and Expression (2009)	1986	
International Convention on Civil and Political Rights	1986	
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)	1995	
UN Declaration of Human Rights Defenders 1998	1995	
UNHRC Resolution on civil society Space: Creating and Maintaining in law and in practice, a safe and enabling environment (July 2016)	1995	
3. Citizen Participation		
Covenant on civil and Political rights	1995	<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)	1995	
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 Covenant / Treaty	Year of Ratification/ Accession/signatory	Domestic Laws
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	
5. Human Rights / Rule of Law		
Universal Declaration of Human Rights (1948)	1995	<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 above 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.	1968	
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.	1986	
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

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

5.1.1 Domestic Laws on Freedom of Information and Expression

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 shall be liable on conviction, to suffer death.

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 of access to 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 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.

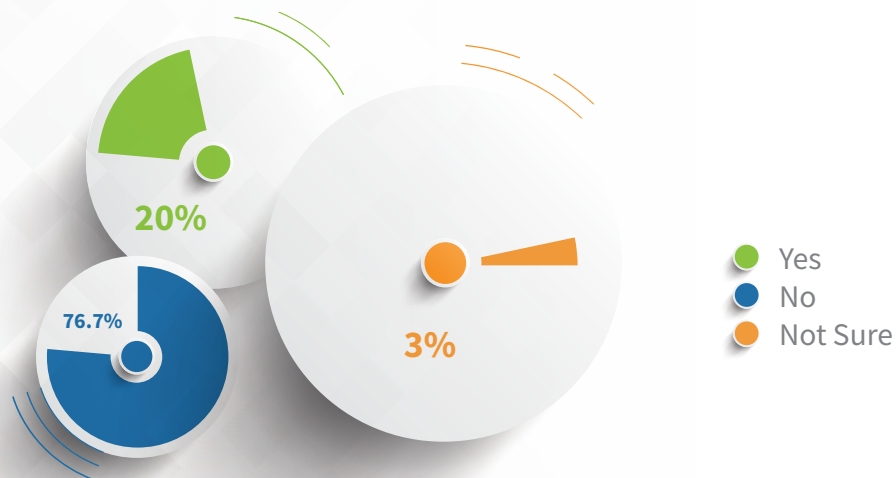
n) [Penal Code Act -](#)

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, is guaranteed by Article 41 of the Constitution.

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

Figure 5: *Is access to information guaranteed by law and respected in practice in Uganda?*



The majority of the respondents (76.7%) 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 being the practice. About 20% of the respondents said yes access to information is guaranteed by law and respected in practice in Uganda.

This right dimension was ranked as restricted as a staggering 76.7% compared to 20% of the survey respondents who felt that in Uganda access to information is not guaranteed by law and in practice. The access to information has various aspects such as timely and accurate information, accessibility among others. There is a general mistrust by citizens to information given by the state. This is sometimes caused by conflicting reports given to the public figures.

The opinions on freedom to expression was is higher at 81.7% of respondents expressing dissatisfaction with guarantees of the provision of the rights and practice? A similar score of 81% in the negative was recorded for media freedom. This is chilling figure in a country where media is constantly under attack by state actors.

Whilst Uganda seems to have good safeguards and domesticated a number of laws to guarantee the freedom of expression and information, in the period under review, there are practices that have consistently shrunk this space. This is manifested among others in the harassment of Journalists, and high handed crackdown of civil society activists who have come out to express themselves. According to Human Rights Network for Journalists (HRNJ- Uganda), many journalists covering the December 2021 Kayunga by-elections were assaulted and teargassed by security forces resulting in 17 cases of abuse and violations against journalists in one district by-elections.

Figure 6: *Is freedom of expression guaranteed by law and respected in practice in Uganda?*



A follow up question to the access to information was asked, to understand the respondents' perceptions on the freedom to expression. A huge number of respondents (81.7%) responded that "No" the freedom of expression is provided and practiced. Freedom of expression is in most cases restricted as it can be misconstrued to being antigovernment or insults to persons in power. This applies to both physical and online activities. Reference is made of Dr. Stella Nyanzi, a reknown women rights activist who was charged under the Computer Misuse Act (2011)-sections Section 24 and Section 25 in April 2017 after she criticized the President Museveni on Facebook. Dr. Nyanzi was later convicted of the offense of and sentenced to 9 months in prisons, the whole sentence of 18 months offset by her 9 months serving on remand during the case hearing. While one can infringe on other

people's rights as well while expressing themselves it is usually the heavy handedness of the state in dealing with such cases which make the rights restrictive in public's opinions.

Ugandan citizens' rights to freedom of opinion and expression, peaceful assembly and association are increasingly under pressure. Individual citizens like Kakwenza Rukirabashaija, an author and government critic, was on 21st December 2021 arrested by armed men claiming to be police officers for allegedly posting on Twitter about Museveni and his son, Muhoozi Kainerugaba. In the most recent instance of intimidation of CSOs, the National Bureau for Non-Governmental Organisations (NGO Bureau) suspended the operations of Sexual Minorities Uganda (SMUG) for failing to register with the NGO Bureau. The Parliament recently passed the amendment of the Computer Misuse Act, a restrictive law that curtails digital rights, threatens citizen journalism and stifles freedom of expression. On 13 October 2022, President Museveni signed the Act into law.

Figure 7: *Is media freedom guaranteed by law and respected in practice?*



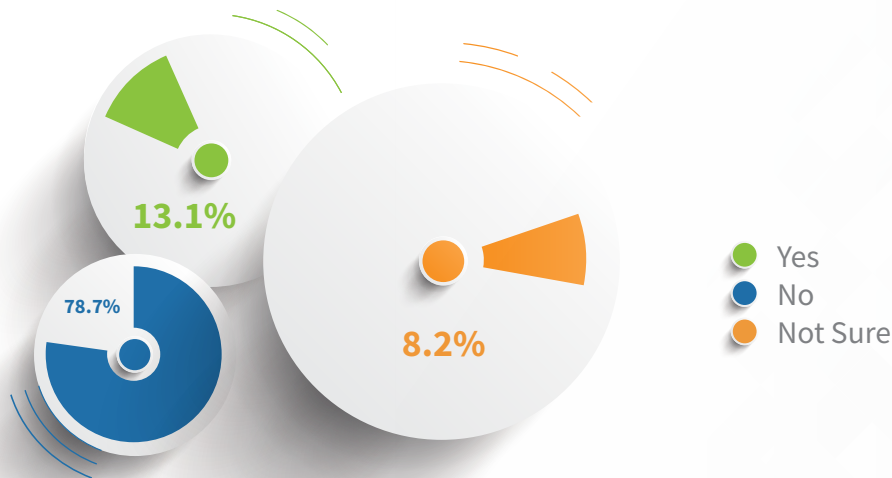
This was another follow up question to assess the perceptions of respondents and looked at media freedom.

Asked if media freedom was guaranteed by law and respected in practice the respondents overwhelmingly said No (77.4%) with about 19.4 % saying Yes. About 4% said they were Not sure there is freedom to access media.

UCC was among the top 3 institutions which were associated with violating civic rights in this survey. This is the institution which is tasked with regulating information and the media sector in the country. Uganda has numerous private media houses which airs various programmes across the country. Closing of media stations

and newspapers has also been witnessed in the past. The closure of the Central Broadcasting Service (CBS) for inciting loyalists against the government in September 2009 sparked riots which led to looting and loss of life. Red pepper newspaper was also closed in 2017 for false reporting.

Figure 8: *Is internet freedom guaranteed by law and respected in practice in Uganda?*



The social media platform Facebook is still banned in Uganda and is not accessible to many ordinary citizens. The government ban on Facebook came after the first major internet shutdown preceded by three social media shutdowns. The unprecedented major internet blackout during the election period of 2020 was largely seen by respondents and opposition supporters as a ploy by the government to conceal election rigging. Social media can be an informal watchdog on social and governance issues and can be viewed as a threat as it has potential to spread news verifiable or not very fast.

Asked whether internet freedom was guaranteed by law and in practice in Uganda, 78.7% respondents said No, 13.1% said yes and 8.2% was not sure. The fact that the Government can instruct the shutdown of the internet at a whim made the respondents feel the law was not followed for this freedom. In the previous index report 82.6 percent noted that it is “very likely” while 17.4 percent noted that Uganda will have yet another internet shutdown. This indicates that citizens are uncertain of guarantees to the freedom to internet as the law has not be honored in regards to switching off the internet in the past.

5.2 Rights of Assembly and Association

Rights of Assembly and Association was ranked as **Restricted**

5.3 Domestic Laws on Rights of Assembly and Association

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 with others peacefully

and unarmed and to petition.

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 whims, the convening of public assembly or a procession.

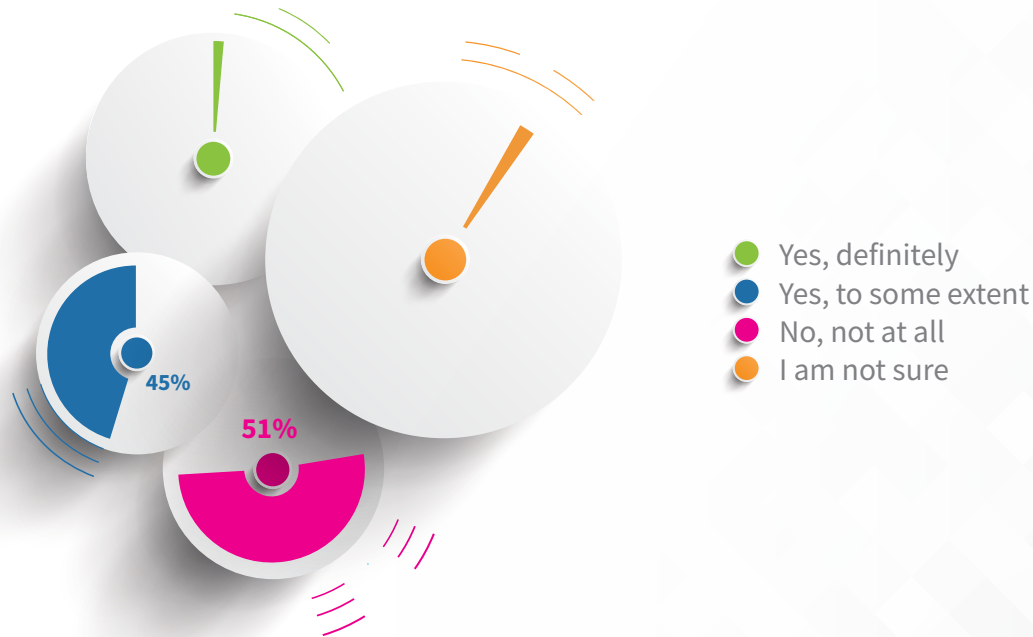
5.3.1 Assessment of Rights of Assembly and Association dimension

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. Much as 50% of the respondents compared to 46.6% survey respondents expressed perceptions that freedom to assembly was guaranteed by law and in practice there were evidence of several violation of the same dimension. Restrictions on critics and political opposition have also increased. During the reporting period, opposition figure Kizza Besigye was arrested twice and put under house arrest for planning a demonstration against the high cost of living. The government dispersed peaceful protests using excessive and unwarranted violence and arrested several protestors.

The NGO Act still retains Section 44 which prohibits NGOs from carrying out activities in any part of the country unless they have received certification from the District Non-Governmental Monitoring Committee (DNMC). They must also sign a memorandum of understanding (MoU) with the local government/district which reserves

the right not to grant this permission. NGOs cannot work in another district from the one they been authorized to work in. Indeed, an extension of operations requires further clearance from the DNMC and the National Bureau for NGOs.¹²

Figure 9: *In your opinion is Rights of assembly guaranteed by law and respected in practice*



Asked if the rights of assembly is guaranteed by law and respected in practice 51.7% responded in the negative and 45% responded in the positive.

This closely balanced ranking is due to the fact that there are liberties for assembly and association largely, however, the restrictions come in on political associations. HRDs and CSOs have since learned to steer clear of political related associations.

During the reporting period a number of protests were sparked by the rising inflation rate which increased the price of necessary consumer products from 2.7% in January 2022 to 6.3% in May 2022, and as of August 2022 it *increased* to 9%.

On 25 July 2022, protests *broke out* in Jinja and nearby towns over the high prices of fuel and other consumer goods. Police officers used teargas to disperse the crowd and beat up the protestors. More than 40 protestors were detained and charged with inciting violence, robbery, malicious damage, taking part in an unlawful assembly and being a public nuisance. According to police spokesman James Mubi, the protests were not peaceful, and the youths were instead robbing, damaging properties and burning tyres.

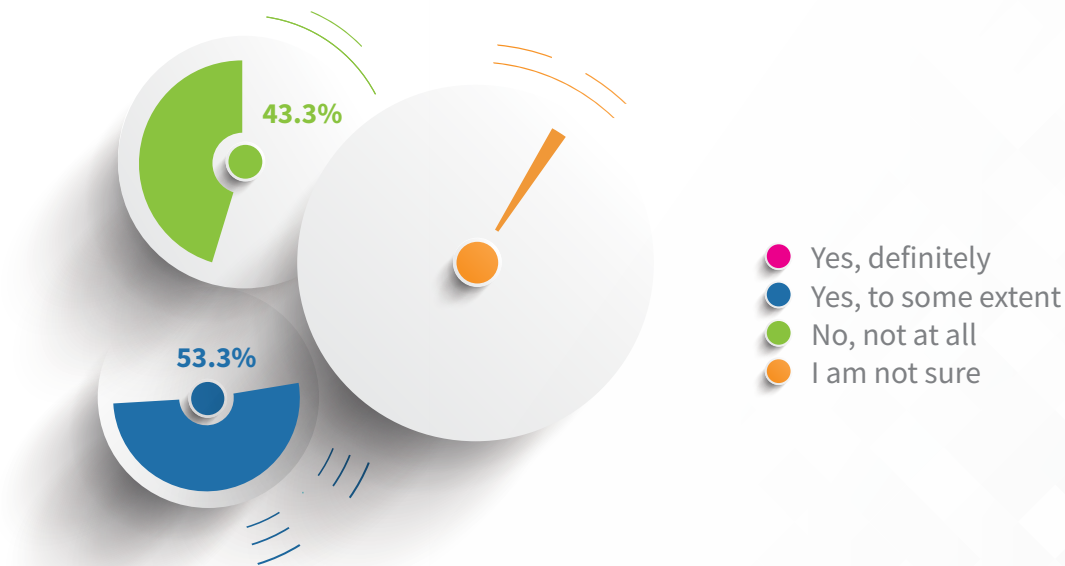
5th October 2022 - 9 students were arrested and illegally detained in the city of Kampala for organizing a peaceful protest against TotalEnergie's East African Crude Oil Pipeline (EACOP).

David Musiri & 8 other students have now spent a day in detention and face the brutal force of the government of Uganda for exercising their democratic right under the Ugandan constitution to peacefully protest against EACOP due to the impacts it will have on the People, Nature and Climate. The government has confirmed that they will face charges for public nuisance.

Earlier in October 2022, another group of Ugandan students supporting the project protested against the European Union's (EU) resolution on Uganda's oil project. The demonstrations were not pressured by the local police.

Omar Elmawi, the Coordinator of the #StopEACOP Coalition stated, "it is sad that in this time and age innocent citizens of a country are arrested for exercising their constitutionally guaranteed right of expression on the East African Crude Oil Pipeline and the harms it will cause to People, Nature and Climate. This is a blatant disregard of their rights and freedoms as citizens of Uganda and contributes to the continued violations of human rights against those that have opposed this exploitative project. The Ugandan government needs to protect its citizens' rights first and not the interests of corporate greed."

Source: <https://www.stopeacop.net/our-news/petition-for-release-of-9-students-protesting-against-eacop>

Figure 10: *Is the Rights of association guaranteed by law and respected in practice?*

Rights to association is curtailed in Uganda especially for the civil society. In the recent past organizations getting funding from development organizations viewed as critical to the government have seen funding being frozen. Organizations which participated in the Black Monday campaign such as ActionAid, Uhuru and others had their accounts frozen. More recently the DGF funded programmes were banned and organizations were left with no programming funds for their human rights related activities.

During the survey respondents were asked if the rights to association was guaranteed by law and respected in practice. About 53% expressed that to some extent this right is guaranteed and practiced. A few were not sure and 43.3% expressed that this right is not at all guaranteed and practiced in Uganda.

5.4 Citizen Participation

Rights to Citizen participation was ranked as **Partially Protected**

5.4.1 Domestic Laws on Citizen Participation

a) *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.

b) *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.

c) *Public Order Management Act 2013*

The Act provides for the regulation of public meetings; provides for 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.

d) *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.

5.4.2 Assessment of the Citizen Participation Dimension

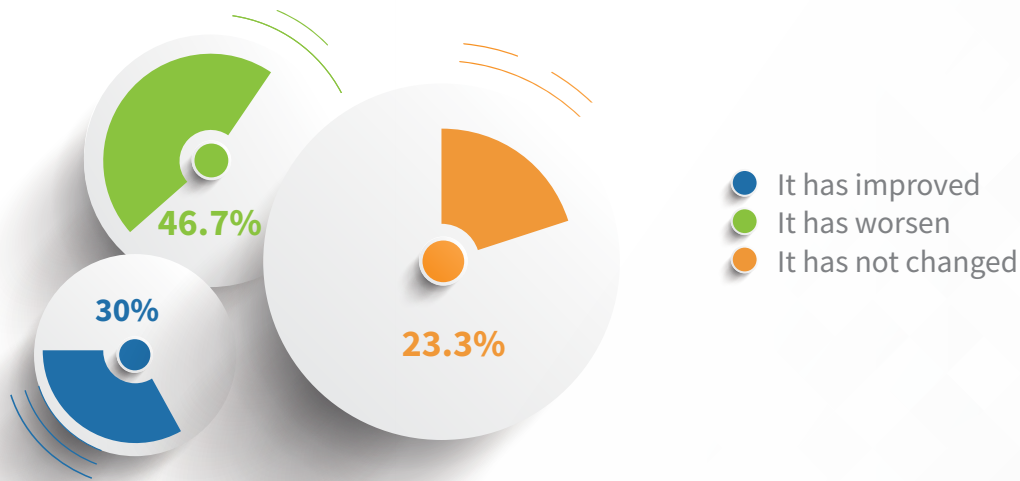
In general citizen participation is a key indication of civil liberties. The survey showed that 38.8% of respondents felt their participation has worsened and 37.4% felt their freedom to participation has improved over the past few years.

The views were that while government encourages citizens' participation in development forums such as the Parish development initiatives, Budget reviews among other such platforms. The same liberties are not extended to democratic related initiatives such as elections campaigns.

Article 38 of the 1995 Constitution of the Republic of Uganda guarantees the rights of citizens to participate in the affairs of Uganda individually or through his or her representative. The National Oil and Gas Policy for Uganda (2008) also provides for the need to have optimum national participation in oil and gas activities. While government has made tremendous progress in implementing this recommendation, host communities have severally reported that their participation in the sector remains very minimal especially when it comes to consultations, information sharing and decision making prior to implementation of extractives projects.¹³ Host communities have also consistently raised the issue of lack of access to information about ongoing extractives projects. This hinders them from making informed decisions in respect to projects that are affecting their land.

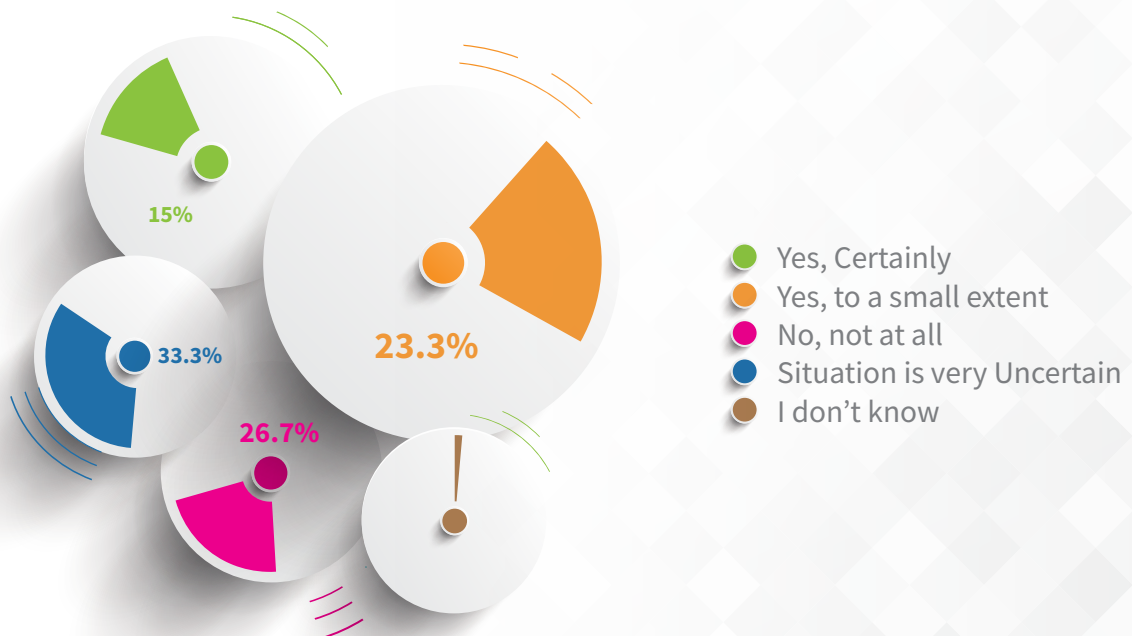


Figure 11: How would you say your right to participate as a citizen has changed in the past 3 years?



The question sought to ascertain if respondents felt that their right to participate in civic space had improved over the past 3 years, of which 46.7% felt that the space was more restrictive. Only 30% indicated that their right to participate in civic space had improved. About 23% of the respondents felt that nothing has changed as far as their freedom of participation is concerned. This paints a picture of uncertainty as regards any improvements in the citizens enjoying the freedom to free participation.

Figure 12: In your view, would you say that your right to participate as a citizen will improve over the next few years?



The question sought to ascertain if respondents felt that their right to participate in civic space will improve in the next few years, of which 33.3% felt that it is very uncertain the situation will change for the better. Only 15% indicated that their right to participate in civic space will improve to some small extent. Whether the respondents felt that their right to participate would improve in the next few years, 26.7% were convinced that the situation will not change at all.

5.5 Non-Discrimination / Inclusion

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

5.5.1 Domestic Laws on Non-Discrimination / Inclusion

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 on Uganda

c) *Employment Act (2006)*

Guards against the discrimination of any person from employment on basis of their ethnic background, sex, age, 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.

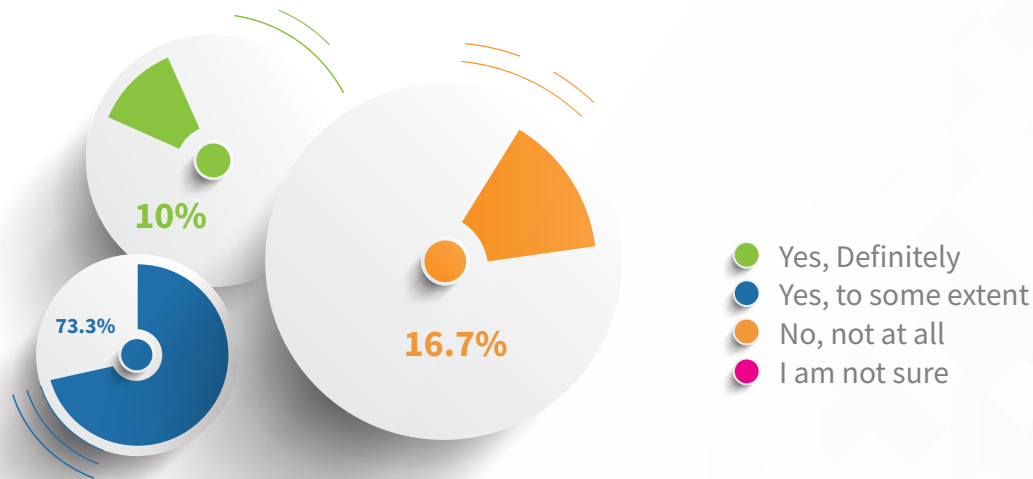
g) *The Parliamentary Election Act (2005)*

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.

Figure 13: *Do women have equal civil rights and equal access to civic space*

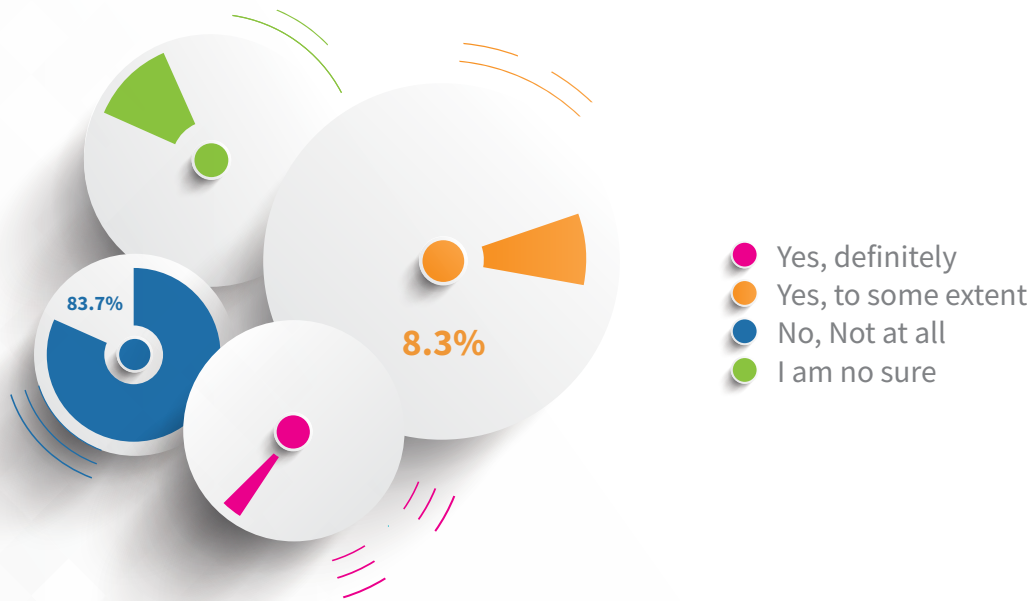


It was encouraging the women's rights are respected and women have access to civic space. The survey showed that 73.3% respondents agreed that yes women have access to civil rights to some extent. About 10% were in affirmed that definitely women enjoy access to civil rights. Others 16.7% were not sure however if women enjoy the civil rights.

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 at least covered by policy but that may not necessarily result into effective representation.

The Constitution¹⁴ 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.

Figure 14: *Do minority groups such as LGBTQ+ have equal civil rights and equal access to civic space*



Article 36 of the constitution (1995) offers protection of minorities by granting them the right to participate in decision-making process and their views and interests considered while making national development plans.

The respondents were asked to give their opinions if such minority groups as LGBTQ+ having equal civil rights and equal access to civic space as others. The respondents majorly disagreed with the statement. About 81% of the respondents expressed that minorities do not enjoy equal rights as others at all. Only 8.3% felt some rights are enjoyed by the minorities about 8% of respondents were not sure and 2% were in agreement that LGBTQ+ have some rights.

Figure 15: *Do marginalized groups such as Persons with Disabilities (PWD), women etc. have equal civil rights and equal access to civic space*



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 on Uganda.

During the survey respondents were asked if marginalized groups such as PWDs, women, and others have equal civil rights and equal access to civic space. A significant percentage 76.6 felt the country is to some extent providing opportunities for minorities to access their rights. About 18% of the respondents said No not at all the space is not free for minorities.

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.

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.¹⁵ 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.

5.6 Human Rights / Rule of Law

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

5.6.1 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.

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.¹⁶

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.

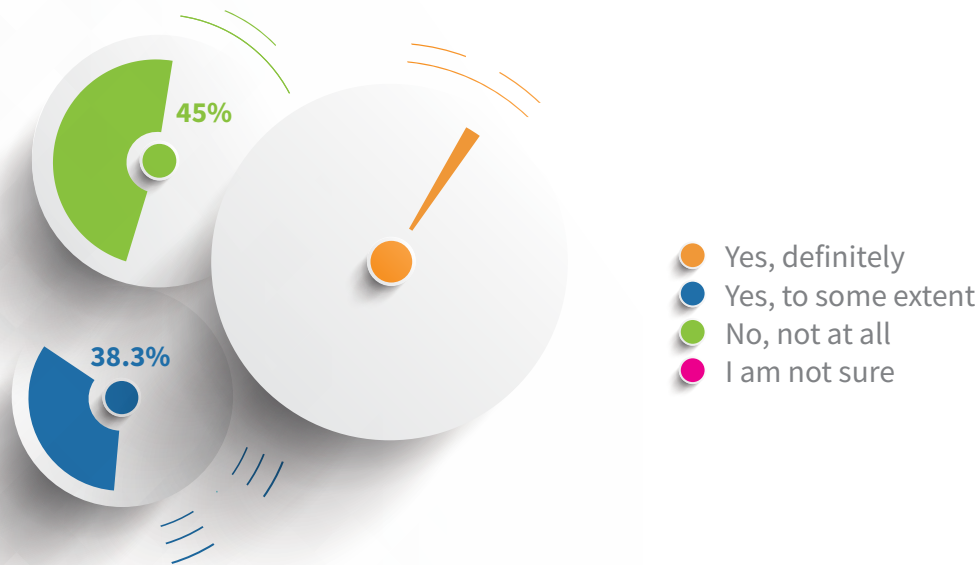
e) *Computer Misuse Act (2011)*

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 16: *Are basic human rights guaranteed by law and respected in practice*



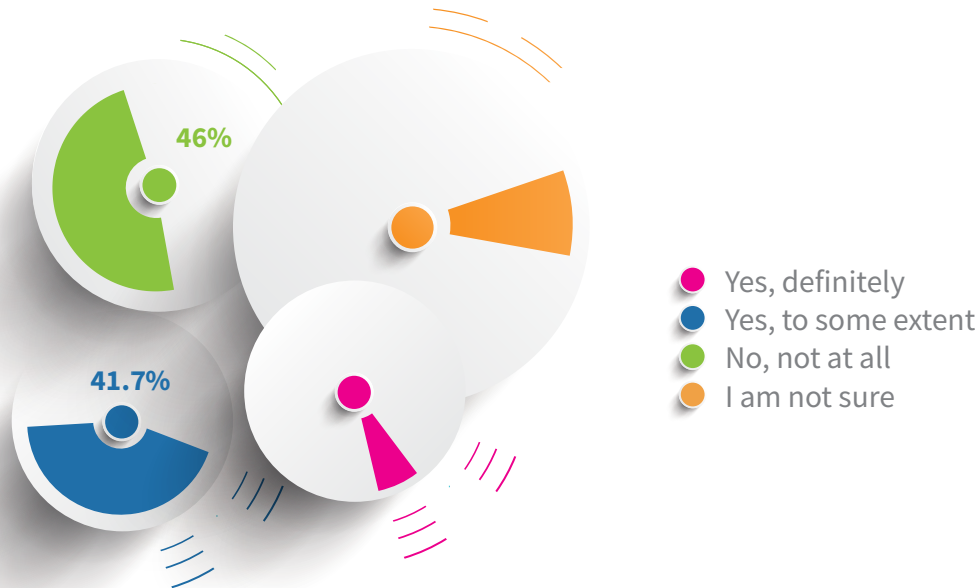
Everyone is entitled to such rights as right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education among others without discrimination.

Asked if human rights are guaranteed by law and respected in practice in Uganda the respondents felt to some extent rights are respected with 53.3% saying yes to some extent. In contrast 45 % felt the rights are not at all guaranteed and respected in practice.

The human rights actors are concerned with the unabated human rights violations in Uganda. In June 2022 The Human Rights Watch urged **President Museveni to initiate steps to fulfill his commitment to end rights** abuses by Uganda's security forces by prosecuting a number of high-profile security actors who have been implicated in illegal detention and torture of suspects and the unexplained disappearances of others¹⁷. President Yoweri Museveni promised to address the country's security forces' oppressive treatment of civil society and journalists.

Figure 17: *Is there an effective rule of law in Uganda?*

Respondents were asked if they felt there is an effective rule of law in Uganda.



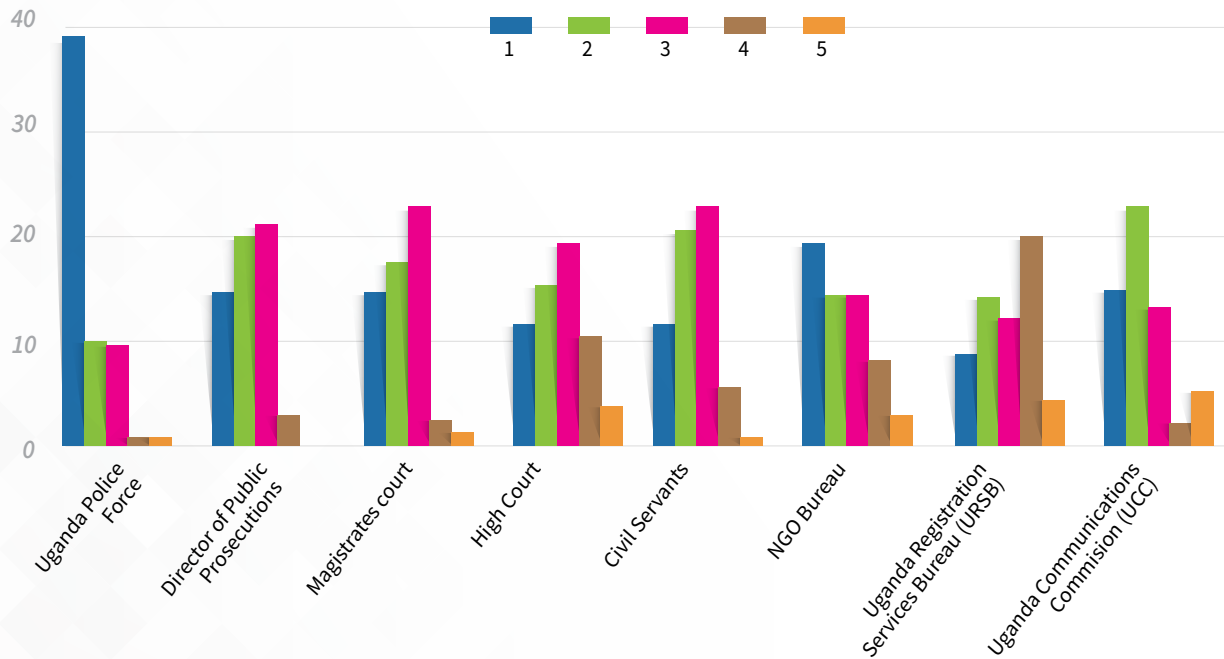
The abuse of the rule of law continues to increase. In the April 2021 State of the Rule of Law in Uganda report, the Uganda Law Society noted that criminalization of the practice of journalism, serial killing of women and disappearances of citizens were dominant. Extrajudicial killings, incommunicado detention, torture, and other practices that offend the rule of law are becoming common with little to no consequence for the violators.

During the study, 46.7 percent of the respondents noted that they feel that there is no effective rule of law in Uganda while 41.7% felt there is some rule of law to some extent. A few respondents expressed that there is some rule of law in Uganda.



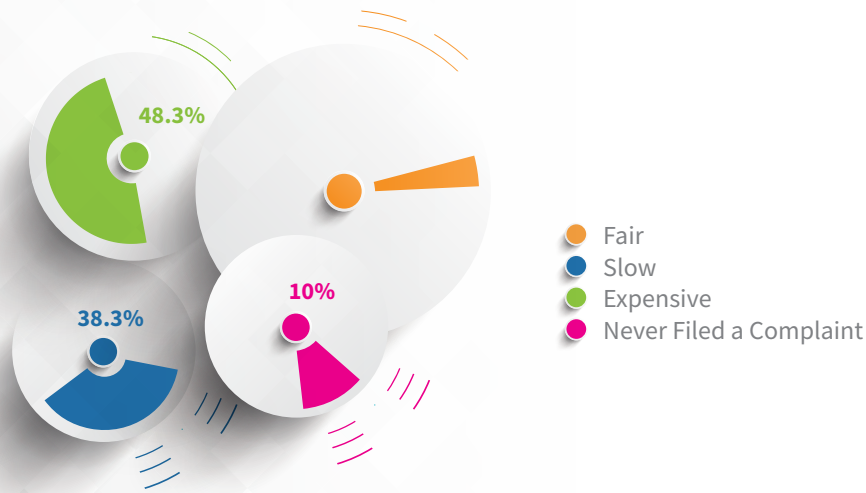
Figure 18: Please tell us how much trust you have in each of the following institutions?

No 1 represents the least trusted institution.



The Uganda Police Force was ranked as the least trusted institution in Uganda. The NGO Bureau was the second list trusted and the Uganda Communication Commission was ranked 3rd least trusted. The Director of Prosecutions and Magistrates courts were also ranked similarly to the UCC as not so trusted by the survey respondents.

Figure 19: If you have ever filed a complaint to the police or court, how would you rate the process followed?



Citizens have a right to protection and fair legal access to justice. In Uganda however there is mistrust of the law enforcement and justice legal systems. The police are seen as an arm of the government used to crush any form of dissent. Central surveys have fingered police as top on the list of human rights abusers. In the survey when asked if respondents have ever filed a complaint with the police or courts. A total of 48.3% respondents felt it was a costly process. Other respondents 38.3% felt the process of filing a complaint with either police or courts is a slow process, while 10% said they have never filed a complaint before. Corruption was sighted as bedeviling the law and order and justice system and citizens felt one cannot get justice without paying money. A rich person can order someone to be detained by police even without evidence of a crime committed.

6.0 Conclusions

Whereas freedom of expression, association and peaceful assembly and the right to participate in public affairs is essential for citizens to make informed decisions about economic and social development and build democratic societies, government of Uganda has grown increasingly sensitive to voices of criticism be it from opposition politicians, civil society, academia or private sector and pushed back by enacting a litany of laws. These laws generally 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.

Citizens and civil society organisations engaged in policy analysis, advocacy for defence and protection of human rights, land rights or women rights, as well as those engaged in anti-corruption and accountability in management of public funds, extractive industry, and electoral governance among others are perceived as agents of political opposition.

The shrinking trend of civic space poses a great threat to civil society and other non-state actors whose objective is to hold government accountable. However, it is important to explore means for creating alternative space for citizens to engage their governments. Advocacy and lobbying for a favourable environment to work in the promotion of civic rights is critical to reclaim the civic space.

Annexe 1: Survey Questionnaire

National Coalition of Human Rights Defenders Uganda
CIVIC SPACES INDEX REPORT - 2022

SELF ADMINISTERED QUESTIONNAIRE

The National Coalition of Human Rights Defenders in Uganda (NCHRDU) is conducting an assessment of the state of civic space in eight (5) regions of Uganda. You have been randomly selected to participate in this survey. This survey is voluntary and by completing the form, you are giving informed consent to the inclusion of the information you provide in the assessment study. Please note that your answers will be kept confidential.

Kindly indicate which age group you belong to? (please check one box):

- 18-25 years 26-35 years 36-45 years More than 45 years

Which of the following regions in Uganda are you working in?

(please check one box):

- Eastern Western Southern Northern Central

Which of the following best describes your sexuality and gender identity?

(please check one box):

- Male Female Lesbian Gay Bisexual Transgender Intersex Queer Other

Which district are you in? _____

A: GENERAL

Question 1: According to your assessment, do you think Uganda is heading in the right direction on adherence to human rights and the rule of law over the past year (Sept 21 to Sept 2022)?

- Yes
- No
- Not sure

Question 2: How would you say your right to participate as a citizen has changed in Uganda over the past year (Sep 21 – Sept 2022)?

- It has improved
- It has worsened
- It has not changed

Question 3: In your assessment, do you think that your right to participate in civic matters will improve in Uganda over the next few years?

- Yes, certainly
- Yes, to a small extent
- No, not at all
- Situation is very uncertain
- I don't know

Question 4: Below is a list of five civic space dimensions of interest to this survey. Please select the **top three rights or freedoms** that you believe are most violated in your region.

- The right of access to information
- Freedom of expression, media and digital freedoms
- Freedom of peaceful assembly and to petition
- Freedom of association
- Non-discrimination and inclusion
- Rule of law

Question 5: This is a list of selected civic space activities. Please rate how important you think they are in the exercise of your right to participate in public affairs to ensure your voice is heard and to influence decisions.

Note: Score 1 represents 'least important' while 10 represents 'very important.'

	1	2	3	4	5	6	7	8	9	10
Sign a petition (On paper or on online)										
Peacefully protesting for a cause										
Participating in community meetings										
Raising issues with leaders at the village, parish and sub-county level										
Raising issues about my community with my MP										
Starting up an event or group to address a common challenge										
Posting on social media about an issue of interest										
Organizing a peaceful protest/assembly on a persistent issue										
Seeking access to information from the government agencies and departments										
Creating and promoting safe spaces for LGBTI individuals in the community										
Speak up and take action to ensure participation of women, PWDs and LGBTI individuals										

Question 6: How likely is it that you will do any of the following for a cause that you care about? (Please tick in the preferred box)

Note: Score 1 represents 'least likely' while 10 represents 'very likely'.

	1	2	3	4	5	6	7	8	9	10
Sign a petition (On paper or on online)										
Peacefully protesting for a cause										
Participating in community meetings										
Raising issues with leaders at the village, parish and sub-county level										
Raising issues about my community with my MP										
Starting up an event or group to address a common challenge										
Posting on social media about an issue of interest										
Organizing a peaceful protest/assembly on a persistent issue										
Seeking access to information from the government agencies and departments										
Creating and promoting safe spaces for LGBTIQ+ individuals in the community										
Speak up and take action to ensure participation of women, PWDs and LGBTIQ+ individuals										

Question 7: From the list below, please score the identified concerns depending on which one discourages you least or most from organizing or going to a peaceful protest? Tick as appropriate.

Note: Score 1 represents 'least concern' while 10 represents 'major concern' that keeps you away from protests

	1	2	3	4	5	6	7	8	9	10
Fear of arbitrary arrests										
Protestors are not patriotic										
I fear teargas										
I fear I may be shot dead										
I don't think protests will accomplish anything										
Protests are too political										
Protests are for trouble makers										
My family/friends would disapprove it										
There is nothing very significant to make me protest										
I believe I need to get permission from police to protest which is difficult										
None of the above										

Question 8: Please tick the top three concerns from the list of human rights concerns that are likely to make you take action to stand up for human rights.

- Police brutality
- Torture
- Media restrictions

- o Abductions / Kidnaps
- o Internet and social media shutdowns
- o Unfair limitations on peaceful assembly rights
- o Corruption
- o Abuses of women and girls
- o Abuses of LGBTI rights
- o High-handed enforcement of Covid-19 pandemic restrictions
- o NGOs and CSOs office closures and break ins

Question 9: From the list, please select the top three institutions that you feel contribute the most to the violation of civic space rights in your region.

- o The Executive/The Presidency and Ministries
- o MPs/Parliament
- o Courts/Judiciary
- o Directorate of Public Prosecutions (DPP)
- o Police
- o UPDF (Includes CMI, ISO, LDUs)
- o NGO Bureau
- o Financial Intelligence Authority (FIA)
- o Uganda Communications Commission (UCC)

B) Dimension specific questions

1. Freedom of Information and Expression: *the right to freedom of expression 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:*

Please substantiate your response based on your knowledge and understanding in the past year (September 2021 to September 2022)

Question 10: Over the past year was access to information guaranteed by law and respected in practice in your region?

- a) Yes
- b) No
- c) Not sure

Question 11: Over the past year, was freedom of expression guaranteed by law and respected in practice in region?

- o Yes
- o No
- o Not sure

Question 12: Over the past year was media freedom guaranteed by law and respected in your region?

- d) Yes
- e) No
- f) Not sure

Question 13: Over the past year was internet freedom guaranteed by law and respected in practice in your region?

- Yes
- No
- Not sure

Question 14: How would you rate the current NGO legal registration and operating environment in your region?

- Very progressive
- Progressive
- Restrictive
- Very restrictive

Question 15: Do you think the current law makes it easy to register an NGO in Uganda?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

Question 16: How would you rate the operating environment of NGOs and CBOs under the NGO Act, 2016 in your region?

- Free
- Partly free
- Not free

Question 17: Compared with the operating environment for NGOs and CBOs under the NGO Act, 2016, how would you rate the operating environment of not-for-profit companies incorporated/registered under the Companies Act, 2012 at the Uganda Registration Services Bureau (URSB)?

- Free
- Partly free
- Not free

Question 18: According to your assessment, please rate how the following legal provisions/statements enable or obstruct the registration and operating environment of NGOs and CBOs.

Note: Score 1 represents 'no difficulty/enabling' while 5 represents 'significant obstacles/repressive'

	1	2	3	4	5	6	7	8	9	10
Mandatory requirement to obtain a letter of recommendation from line ministry before registration										
Requirement for all not-for-profit companies incorporated with the URSB and engaging in NGO-related activities to register with the NGO Bureau										
Mandatory requirement to enter into MOUs with Chief Administrative Officers (CAO) of districts of operation before operations/renewal of NGO permit										
Possible prison sentences of up to 3 years for failing to meet administrative obligations under the NGO Act, 2016										
Restricting registered CBOs to the geographical area of a sub-county instead of a district										

Challenges in reserving names at the URSB										
The monthly penalty fee of Ugx. 2,000,000 for operating without a valid NGO permit										

Question 19: Have you seen any of the following actions being directed at journalists or media workers in your region over the past year?

Note: Score 1 represents ‘absence of the specific action’ and 10 represents ‘repeated actions’

	1	2	3	4	5	6	7	8	9	10
Police brutality (beating, slaps, etc.)										
Obstruction from news source/venue										
Public insults and intimidation										
Character assassination / defamation										
Being shot at with bullets or teargas										
Pressure to have the journalist dismissed from work										

2. Rights of Assembly and Association: This refers to whether individuals and groups can gather and organize themselves freely, have the freedom to protest, or publicly express disagreement.

Question 20: In your opinion were the Rights of assembly guaranteed by law and respected in practice in your region over the past year?

- a) Yes, definitely
- b) Yes, to some extent
- c) No, not at all
- d) I am not sure

Question 21: Over the past year were the Rights of association guaranteed by law and respected in practice in your region?

- e) Yes, definitely
- f) Yes, to some extent
- g) No, not at all
- h) I am not sure

Question 22: Over the past year were CSOs able to function independently and free of government interference in your region?

- i) Yes, definitely
- j) Yes, to some extent
- k) No, not at all
- l) I am not sure

Question 23: Was there an enabling fiscal environment for CSOs in Uganda in the past year?

- m) Yes, definitely
- n) Yes, to some extent
- o) No, not at all
- p) I am not sure

3. Citizen Participation: *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.*

Question 24: Were elections conducted in Uganda from Sept 2021 – Sept 2022 free and fair in your region?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

Question 25: Over the past year, did government facilitate the participation of citizens and CSOs in processes of public deliberation and decision-making on major issues of concern in your region?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

Question 26: Over the past year did government recognize and respects the legitimate role of citizens and CSOs as independent advocates, watchdogs, and development agents in your region?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

4. Non-Discrimination / Inclusion: *Refers to seeks to guarantee that human rights are exercised without discrimination of any kind based on ethnicity, religion, sex, language, political or other opinions.*

Question 27: In your assessment did women equal civil rights and equal access to civic space in your region over the past year?

- a) Yes, definitely
- b) Yes, to some extent
- c) No, not at all
- d) I am not sure

Question 28: Over the past year were minority groups afforded equal civil rights and equal access to civic space in your region?

- e) Yes, definitely
- f) Yes, to some extent
- g) No, not at all
- h) I am not sure

Question 29: Over the past year, were marginalized groups given equal civil rights and equal access to civic space in your region?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

Question 30: During the past year, how would you rate the following statements?

- i) *Note: Score 1 represents disagreement with the statement and 10 represents total agreement. **Please insert an X in the box of your choice.***

	1	2	3	4	5	6	7	8	9	10
LGBTIQ+ individuals are able to freely exercise their right to freedom of association, assembly, and expression on an equal basis with others										
People with disabilities are able to freely exercise their right to freedom of association, assembly, and expression on an equal basis with others										
Information intended for the general public is reduced to accessible formats and technologies appropriate to different kinds of disabilities										
Sign language, Braille, and other accessible formats of communication are made available to people with disabilities in all official communications										
The State takes affirmative action in order to diminish or eliminate conditions that cause or perpetuate discrimination										

5. Human Rights / Rule of Law. *This refers to the ability of those affected by restrictions on civic space to seek redress and access justice.*

Question 31: Are basic human rights guaranteed by law and respected in practice in your region?

- a) Yes, definitely
- b) Yes, to some extent
- c) No, not at all
- d) I am not sure

Question 32: Is there an effective rule of law in your region?

- Yes, definitely
- Yes, to some extent
- No, not at all
- I am not sure

Question 33: Please tell us how much trust you have in each of the following institutions.

Note: Score 1 represents the least trust and 10 represents the highest level of trust.

	1	2	3	4	5	6	7	8	9	10
Uganda Police Force										
Director of Public Prosecutions										
Magistrates Court										
High Court										
Civil servants										
NGO Bureau										
Uganda Registration Services Bureau (URSB)										
Uganda Communications Commission (UCC)										

Question 34: If you have ever filed a complaint to the police or court, how would you rate the process followed?

- Fair
- Slow
- Expensive
- Never filed a complaint

Question 35: Please rate the following:

	Always	Often	Rarely	Never	Don't know
The police act in accordance with the law					
The rights of suspects are respected by the police, including ensuring they are not detained beyond 48 hours					
Police officers who abuse the rights of suspects are held to account					
The accused face a fair trial in court					
Money influences decisions of courts					
Prosecutors are more concerned about convictions than they are about delivering justice					
Accused are treated as innocent until proven guilty					

C). Overall how would you rate the dimensions

The rationale for each level is as follows:

- a) **Protected Space:**
 - 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 the provisions of the international treaties
 - The country's protection mechanisms are effective

- b) **Partially Protected Space:**
 - 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

- c) **Restricted Space:**
 - Presence of legislations that restricts the space provided in the ratified international treaties or the mother law (e.g., constitution)
 - Some of the international treaties are not ratified
 - Ineffective protection mechanisms

- d) **Non-Existing Space:**
 - Civic space is completely denied; there is no provision for its protection

Assess the state of civic space in your region and insert an X in the box of choice.

Dimensions	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				

Please indicate any human rights report that documented civic space issues in your region over the past year (Sept 2021 – Sept 2022). Which institution produced it?

End of the questionnaire.

Thank you for participating

Endnotes

- 1 “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>
- 2 Recently recognized in a resolution by the 34th Human Rights Council: A/HRC/34/L.5
- 3 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
- 4 <https://www.hrw.org/report/2012/08/21/curtailing-criticism/intimidation-and-obstruction-civil-society-uganda>
- 5 Uganda: Civic Space Index, 2021 - Claw back clauses and impunity stifling freedoms. Published on September 2021 available on: <https://acme-ug.org/wp-content/uploads/Uganda-Civic-Space-Index-2021-NCHRDU.pdf>
- 6 <https://www.transparency-initiative.org/reports/438/improving-the-measurement-of-civic-space/>
- 7 <https://civicus.org/index.php/media-resources/media-releases/5562-uganda-yet-to-address-civic-freedom-gaps-ahead-of-un-review>
- 8 <https://rsf.org/en/new-computer-misuse-law-poses-grave-threat-press-freedom-uganda>
- 9 <https://freedomhouse.org/explore-the-map?type=fiw&year=2022&country=UGA>
- 10 <https://www.ntv.co.ug/ug/news/panorama-dgf-ends-support-in-uganda--3970606>
- 11 European Union Delegation in Uganda, Report on Uganda CSO Mapping and Future EU - CSO Cooperation, February 2014
- 12 See The International Centre for Not-For-Profit Law, ‘NGO Law Monitor-Uganda,’ accessible at <http://www.icnl.org/research/monitor/uganda.html> (Accessed on 24/July/2016).
- 13 Focus Group Discussions conducted in Hoima, Kikuube, Lwengo, Rakai, Kyotera, Kakumiro Districts between May to July 2019 during a Human Rights Impact Assessment for the East Africa Crude Oil Pipeline.
- 14 1995 Constitution of the Republic of Uganda
- 15 The law is accessible at <https://ulii.org/akn/ug/act/2020/3/eng%402020-02-14>
- 16 Africa Freedom of Information Centre, 2017, Report on Study on Freedom of Information in Uganda.
- 17 <https://www.hrw.org/news/2022/07/01/uganda-president-pledges-rights-improvements>



 Plot 148 Ssemawata Road, Ntinda

P. O. Box 302 Ntinda
Kampala, Uganda

 www.hrdcoalition.ug

 info@hrdcoalition.ug

 0800100250 (Toll Free)

 National Coalition of
Human Rights Defenders

 NCHRD_UG