



CIVIC SPACE IN UGANDA

A Review of International and National Reports
January 2010 – June 2017

Prepared by: Samuel Otieno

Based on research conducted by: Henry Muguzi & David Manyonga

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LIST OF ABBREVIATIONS 2

1.0 INTRODUCTION 3

2.0 METHODOLOGY 5

3.0 OVERVIEW OF ANALYSIS AND RESULTS 6

4.0 DETAILED ANALYSIS & RESULTS 8

4.1 Freedom of Information and Expression 8

 4.1.1 Is Access to information guaranteed by law and respected in practice?8

 4.1.2 Is Freedom of expression guaranteed by law and respected in practice?8

 4.1.3 Is Media freedom guaranteed by law and respected in practice?9

 4.1.4 Is Internet freedom guaranteed by law and respected in practice?.....10

4.2 Rights of Assembly and Association 10

 4.2.1 Are Rights of assembly guaranteed by law and respected in practice?10

 4.2.2 Are Rights of association guaranteed by law and respected in practice?11

 4.2.3 Are CSOs able to function independently and free of government interference?12

 4.2.4 Is there an enabling fiscal environment for CSOs?13

4.3 Citizen Participation 13

 4.3.1 Are Elections free and fair?13

 4.3.3 Does government recognize and respect the legitimate role of citizens and CSOs as independent advocates, watchdogs and development agents?15

4.4 Non-Discrimination and Inclusion 15

 4.4.1 Do women have equal civil rights and equal access to civic space.....15

 4.4.2 Do minority groups have equal civil rights and equal access to civic space16

 4.4.3 Do marginalized groups have equal civil rights and equal access to civic space17

4.5 Human Rights / Rule of Law 18

 4.5.1 Are basic human rights guaranteed by law and respected in practice18

REFERENCES..... 19

ANNEX 2: INTERNATIONAL DATABASE AND REPORTS DOCUMENTING CIVIC SPACE IN UGANDA .27

ANNEX 3: NATIONAL DATABASE AND REPORTS DOCUMENTING CIVIC SPACE IN UGANDA30

LIST OF ABBREVIATIONS

A4C	Action for Change
ACFIM	Alliance for Campaign Finance Monitoring
ACTV	African Centre for Rehabilitation of Torture Victims
AHA	Anti Homosexuality Act
CBS	Central Broadcasting Services
CEON	Citizens Elections Observers Network – Uganda
COG	Commonwealth Observation Group
CSO	Civil Society Organisation
DNMC	District NGO Monitoring Committee
FAWE	Forum for African Women Educationists
FHRI	Foundation for Human Rights Initiative
GLISS	Great Lakes Institute for Strategic Studies
GoU	Government of Uganda
HRAPF	Human Rights Awareness Promotion Forum
HRBA	Human Rights Based Approaches
HRCU	Human Rights Centre Uganda
HRNJ	Human Rights Network for Journalists
HURINET	Human Rights Network
ICT	Information and Communication Technology
IGP	Inspector General of Police
LGBT	Lesbian Gay Bisexual and Transgender
MDA	Ministries Departments and Agencies
MoU	Memorandum of Understanding
NAPHR	National Action Plan for Human Rights
NDP	National Development Plan
NGO	Non-Governmental Organisation
NHRI	National Human Rights Institutions
NITA	National Information Technology Authority
NRM	National Resistance Movement
PAYE	Pay as You Earn
POMA	Public Order Management Act
PWD	People with Disabilities
TVO	Tom Voltaire Okwalinga
UCC	Uganda Communication Commission
UGX	Uganda Shillings
UHRC	Uganda Human Rights Commission
UNHRC	United Nations Human Rights Council
UPDF	Uganda Peoples Defence Forces
UPR	Universal Periodic Review
URA	Uganda Revenue Authority

1.0 INTRODUCTION

Domestic and international rights organisations report that the Government of Uganda has grown increasingly less tolerant of criticism over the past decade. Human Rights Watch, for example, highlights that freedom of expression across the country is in significant jeopardy¹, retrogressive laws have been enacted and state institutions have adopted a more ruthless response to civic activists. NGOs that engage in monitoring the conduct of the state and advocate for human rights, women’s rights, in anti-corruption and accountability, land issues and democratic governance have experienced growing restrictions on the space available for them to carry out their activities. The Black Monday movement, for example - a civil society-led campaign in 2012 to protest the theft of public funds by public officials and politicians – was quickly closed down and senior figures arrested.

CIVICUS’ State of Civil Society Report 2014 notes that in the recent past, numerous governments have stepped up efforts to restrict civic space using combinations of dubious legislation, demonization of protest movements and direct harassment of activists and their organisations². Civil society activists in Uganda feel that the spirit of the recently enacted NGO Act 2016 and matching regulations, the spate of break-ins into the offices of vocal NGOs, the violent crackdown on activities of opposition politicians and their supporters, attacks on journalists, and shutdowns of social media are among the many signs that civic space is imperilled.

In this review, we follow the conceptual framing of civic space as proposed by the Transparency and Accountability Initiative (TA/I; Malena, 2015). The dimensions and the principles (or sub-categories) of each dimension are shown in Table 1, below:

Table 1: Dimensions and Principles of Civic Space

#	Dimension	Principle
1.	Freedom of Information and Expression	<ul style="list-style-type: none"> a) Access to information is guaranteed by law and respected in practice b) Freedom of expression is guaranteed by law and respected in practice c) Media freedom is guaranteed by law and respected in practice d) Internet freedom is guaranteed by law and respected in practice
2.	Rights of Assembly and Association	<ul style="list-style-type: none"> a) Rights of assembly are guaranteed by law and respected in practice b) Rights of association are guaranteed by law and respected in practice c) CSOs are able to function independently and free of government interference d) There is an enabling fiscal environment for CSOs
3.	Citizen Participation	<ul style="list-style-type: none"> 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	<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
5.	Human Rights / Rule of Law	<ul style="list-style-type: none"> a) Basic human rights are guaranteed by law and respected in practice b) Effective rule of law

¹ Human Rights Watch: Report on threats to freedom of Expression in Uganda

² CIVICUS, Consultation Document and Southern Africa Pilot Report: The Civic Space Monitor, April 2015.

This report provides a review of international and national reports that examine the status of civic space in Uganda based on the dimensions outlined above. Furthermore, the report suggests a simple summative measure of the status of each dimension of civic space, based on a four-point scale. The measure builds upon that suggested in the TA/I document, and while not exhaustive, it does provide an indication of the status of each of the five dimensions.



The study is based on desk review of relevant international and national documents / datasets. The documents reviewed include international reports that are produced by credible international organizations such as UN agencies and other internationally respected think tanks known for defending civil and human rights across the globe. The national reports are those produced by government agencies, local civil society organizations (CSOs), credible NGOs, academic institutions, media and academia. The information was triangulated by comparing and contrasting the findings on civic space from a range of sources in each of the five dimensions. The analysis covered the period January 2010 – June 2017. A detailed list of the international and local documents reviewed is listed in References section as well as in Annexes 1 & 2.

Information from the documents reviewed was synthesized and triangulated with at least two other reports before being used to rate the status of civic space in Uganda as either of the following: *Protected Space*; *Partially Protected Space*; *Restricted Space*; *Non-Existing Space*.³ The rationale for each level is as follows:

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 with the provisions of the international treaties
- The country's protection mechanisms are effective

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

Restricted Space:

- 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 mechanisms

Non-Existing Space:

- Civic space is completely denied; there is no provision for its protection

³ Malena et al suggest a 3-point categorization: Protected; partly protected; not protected. We felt that adding "Restricted" as another dimension provided a useful additional degree of nuance.

3.0 OVERVIEW OF ANALYSIS AND RESULTS

Each of the dimensions was analyzed independently, combining reviews of both international and national reports. The first step was to examine the international treaties that have been ratified in Uganda which govern each dimension; this is shown in Table 2. The overall assessment of civic space drawn from a variety of international and national sources is shown in Table 3; narrative overview follows the table.

Uganda follows a dualistic theory in which international treaties and conventions do not automatically form part of the law until it goes through the local ratification procedures. In Uganda, the Ratification of Treaties Act 1998 empowers the cabinet to approve all agreements made by the country except in cases where such treaties relate to peace agreements.⁴ There is usually no process to align them with the local laws therefore in many instances, the country has domestic/municipal laws that do not conform to the international treaties that it has ratified.

The core of this analysis rests on the triangulation of various sources (international and national) on the current status of each of the five dimensions of civic space in Uganda, as protected by the law and as executed in practice. Table 2 below and the subsequent narrative summarize the main findings.

Table 2: Overall Score/Rating of Assessment of Civic Space in Uganda

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 summary rationale for the above score for Uganda is as follows.

- **Restricted Space in Freedom of Information and Expression**

The right of every citizen to access information in possession of the state or any other organ of the state except in circumstances where it is likely to compromise national security or the privacy of another person, is guaranteed by Article 41 of the Constitution. Nonetheless, evidence of harassment of journalists, and high-handed crackdowns on civil society activists who have come out to express themselves shows that this space is restricted.

- **Restricted Space in Rights of Assembly and Association**

Article 29 of the Constitution guarantees the protection of freedom of conscience, expression, movement, religion, assembly and association. However, the Public Order Management Act (POMA, 2013) restricts these freedoms. The police used POMA in 2013 and 2014 to block governance initiatives by civil society, especially public meetings convened with opposition parties on matters of free and fair elections.

- **Partially Protected Space in Citizen Participation**

Article 31(i) of the National Constitution guarantees the right of every Ugandan citizen to participate in the affairs of government, individually or through his or her representatives in accordance with law. Subsection

⁴ <https://www.trademarka.com/news/contradictions-mar-approval-of-eac-treaties/>

(ii) states that every Ugandan has a right to participate in peaceful activities to influence the policies of government through civic organisations. Two milestones have constricted this space namely; the heightened sensitivity that comes with election periods, during which citizen participation in civic space is subject to restriction by police and other security agencies. In addition, the NGO Act (2016) further constricts the space for effective participation, most particularly for actors who engage in advocacy on oil-related matters, land rights, human rights, anti-corruption and electoral governance.

- **Partially Protected Space in Non-Discrimination / Inclusion**

The Constitution contains several provisions on the principle of non-discrimination and equal rights of women and men and provides for minority representation. Article 32 prescribes affirmative action. Article 33 guarantees the rights of women to be included in decision-making while Article 36 provides for minority representation. However, the legal framework does not adequately safeguard the rights of women. The Domestic Relations Bill and the Marriage and Divorce Bill have faced resistance from within and without parliament over the past 15 years. The rights of sexual and other minorities are not recognized and these groups have severe difficulties in engaging in public and policy processes – to the extent that they are even being physically and psychologically harassed.

- **Restricted Space in Human Rights / Rule of Law**

Although the Uganda Human Rights Commission was established in 1995 to protect and promote human rights, and rights based approaches have been mainstreamed into policy-making, planning and programming processes, the law is selectively applied. The practice and high-handedness of the police, military and security agencies attests to numerous human rights violations.

The evidence supporting the rating in each of the areas is detailed in section 4.0, below.



The analysis below is premised not only on the laws in place but on practice as reported in various analytical publications produced by domestic and international organisations/institutions between January 2010 and June 2017 on the situation in Uganda. We are guided by the argument that laws in and of themselves cannot guarantee or protect civic space if they are not followed through by deeds.

4.1 Freedom of Information and Expression

4.1.1 Is Access to information guaranteed by law and respected in practice?

The National Constitution guarantees freedom of information, including the right to access information. The Access to Information Act, 2005 provides for the right of access to information pursuant to Article 41 of the Constitution.⁵ However, obtaining information from government agencies is inhibited by Article 4 of the Official Secrecy Act of 1964⁶, which prohibits public servants from disclosing information that comes to them by virtue of the offices they hold. Breach of the Act could earn a civil servant up to 14 years in prison. Uganda still maintains other archaic laws such as Penal Code Act 1950 and Evidence Act 1909 whose provisions contradict the universal principles that guarantee the freedoms of information and expression

Uganda was among the first African countries to enact a right to information law, the Access to Information Act (2005).⁷ In 2011 the government promulgated regulations for implementation of the Act. Nonetheless, government departments have continued to deny requests for information. Other laws related to national security and confidentiality often impede open access to information in practice, and officials regularly block critical journalists from covering official proceedings⁸.

The Regulation of Interception of Communications Act (2010), commonly known as the ‘phone tapping law’ provides for lawful interception and monitoring of communications in the course of their transmission through telecommunications, postal or any other related services or systems in Uganda. Section 3 of the Act gives the ICT minister powers “to set up a monitoring centre, equip, operate and maintain the centre, acquire, install and maintain connections between telecommunication systems and the Monitoring Centre; and administer the Monitoring Centre at the expense of the state.”⁹

The “broad and undefined basis for interception of communication” under the law on interception and the Anti-Terrorism Act No.14 of 2002 have been criticised “for possible intrusion into communications of individuals and professionals – such as journalists, human rights defenders and political dissidents engaged in legitimate activities and exercising their human rights.”¹⁰ Similarly, the Uganda Communication Commission (UCC) has on a number of occasions issued directives ordering radio broadcasters not to air programmes deemed to host ‘abusive’ political commentators. As a consequence, private media in Uganda is not in any practical sense independent.

4.1.2 Is Freedom of expression guaranteed by law and respected in practice?

Whereas the National Constitution provides for freedoms of expression and of the press, several laws enacted during the period under review undermine these guarantees including limiting media freedom.

⁵ Art.41: “every citizen has a right of access to information in the possession of the state or any other organ of the state

⁶ *Access to Information Act, 2005*, http://www.freedominfo.org/documents/uganda_ati_act_2005.pdf

⁷ CIPESA Position Paper on: The State of Access to Information in Uganda, 2017.

⁸ Freedom of the press (2015) Freedom house, <https://freedomhouse.org/report/freedom-press/2015/uganda>

⁹ *State of Internet Freedoms in Uganda (2014)* CIPESA

¹⁰ ARTICLE 19’s Submission to the UN Universal Periodic Review:

<https://www.article19.org/data/files/pdfs/submissions/uganda-upr-submission.pdf>

Article 29 (1) (a) of the Constitution of Uganda states that, “every person shall have the right to freedom of expression and speech which includes freedom of the press and other media.”

The Anti-Pornography Act (2014) defines pornography in broad terms and sets up a nine-member Pornography Control Committee with wide latitude to determine what amounts to pornographic material. The committee’s powers include stepping up surveillance measures through the installation of software in mobile telephones, computers, and television sets that will allow the detection and suppression of pornography. Opponents of the measure warned that news outlets could easily run afoul of its sweeping provisions¹¹.

Although the Constitutional Court declared the law on sedition unconstitutional in 2010, the state has used other provisions of the penal code, including those on criminal libel and treason, against journalists. A case in point occurred in October 2014, a magistrate sentenced CBS FM Radio journalist Ronald Ssemuusi to a fine of \$350 or a one-year jail term for criminal defamation.

Restrictions increased around the general elections held in February 2016. CSOs working on issues such as voter education were harassed, the political opposition was targeted, public assemblies and rallies were forcefully dispersed, social media was blocked on several occasions and independent radio stations accused of giving voice to those who opposed the administration of President Yoweri Museveni were taken off-air.¹²

Voices critical of government are often curtailed, including through contentious laws such as the Public Order Management Act (2013) which some observers believe is meant to inhibit freedom of expression and assembly.

4.1.3 Is Media freedom guaranteed by law and respected in practice?

During the period under review, Uganda has witnessed persistent violations of the rights of journalists and unprecedented harassment. Journalists have been physically abused, shot, held incommunicado, tortured, had their gadgets destroyed. Others have been summarily terminated from work, endured harsh conditions, intimidated and harassed, with security personnel often the perpetrators. In January 2015, the Deputy Police Commander at Old Kampala Station assaulted WBS TV cameraman Andrew Lwanga as he covered a protest march. Lwanga suffered long-term spinal damage as a result.

In September 2015, security personnel in civilian attire arrested a reporter from *Observer Newspaper*, Derrick Kiyonga, within the precincts of the High Court where he was covering the trial of suspects in the deadly 2010 Kampala bombings. Kiyonga was driven away, prompting the presiding judge to suspend proceedings and threaten to quit the case altogether if the journalist was not returned immediately. He was returned after nearly two hours.

In March 2015, parliament issued a letter ordering media houses to replace any reporter who had covered parliament for more than five years, ostensibly in the interest of balanced coverage. The directive, which affected more than 50 senior journalists, caused such a public uproar that parliament withdrew the letter a few days later.¹³

In February 2011, UCC issued a directive to telecom companies to block and regulate text messages that could instigate hatred, violence and unrest during the presidential election period. The Commission issued 18 words and names, which mobile phone short message service (SMS) providers were instructed to flag if

¹¹ Freedom of the press (2015) Freedom House. <https://freedomhouse.org/report/freedom-press/2015/uganda>

¹² CIVICUS, Civic Space Monitor, April 2014.

¹³ Freedom of the press (2015) Freedom House: <https://freedomhouse.org/report/freedom-press/2016/uganda>

they were contained in any text message. These words included: 'Tunisia', 'Egypt', 'Ben Ali', 'Mubarak', 'dictator', 'teargas', 'kafu' (it is dead), 'yakaabadda' (he/she cried long time ago), 'emuudu/emundu' (gun), 'gasiya' (rubbish), 'army/police/UPDF', 'people power', and 'gun/bullet'. Two UCC spokespersons confirmed the directive to local media, saying the aim was "to ensure free, fair and peaceful elections."¹⁴ These are just a few of the myriad incidents attesting to the reality that media freedom is not really respected.

In 2011, Uganda enacted three cyber laws, namely the Electronic Signatures Act (2011), the Electronic Transactions Act (2011) and the Computer Misuse Act (2011) ostensibly to promote online safety. But whatever the justification for these laws, reported cases show that in practice they are mainly used to control cyber space.

4.1.4 Is Internet freedom guaranteed by law and respected in practice?

In the past decade, there are many incidents that attest to the fact that internet freedom is under threat, with social media critics of government being targeted and social media blocked as and when necessary. Uganda has passed several laws that have an effect on Internet freedom. Some of these are laws that directly target the digital environment but others are more general laws that have an effect on online freedoms¹⁵.

A number of laws negate citizens' online freedoms. For instance, the Regulation of Interception of Communications Act (2010), authorises lawful interception of communications, and it's unclear as to how data collected from citizens is used and how citizens' privacy is protected. The establishment under this law of a monitoring centre to collect users' data and government's plans to "monitor social media users who are bent to cause a security threat to the nation" bode negatively for the right to freedom of expression and opinion. A case in point is when security operatives hunted for the identity of *Tom Voltaire Okwalinga (TVO)* - a famous social media critique of Uganda's government.

Whilst the spirit of the Computer Misuse Act (2011) upholds individuals' right to privacy of communications, the same law has clauses which have been used to target and silence activists. In January 2017, a Makerere University research fellow, Dr Stella Nyanzi was charged and remanded in Luzira National Prison for alleged cyber harassment and offensive communication. The act of prosecuting Nyanzi was interpreted as an affront to freedom of expression.

Restrictions increased around the elections held in February 2016. Social media was blocked on several occasions and independent radio stations accused of giving voice to those who opposed the administration of President Yoweri Museveni were taken off-air.¹⁶

4.2 Rights of Assembly and Association

4.2.1 Are Rights of assembly guaranteed by law and respected in practice?

The trend in freedom of assembly is cause for concern. Whereas the rights of assembly are guaranteed by the Constitution, Government has erected legal barriers that undermine them. One such barrier is the Public Order Management Act (POMA) enacted in 2013. POMA has been used by the police and military to block governance initiatives by civil society, especially public meetings convened with members of the political opposition on matters of free and fair elections. It is feared that in the coming years it will become next to impossible for CSOs to reach out to citizens and galvanise the power in people to engage government on transparent management of revenues from extractive industries; anti-corruption; electoral governance; or human rights. Already, POMA is in some cases being used by local governments to ban workshops and

¹⁴ *Uganda bans SMS texting of key words during poll*: <http://af.reuters.com/article/topNews/idAFJOE71G0M520110217>

¹⁵ *Analysed cyber laws of Uganda report* (2016)

¹⁶ CIVICUS, *Civic Space Monitor*, April 2014.

meetings in their districts. Demonstrations require prior approval by the police – which at times can be very lengthy – to the extent that it may not be given before the planned date for the demonstrations.

In the aftermath of the presidential elections - 2011, civil society and political activists created the *Activists for Change (A4C)* platform to highlight economic challenges and express concerns over escalating food and fuel costs. Members of the group used peaceful demonstrations to make their voices heard including the tactic of holding ‘*walk to work*’ protests to raise awareness of the economic challenges facing Ugandans. Government pushed back by violently dispersing these demonstrations, arresting activists and charging them with inciting violence and treason. The A4C pressure group was accordingly declared unlawful. During the period 2014 – 2016, Police repeatedly arrested opposition leaders to prevent their public appearances. Reports indicate that the police was at the same time monitoring social media in order to restrict the legitimate activities of civil society, students, and journalists¹⁷.

In July 2016, the police indiscriminately used canes and electric cables to beat up and disperse supporters of the main opposition political party leader, Kizza Besigye, who had assembled when he was released from jail after being detained for two months on spurious treason charges. On 13 September 2016, 25 women representing different CSOs were arrested as they assembled to hand over a petition to the Speaker of Parliament on proposed constitutional amendments to lift age limits for judges and electoral commissioners.

Whereas the constitutionality of the provisions in the Police Act cap 303 that gave the Inspector General of Police powers to disperse a public assembly was challenged in the case of *Muwanga Kivumbi v Attorney General - Constitutional Petition No.9/2005*, the Public Order Management Act restored those powers¹⁸. In 2015 Human Rights Watch criticised the indiscriminate use of tear gas by Uganda Police Force to disperse peaceful gatherings organised by members of the opposition.¹⁹ They also derided the absence of guidelines on the use of tear gas which they argue leads to its misuse. Despite attempts by citizens and opposition politicians to comply with the requirement of seeking prior permission from police, the responses were either delayed or declined.

4.2.2 Are Rights of association guaranteed by law and respected in practice?

Whereas the Constitution provides an enabling framework for protection of rights and freedoms including establishing key institutions with the mandate to promote and protect human rights, various laws adopted over the years undermine this protection, closing the space for citizens to exercise their right to associate and public freedoms of speech, opinion, expression and assembly²⁰. Since the enactment of the POMA, there has been disproportionate targeting of meetings organized by opposition members and/or civil society representatives²¹.

Section 44 of the new NGO Act prohibits NGOs from carrying out activities in any part of the country unless they have approval from the District Non-Governmental Monitoring Committee (DNMC) and the Local Government and have signed a Memorandum of Understanding (MoU) to that effect. NGOs may not extend their operations to new areas unless they have received a recommendation from the National Bureau for NGOs through the DNMC of that area.

¹⁷ Human Rights Centre Uganda, Human Rights Report 2014.

¹⁸ Human Rights Network Uganda, Report on Implementation of Universal Peer Review Recommendations by Uganda

¹⁹ Human Rights Watch, Statement Published October 18, 2015

²⁰ Human Rights Centre Uganda, Annual Report 2016.

²¹ Foundation for Human Rights Initiative, Annual Report 2016

There is relentless suppression of the rights of sexual minorities in what appears to be a witch-hunt against this group. For example, in February 2012, the Minister for Ethics and Integrity Father Simon Lokodo, is reported to have raided and stopped a workshop organised by LGBT activists²². These actions were challenged in the Constitutional court as an infringement of their constitutional rights. However, the court ruled that that the Minister's actions were "permissible limitation of the applicants' rights"; and that the police acted lawfully in order to "protect public morals", because same-sex sexual activity is illegal under Ugandan law²³. In other words, the civic space for LGBT citizens to assemble and associate is not only restricted but largely non-existent.

4.2.3 Are CSOs able to function independently and free of government interference?

The new NGO Act 2016 for all intents and purposes is designed to restrict space for NGOs to engage the government let alone engage with political opposition on issues of mutual interest. It is a requirement under the NGO Act 2016 for non-governmental organizations to apply for an operating permit, which could be arbitrarily denied. The Act prohibits any organisation from operating in Uganda without a valid permit issued by the NGO Bureau. To acquire the permit, an organisation must first register with the Bureau. It gives the Bureau powers to refuse to register an organisation if the objectives of that organisation are regarded as contravening the country's laws, and it is the prerogative of the Bureau to determine this. The Act further prohibits any activity that has not been approved by the District NGO Monitoring Committee and Local Government in a memorandum of understanding²⁴. These circumstances have significantly shrunk the space for NGOs to operate. The Human Rights Centre Uganda's Annual Report 2016 highlights four major concerns about the NGO Act 2016, namely:

- a) Stringent registration and licensing requirements;
- b) Excessive executive powers over refusal and revocation of permits;
- c) Vague provisions imposing "special obligations" on NGOs;
- d) Criminal sanctions on organisations for engaging in activities that are, "prejudicial to the interests of Uganda or the dignity of the people of Uganda".

Some top government officials have reportedly threatened to deregister international and local NGO's that have consistently engaged in what it called "negative political activism" to render the country ungovernable.²⁵ There is a deliberate crackdown on CSOs by targeting them for possible dissolution. A notable victim of this is the Great Lakes Institute for Strategic Studies (GLISS) which in 2015 was investigated on the ambiguous charge of "de-campaigning" government programmes and "recruiting youth to join opposition political parties" through its free and fair election campaign²⁶.

In addition, there have been a spate of burglaries perpetuated against NGO/CSO offices in which organisational information has been stolen. Victims include among others HURINET, HRNJ, ACCU, Forum for African Women Educationists (FAWE), African Centre for Torture Victims (ACTV), NGO Forum, ActionAid International, Human Rights Awareness and Promotion Forum (HRAPF), and Uganda Land Alliance. According to a report by the Foundation for Human Rights Initiative (FHRI), these break-ins follow a common pattern that suggests they are not regular burglaries: expensive items are usually left behind as the intruders generally take devices that store information. Organisations that work on human rights issues are targeted and in some cases the attacks occur just before the release of crucial human rights reports. No clear

²² The Human Rights Centre Uganda: HRDs Annual Report, Understanding and overcoming potential violations of their rights, 2013.

²³ Miscellaneous Cause No.033 of 2012, High Court of Uganda, Civil Division.

²⁴ Non-Governmental Organisations Act 2016, Sections 29 & 30.

²⁵ News Article in the New Vision newspaper of June 19, 2012, quoting the Minister of Internal Affairs, Eng. Hilary Onok.

²⁶ 2015 CSO Sustainability Index for Sub-Saharan Africa, pp224

investigative measures have been attempted by the police. One of the consequences has been that CSOs have begun opting for self-censorship.

The Uganda Human Rights Report 2016 flags incidents of arbitrary arrests of innocent individuals, both private and public persons, engaging in peaceful assembly and association. A case in point is when members of civil society - including Dr. Zac Niringiye, a retired former assistant Bishop of Kampala Anglican Diocese – participating in the activities of the Black Monday Movement, and the Free and Fair Elections public assemblies were arbitrarily arrested.

It is observed in the Report on Human Rights and Elections in Uganda: A Call for Action²⁷ that although government has grown increasingly intolerant to criticism, there are situations in which it concedes limited space for independent civil society and opposition parties but will quickly shrink that space whenever it perceives any significant challenge to its political grip. The legal framework is supportive of NGOs only in so far as an NGO's sphere of activity is politically and socially acceptable to the Government.

4.2.4 Is there enabling fiscal environment for CSOs?

Uganda does not have a law or regulations that restrict or impede access to external funding for CSOs. Until now, much of the funding for CSOs comes from international donors. Occasionally some CSO finances have been subjected to investigation by the Central Bank, on Government instructions. Nonetheless, it can be argued that the fiscal environment is broadly conducive to CSO operations. Grant income is the life-blood of many Ugandan NGOs, representing over 86% of their total revenues.²⁸ However, since 2015 there has been a reduction in funding streams from donors to civil society organisations²⁹.

Once the funding has been obtained, NGOs are required to pay taxes such as pay-as-you-earn (PAYE), local service tax, and import tax and sometimes income tax. Organisations can occasionally obtain tax exemptions from Uganda Revenue Authority (URA)³⁰. URA requires NGOs to file annual income tax returns which many NGOs were until recently ignorant about, until some organisations that are critical of government, were slammed with debilitating figures in tax penalties - some in excess of hundreds of millions of shillings. Not-for-profit organisations registered under the Companies Act (2010) as companies limited by guarantee, do not qualify for tax exemptions.

4.3 Citizen Participation

4.3.1 Are Elections free and fair?

The freeness or fairness of elections in Uganda remains the subject of debate. Reports by International Election Observers have always come up with mixed pronouncements. The Report by the Commonwealth Observation Group (COG) on presidential and parliamentary elections 2016 stated in part; *“While we noted that campaigns were conducted relatively peacefully, it was also of concern to us that opposition parties, candidates and their supporters faced significant disadvantages in campaigning and accessing the media”*.

²⁷ The Report was published by Foundation for Human Rights Initiative (FHRI) in 2016.

²⁸ EU Country Roadmap for Engagement with Civil Society in Uganda, 2014 - 2017

²⁹ 2015 CSO Sustainability Index for Sub-Saharan Africa, *ibid*

³⁰ 2015 CSO Sustainability Index for Sub-Saharan Africa, pp225



The COG Report continued; “...the election results cannot be said to ascertain fully the true will of the people of Uganda”, highlighting flaws like a lack of a level playing field; abuse of incumbency (the failure to ensure a distinction between the ruling party and the state); and the ‘commercialisation of politics’ among others.

The European Union Election Observation Mission on the 2016 presidential and parliamentary elections also highlights a litany of flaws including “The disproportionate expenditure on behalf of the ruling party and incumbent president distorted the fairness of the campaigns.”

Citizens Elections Observers Network (CEON-Uganda) highlights among other things that a lack of transparency in elections and transmission of results undermined the legitimacy and acceptability of the outcome of the 2016 elections.

The build-up to these presidential and parliamentary elections was characterised by violence during party primaries, voter bribery and incidences of brutality against members of the opposition. Citizens’ groups, civil society organisations and opposition parties repeatedly called for free and fair elections, and through a consultative process they presented proposals for electoral reforms to the Parliament. Unfortunately, none of the proposals including a demand for restoration of presidential term limits was incorporated in the Constitutional Amendment Bill 2015 passed by Parliament in April 2015³¹.

A report by the Human Rights Network Uganda (HURINET) examining the role of security in the electoral process 2015-2016 states that the electoral period was punctuated with various human rights violations across the country. “Arbitrary arrests, detention and disappearances of a number of political activists and supporters of the opposition were recorded”³².

³¹ 2015 CSO Sustainability Index for Sub-Saharan Africa, pp223-231.

³² HURINET Uganda. Election Observation Report 2016, General Elections, pp43

4.3.2 Does government facilitate the participation of citizens and CSOs in processes of public deliberation and decision-making?

At the level of parliament, affirmative action, provided for under the Constitution and the law, has made it possible for women to be represented in Parliament in significant numbers (116 women sit in Parliament out of 375 seats, representing 35%, and putting Uganda among the top 20 countries in terms of women's parliamentary representation).³³

There is an institutional framework that facilitates service delivery CSOs to complement government in the sectors of education, health, water and sanitation service delivery. The Budget Act provides space for civil society to participate in the national budget process and lately the Ministry of Finance Planning and Economic Development has been encouraging CSOs that are monitoring utilisation of money released to government ministries, departments and local governments.

The Office of the Prime Minister works with local NGOs to organise *National Barazas* which serve as spaces for top-down accountability. A report by the European Delegation to Uganda states that many district officials do appear to have positive relationships with CSOs active in their areas. CSOs participate in district and sub-county planning meetings, and intervene, with the support of local communities, successfully in securing contractor accountability.³⁴

The report further reveals that resource-constrained districts look to CSOs to assist them with resources (e.g. access to vehicles, fuel, contributions to district activities) and, in one recent instance at least, have introduced retrospective operating charges.³⁵

4.3.3 Does government recognize and respect the legitimate role of citizens and CSOs as independent advocates, watchdogs and development agents?

Government is not comfortable with CSOs engaging in 'politically sensitive' activities such as demonstrations like those by the Black Monday Movement against corruption, or the free and fair elections campaign. Government has often depicted NGOs that are critical of government policies and the deteriorating social service delivery as voices of the opposition and/or puppets of western powers. There is confusion between CSOs engaging in political debate on one hand and partisan politics on the other hand. Often government has come out and cautioned CSOs not to engage in "politics". In this regard, the space for civil society to operate is shrinking.

CSOs whose primary focus is advocacy for (e.g. human rights, accountability, extractive industries transparency, electoral governance etc.) have successfully engaged policy-makers and implementers through evidence-based positions. The key to successful engagement between CSOs and government institutions appears to be an understanding that the engaging CSOs (or group of CSOs) are capable of contributing to the policy discussion.

For example, when a bill is proposed there is sometimes an opportunity for CSOs to provide input to the parliamentary committee reviewing the draft bill in a consultation process. Despite political pressure and in some cases, physical intimidation, CSOs are still very active in the field of human rights, transparency and accountability.

4.4 Non-Discrimination and Inclusion

4.4.1 Do women have equal civil rights and equal access to civic space

The monitoring report on Uganda's compliance with the United Nations Security Council Resolution (UNSCR) 1325 published by Centre for Women in Governance (CEWIGO) observes that the Ugandan Government has

³³ Inter-Parliamentary Union, Women in national parliaments, Situation as of 30 November 2011

³⁴ EU Country Roadmap for CSOs in Uganda.

³⁵ Ibid.

taken several measures to protect and promote women's rights. At parliamentary level there is a place reserved for one female Member of Parliament from each district. At local government level, the Local Government Act provides for women councillors to be at least one third of the total number of councillors from village to the district. The report further alludes to deliberate efforts made by Government to increase the number of women occupying high profile decision-making positions in the public sector including the judiciary, civil service and security sectors. More women NGOs have formed and are conducting advocacy to demand for more female representation in politics, providing training for women aspiring candidates and those elected into political leadership.

This encouraging trend notwithstanding, women according to the report continue to suffer inequalities compared to their male counterparts. The social construction of gender roles continues to negatively affect women's participation in decision making processes in the public sphere.

Whereas the Domestic Violence Act and the Prohibition of Female Genital Mutilation Act were enacted in 2010, the presence of these two laws has not been followed up with implementation. There are substantial instances of violations of women's rights.³⁶ Some significant pre-existing difficulties preventing access to justice for women victims of violence are yet to be addressed. According to the Report on Women's Rights in Uganda: Gaps between Policy and Practice, it is unheard of in most communities in Uganda to report a husband to the police over domestic violence issues, let alone for the courts to issue and enforce restraining orders.³⁷

A report by Uganda Women's Network and others³⁸ points to the reluctance of women to compete for political leadership due to an economic, cultural and political environment that is at times plagued by violence. It is understood that there is intimidation of female voters by their spouses thereby preventing some women from listening to campaigns and voting for candidates of their choice. This discourages a vast majority of women in rural areas from participating in politics.

There remain serious obstacles to access to education and health services for women and girls in Uganda. The links between persistent violence and discrimination against women and lack of economic empowerment are underlined in the Uganda National Development Plan³⁹.

4.4.2 Do minority groups have equal civil rights and equal access to civic space

Uganda's constitution also provides for minority representation at the national level. 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.

The Local Government Act guarantees participation of some minorities, for example, at every level of local government, there are two seats guaranteed for youth (one of whom must be female) and two seats guaranteed for the disabled (one of whom must be female). In addition, Uganda has a system of Women and Youth Councils that run parallel to the local council system. These discuss issues of sectional interest and provide independent forums for organisation and debate, but their finances and decision-making powers are extremely limited, and their impact is much disputed.

On the flip side, sexual and other minorities are not recognized and have severe difficulties in engaging in public and policy processes – even to the extent that they are being physically and psychologically harassed.

³⁶ Human Rights Network Uganda, 2016, Report on implementation of Universal Peer Review Recommendations, pp5

³⁷ FIDH, et al. Women's rights in Uganda: gaps between policy and practice pp 15.

³⁸ UWONET, et al. Women in Uganda's Electoral Processes.

³⁹ FIDH, et al, *ibid*, pp22.

A report by Uganda Human Rights Centre reveals that that defenders of sexual minorities in Uganda were vulnerable to prejudice, marginalisation and public repudiation, not only by State actors, but also by Non-State Actors. Defenders faced harassment as well as verbal and physical attacks perpetrated by members of the public⁴⁰.

According to Uganda Human Rights Centre research, the safety and security of sexual minority HRDs in Uganda remains fragile, with some reported unlawful torture, intimidation and harassment, not only from state agents but also at the hands of members of the public (non-state actors). These views are reportedly reinforced by cultural norms or personal beliefs against LGBTI which contradict the principle that human rights are universal. The principle of equality in human dignity and human rights requires that one's status as an LGBTI should not be a basis for the denial of the right to life, freedom from torture, and the right to liberty⁴¹.

Although the Anti-Homosexuality Act (2014) (AHA) was declared null and void by the Constitutional Court, the threat against LGBT members of society and attendant human rights defenders remains.⁴² The LGBT community keeps a very low profile in the country. The penal laws contain provisions that are discriminatory on the basis of gender and sex, criminalising same-sex relations.⁴³

4.4.3 Do marginalized groups have equal civil rights and equal access to civic space

The categorisation of marginalised groups in Uganda includes among others ethnic minorities like the Ik, Batwa, Tepeth, Ngangia and Kuku. It also includes people with disabilities (PWDs), women, youth and LGBTI people. A combined report by the National Human Rights Institutions (NHRI) submitted for Uganda's second Universal Periodic Review (October 2016) signposts some positive developments in 2016 relating to realisation of the rights of ethnic minorities such as increased security measures for their protection in the communities, their ability to move freely within and without the communities, and increased access to education.

A related report by Uganda Human Rights Commission notes continued discrimination against ethnic minorities, deprivation of their livelihoods leading to low standards of living, eviction from the ancestral lands and their low participation in the political and development process⁴⁴. The report by national human rights institutions submitted by Uganda Human Rights Commission for Uganda's second Universal Periodic Review (UPR) in October 2016 indicates that that 96% of the polling stations in during general elections 2016, were physically accessible to people with disabilities (PWDs). However civic and voter education to PWDs were according to the UPR inadequate. The Legal Aid Service Providers Network (LASPNET) in a report titled: Access to Justice for the Poor, Marginalised and Vulnerable in Uganda reveals that access to justice for these sections of the population remains limited for various reasons. For example, most of the JLOS services remain in the urban areas and central region. This creates a physical barrier that may result in victims or users not attempting to access these services.

⁴⁰ Human Rights Defenders in Uganda: A Situational Analysis of their Rights and Challenges 2010-2011

⁴¹ Ibid

⁴² Human Rights Defenders in Uganda: The Continues Pursuit of the Realisation of their Rights, vol. iv, 2014

⁴³ Human Rights Network Uganda, Report of the Working Group on the Implementation of the Universal Peer Review Recommendations for Uganda

⁴⁴ Report on Uganda's second Periodic Universal Review, 2016, submitted by Uganda Human Rights Commission



4.5 Human Rights / Rule of Law

4.5.1 Are basic human rights guaranteed by law and respected in practice

Article 23 of the 1995 Constitution provides for the protection of personal liberty and Article 24 of the same provides for the respect of human dignity and protection from inhuman treatment. However, the Uganda Human Rights Commission Annual Reports (2010-2016) flag the police and the army as leading perpetrators of human rights abuses including torture. Other civil society reports namely the Baseline and Situational Analysis Report on the Working Conditions of Human Rights Defenders in Uganda authored by Human Rights Centre Uganda (HRCU) corroborate these findings.

The Anti-Pornography Act (2014) has been challenged in the constitutional court on the grounds that it violates women's right to equality and freedom from discrimination; and that the vague definition of what constitutes "pornography" has resulted in the harassment and mistreatment of women in public, denying them bodily autonomy, personal liberty and freedom of movement and association (Uganda Human Rights Centre, 2014). The selective implementation of the law and vagueness of its key sections violates the rights to privacy, liberty and movement of women.

In its 2016 national report to the Working Group of the United Nations Human Rights Council's (UNHRC) Universal Periodic Review (UPR), the government states its commitment to promoting human rights, adhering to the rule of law and honouring its democratic responsibilities.⁴⁵ Further, the report by National Human Rights Institutions (NHRI) submitted by Uganda Human Rights Commission (UHRC) for Uganda's second Universal Periodic Review (2016) highlights the following key actions undertaken by Government of Uganda, namely:

- a) In October 2011, the Government of Uganda made a pledge to develop a National Action Plan on Human Rights (NAPHR). A sub-committee of Cabinet and inter-ministerial sub-committee was established in 2013 with human rights focal points. The process is in its final stage awaiting national validation and approval by government.
- b) The second National Development Plan (NDP) 2016 – 2021 includes a directive to all sectors, MDAs and Local Governments to adopt human rights-based approaches (HRBA) in their policies, legislation, programmes and plans.

⁴⁵ National Report submitted in accordance with paragraph 5 of the annex to the UN Human Rights Council, Resolution 16/21 - Uganda. Human Rights Council Working Group on the Universal Periodic Review, 26th Session, 31 October to 11 November 2016.

- c) Human rights desks/focal person have been established in some ministries including the Ministry of Justice and Constitutional Affairs⁴⁶.
- d) Plans are underway for the incorporation of human rights education as a subject of social studies in lower secondary schools and it will be part of the national curriculum in 2017⁴⁷.
- e) A Directorate of Human Rights and Legal Affairs was established within the Uganda Police Force and a Directorate of Human Rights within Uganda People's Defense Forces.

However, a closer look at the state of human rights, and particularly the core civil society rights, of the freedom of association, assembly and expression, show that most of the recommendations accepted during Uganda's 2011 review have not been implemented.⁴⁸

Right to Vote

Whereas Article 59 of the Constitution of the Republic of Uganda (1995), provides that every citizen of Uganda aged 18 years and above has a right to vote, and that the State shall take all necessary steps to ensure that all citizens qualified to vote register and exercise their right to vote, the right to vote has not always been respected and/or protected. The shadow Universal Periodic Review (UPR report 2011, reveals among others that during presidential and parliamentary elections in 2011 many voters could not find the polling stations where their names had been registered to vote. This situation carried on to the subsequent election cycle.

The Uganda Human Rights Commission report further states that the 2016 Presidential and Parliamentary elections were reportedly replete with acts of disenfranchisement of voters most notably due to late delivery of polling materials to the capital city Kampala and neighbouring Wakiso districts. A report by the Foundation for Human Rights Initiative (FHRI) reveals that citizens who turned 18 years of age between May 2015 and February 2016 were excluded from the Voters' Register.⁴⁹ The right to vote was further infringed upon by alleged widespread voter bribery, multiple voting, stuffing of ballot boxes and altering of results.⁵⁰ Detainees in Uganda are not allowed to exercise their right to vote. Uganda does not have a legal framework permitting extension of voting rights to Ugandans living in diaspora (FHRI, 2016).

Right to Life

The right to life is guaranteed under the Constitution which provides that no person shall be deprived of life intentionally except in execution of a sentence passed in a fair trial by a court of competent jurisdiction in respect of a criminal offence under the laws of Uganda. There continue to be, however, cases of apparent excessive use of force by security officers. Despite statements by police that lethal crowd control methods are only used as last resort, too often the police resort to live bullets to disperse public gatherings.⁵¹ In a specific case in 2016, Human Rights Watch reported that, a joint raid by Uganda Police and Military forces on the palace of Rwenzururu King Wesley Mumbere in Kasese left over 100 dead, including at least 15 children and 14 police officers.⁵²

Right to Liberty and Security of a Person

The right to liberty and security of persons is increasingly curtailed with police overzealously arresting persons under the guise of public order management and later releasing them, often without charges. That, this commonly happens to opposition politicians and or their supporters, and journalists covering opposition activities points to systematic selectivity in the application of these laws. The most blatant violation of the right to liberty is manifest in the perennial preventive detention of opposition leader Dr Kizza Besigye. In 2016

⁴⁶ Uganda Human Rights Commission Report, 2016

⁴⁷ Uganda Human Rights Report, 2016

⁴⁸ CIVICUS Policy Brief February 2017: Addressing Civic Space Restrictions in Uganda: What Role for the Universal Periodic Review?

⁴⁹ Report on Human Rights and Elections in Uganda 2016. A Call for Action

⁵⁰ Foundation for Human Rights Initiative, Report on Human Rights and Elections in Uganda 2016. A Call for Action, 2016

⁵¹ Foundation for Human Rights Initiative, Report on Human Rights and Elections in Uganda 2016. A Call for Action.

⁵² <https://www.hrw.org/news/2017/03/15/uganda-ensure-independent-investigation-kasese-killings>

for example he was detained in his home at Kasangati for 43 days. He was not allowed to leave and could only receive visitors upon approval by the Police which is tantamount to preventive detention.

4.5.2 Is there effective Rule of Law

Rule of law is in full operation when the law is equitably applied, particularly when no one is above the law. The principle is intended to be a safeguard against arbitrary governance, whether by a totalitarian leader or by mob rule. It guards against excesses by the state, its agencies and the people that would foment dictatorship and anarchy. It fosters the welfare of the people and their nation by stipulating observance of rights and freedoms, security of persons and property and effective service delivery and guarding against injustices in all spheres of life.⁵³

A report by Uganda Law Society highlights unlawful acts of torture and limitations against people's freedom, cases of unconstitutional preventive arrests meted out against opposition politicians, torture in prisons, and lack of implementation of court orders and criminalizing walking for freedom as indicators of degenerated rule of law in Uganda.⁵⁴

According to the 2016 World Justice Project Rule of Law Index, Uganda ranks 105 out of 113 countries assessed during the period. This ranking places Uganda 10 positions lower than the 2015 ranking. Issues in this area include corruption, the disregard of court orders, executive excess, weaknesses in the justice system, police brutality, unlawful arrests and detention, and malicious prosecutions among other negative developments. The economy is undergoing shocks and pressures with negative consequences, in part perhaps because of the links between the Rule of Law and overall development.⁵⁵

Key highlights of incidences that indicate disregard for rule of law in 2017 include among others the following:

- a) The award of bonus payments by Government through the Uganda Revenue Authority whereby 42 public officials received a total of UGX 6 billion from President Yoweri Museveni as a reward (dubbed the "presidential handshake") for their participation and success in arbitral proceedings in two tax disputes against Heritage Oil and Gas Ltd (HOGUL) and Tullow Oil Uganda Ltd.⁵⁶
- b) Issuance of the Justice Kavuma interlocutory order in a constitutional matter restraining Parliament, any person, or authority from investigating, questioning or inquiring into the disputed UGX 6 Billion award and staying all proceedings of whatever nature which may be pending before any fora until the final Petition was disposed of. The legality of the order was challenged outright by the Speaker of Parliament. The order was vacated soon after.⁵⁷
- c) Non-Compliance with Court Orders. On 20th February 2017, the Jinja Chief Magistrate His Worship Simon Kaggwa ordered that the Prime Minister of the Rwenzururu Kingdom, Mr Johnson Thembo Kitsumbire and others who were arrested following the Kasese incident be transferred from Kirinya Government Prison in Jinja to Luzira Prison where they could receive proper medical attention. The Uganda Prisons Service however did not comply with this order.⁵⁸

⁵³ Uganda Law Society, State of Rule of Law Report, January – March 2017.

⁵⁴ Uganda Law Society, Report on the 5th Annual Rule of Law Day Symposium, October 2012.

⁵⁵ Rule of Law Index 2016, pp43 & p149.

⁵⁶ Uganda Law Society, Rule of Law Report, January – March 2017, pp8-15

⁵⁷ Ibid

⁵⁸ Ibid

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ANNEX 1:

overview table with a number of treaties that the country has ratified and some of the existing laws that do not entirely conform to them.

International Covenant / Treaty	Year of Ratification	Domestic Laws
1. Freedom of Information and Expression		
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)		
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)
Convention on the rights of people with Disabilities (2006)	2008	

International Covenant / Treaty	Year of Ratification	Domestic Laws
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979	1985	<ul style="list-style-type: none"> ○ The Education Act (2008) ○ The Parliamentary Elections Act (2005) ○ Prohibition of Female Genital Mutilation Act (2010)
Convention on the Rights of Persons with Disabilities	2008	
5. Human Rights / Rule of Law	26	
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 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.		
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	

ANNEX 2:

International Database and Reports Documenting Civic Space in Uganda

Dimension	Report	Organisation	Key Features	Remarks
1. Freedom of Information and Expression	Expanding Civic and Political Space: An ActionAid Position Paper, 2016	ActionAid International	-Position paper that highlights the depth and breadth of shrinking civic space	
	Status of Freedom of Information in Africa (legislation and ratification) as at September 2016	Africa Freedom of Information Centre	-Provides a mapping of status of ratification of African Union treaties and covenants by AU member states.	
	Freedom in the World Report 2016: Anxious Dictators, Wavering Democracies: Global Freedom under Pressure	Freedom House	-5 th Edition of the Annual Reports -Maps trends and gives scores by country of freedom on the press and freedom on the internet.	- Rates Uganda as a country that is <i>partly free</i> where freedom on the press and freedom on the internet are concerned.
	A Media Minefield: Increased Threats to Freedom of Expression in Uganda, May 2010	Human Rights Watch	Report documents multiple cases in which Ugandan journalists have faced increasing threats from government officials and NRM party members, intimidation, harassment, and in some instances, government-inspired criminal charges.	Report gives an independent and fair assessment on the dimension of Freedom of Information and Expression
	Civic Freedom Monitor: Uganda	International Centre for Not-for-Profit Law	Uganda refused to accept recommendations of reform POMA, NGO Act, etc	Update on the 34th Session of the UN Human Rights Council where Uganda's Universal Periodic Review (UPR) outcome was adopted.
	Policy Brief, February 2017: Addressing Civic Space Restrictions in Uganda: What Role for the UPR?	CIVICUS	Examines a range of restrictions on civil society's fundamental rights recently experienced in Uganda.	
	Report on Human Rights and Elections in Uganda 2016. A Call for Action.	Foundation for Human Rights Initiative (FHRI)	Reports focuses on among other things the right of assembly, right to participate in public affairs, Freedoms of expression and assembly.	Report presents findings of an 8-month inquiry into the human rights situation during 2015-2016 election campaigns for Presidential and Member of Parliament races.

Dimension	Report	Organisation	Key Features	Remarks
	EU Country Roadmap for Engagement with Civil Society 2014 - 2017	European Union Delegation	-Report paints comprehensive picture of the working environment for CSOs in Uganda	
2. Citizen Participation				
	Report of the Commonwealth Observer Group Uganda General Elections 18 February 2016	Commonwealth Secretariat	-Report discounts the manner in which campaigns were conducted and elections managed in 2016	
	2015 CSO Sustainability Index for Sub-Saharan Africa	United States Agency for International Development (USAID)	- Index features 30 Sub-Saharan African countries including Uganda -	The reports interrogates issues of electoral governance and operating environment for civil society in the countries under review.
	Final Report on Uganda's Presidential, Parliamentary and Local Council Elections, 18 February 2016	European Union Election Observation Mission	-Report gives a credible account of the extent to which Uganda elections 2016 were free and fair	
3. Non-Discrimination / Inclusion	Securing Women's Land Rights in Northern Uganda	Oxfam International	Report gives detailed analysis of how women acquire, own, access, control and manage land.	
	Standing Firm: Women and Trans-Led Organisations Respond to Closing Space for Civil Society.	Mama Cash & Urgent Action Fund	-The Report is offered as a tool, resource, and testimony to inform the understanding of how closing space, in all its forms, has a gendered impact.	Closing space for civil society is characterised as a global phenomenon that has accelerated over the past several years.
	Women's Political Representation and Participation in Decentralised Systems in Africa: Uganda	Kayongo - Mutebi	This is an academic study that interrogated the efficacy and extent of women's participation and representation in Local Governments	
4. Human Rights / Rule of Law				
	Human Rights Watch Report 2011	Human Rights Watch	- Report is released annually - Report highlights human rights violations e.g. beatings of knees, elbows with batons and glass bottles and insertions of needles into finger nails as common forms of interrogation by Uganda Police.	Perpetrators of heinous human rights violations are not seen to be held accountable by state institutions that should exercise the mandate of safeguarding citizens against human rights violations

Dimension	Report	Organisation	Key Features	Remarks
	Report on Human Rights and Elections in Uganda 2016. A Call for Action.	Foundation for Human Rights Initiative (FHRI)	Reports focuses on among others the Right to Vote, Right to life, liberty and security of a person	Report presents findings of an 8-month inquiry into the human rights situation during 2015-2016 election campaigns
	Country Reports on Human Rights Practices for 2016: Uganda	United States Department of State: Bureau of Democracy, Human Rights and Labour.	Report highlights critical incidences of human rights violations and abuses	Report also highlights the conduct of state institutions namely the Police, Military and security agencies.
	Rule of Law Index 2016	World Justice Project	Ranks countries in relation to practices that show respect for the rule of law	

ANNEX 3:
National Database and Reports Documenting Civic Space in Uganda

Dimension	Report	Organisation	Key Features	Remarks
1. Freedom of Information and Expression	Media Freedom in Uganda: Analysis of inequitable legal limitations	Human Rights Network for Journalists	Report names and analyses national laws that unduly limit freedom of expression and media in Uganda.	
	Press Freedom Index Report – 2016 Uganda: Tough Times - Political Intolerance Stifles Media	Human Rights Network for Journalists		
	Press Freedom Index Report 2011 Uganda: Shrinking and sinking	Human Rights Network for Journalists		
	Tough Times: Press Freedom Index Report – 2016 Uganda, Political Intolerance Stifles Media.	Human Rights Network for Journalists (HRNJ)	-Report is the 4 th successive annual summary of the state of media freedoms in Uganda. -Year under review was characterised by killings of civilians by Police and the Army	-Election year 2016 exposed Journalists to unprecedented attacks by the Police with an increased number of female journalists falling victim. -Uganda Police Force for the 4 th consecutive year topped the list of violators of media rights and freedoms
	Position Paper on: The State of Access to Information in Uganda	CIPESA	-Position paper presented to Information and Communication Technology (ICT) Committee of the Parliament of the Republic of Uganda by on April 7, 2017.	
	Analysed cyber laws of Uganda Report 2016	Unwanted Witness	-Report analyse the provisions of the laws that can be seen as restricting the Internet freedom of the citizens in Uganda.	The report discusses various stakeholders' views and efforts to improve Uganda's respect for freedom of expression and online privacy and digital rights.
	<i>State of Internet Freedoms in Uganda 2014</i>	CIPESA		

Dimension	Report	Organisation	Key Features	Remarks
	Universal Periodic Review shadow report (2011)	<i>Global Campaign for Free Expression (ARTICLE 19)</i>	Focused on Uganda's compliance with its international human rights obligations in respect of freedom of expression and freedom of information 30	<ul style="list-style-type: none"> - An indication that there was media and other forms of censorship; - Reported repression and violence against journalists, media workers and human rights defenders.
2. Rights of Assembly and Association	Human Rights Defenders in Uganda 2016: Striving for a better Environment for Protection and Promotion of their Rights, Volume VI.	Human Rights Centre Uganda (HRCU)	Report provides analysis of operating environment as well as perspectives of HRDs on the extent to which their rights are promoted and protected.	
	Report of the Working Group on the Implementation of the Universal Peer Review Recommendations: Assessing the Progress of Government of Uganda, November 2016	Human Rights Network Uganda	-Report interrogates aspects of rights of assembly and association, participation, Non-discrimination, human rights and rule of law in Uganda	The Report paints a good picture on the size of civic space in Uganda.
	A Compilation of Statements by Uganda Human Rights Commission			
3. Citizen Participation	Uganda General Elections 2016: Revisiting the Democracy Construct	Citizens Election Observation Network (CEON-Uganda)	Report gives a credible account of how the Electoral Commission organised and managed elections 2016.	
	Women in Uganda's Electoral Processes: Mapping Positive Trends and Persistent Deficits in 2016 General Elections	Uganda Women's Network	Report documents key challenges faced by women political candidates during election campaigns 2015-2016	
	Election Observation Report 2016: Examining the Role of Security in the Electoral Process	Human Rights Network Uganda	- Report gives an account of human rights violations during the campaign period and on election day across the country for 2016 General Elections	The report paints a picture of the civic and political space for opposition political candidates and their supporters during electoral campaigns 2015-2015.

Dimension	Report	Organisation	Key Features	Remarks
	Youth and Civic Space in Uganda. A report of the EU-CSO Structured Dialogue	Uganda National NGO Forum	-Report underlines the critical importance of youth actively participating in civic spaces in Uganda	
4. Non-Discrimination / Inclusion	Ethnic Minorities in Uganda: Universal Periodic Review Joint Submissions for Uganda Submitted to the Human Rights Council	Yamiya Yakupatanisha	Report presents information pertaining to violation of rights of ethnic minorities in Uganda	
	Strengthening Women's Participation in Government and Civil Society, Uganda.	Centre for Women in Governance	The reports makes an evaluation of the political participation of women in Uganda.	
	Uganda UNSCR 1325 Monitoring Report	Centre for Women in Governance	Report makes analysis of the policies that have impacted on women's participation in governance	
	Women's rights in Uganda: gaps between policy and practice	FIDH, FHRI-Uganda, FIDA-Uganda & Africa for Women's Rights		
	Ethnicity and Human Rights in Uganda: A Desk Study of Human Rights issues faced by Ethnic Minorities and Indigenous Groups	Allen Asimwe et al.	The report interrogates the complex human rights issues that surround ethnicity and Indigenous /ethnic minority groups in Uganda.	
	Making Women Politically Relevant in Uganda's Politics and Electoral Process	Uganda Women's Network (UWONET)	Report interrogates the gender barriers that hinder women from participating in leadership and decision making.	
	Access to Justice for the Poor, Marginalised and Vulnerable People of Uganda	Legal Aid Service Providers Network (LASPNET)	This is a Research Study that paints a picture of how the poor and marginalised are discriminated from the national justice system	
5. Human Rights / Rule of Law				
	Annual Reports 2010-2016	Uganda Human Rights Commission	- The reports have consistently flagged the police and the military as leading and main perpetrators of human rights abuses.	The reports point to impunity that protects the perpetrators of human rights abuses from being seen to be held accountable.

Dimension	Report	Organisation	Key Features	Remarks
	Situational Analysis on the Prevalence of Torture in Uganda (2015)	African Centre for Treatment and Rehabilitation of Torture Victims (ACTV)	- First of its kind conducted by ACTV - Report assesses the prevalence of torture in Uganda across various institutions, state agencies and general public	Report re-affirms freedom from torture as an inalienable human right.
	Baseline Survey and Situational Analysis on the Working Conditions of Human Rights Defenders in Uganda (2014)	Human Rights Centre Uganda	- Report flags the police and the military as the greatest perpetrators of torture and other human rights abuses.	
	Human Rights Defenders in Uganda: The Continued Pursuit of the Realisation of their Rights, vol. iv, 2014	Human Rights Centre	- Annual Publication - Report is based on information gathered by human rights defenders across the country	Report is a credible record and trajectory of the status of human rights in Uganda
	Assessing the Progress of the Rule of Law in Uganda 50 Years after Independence: Report on the 5th Annual Rule of Law Day Symposium, 2012	Uganda Law Society	-Uganda Law Society commemorates annually the Rule of Law day. -	Report decries the mixed sovereignty by the government contrary to the constitutional limitation where power belonged to the people.
	State of the Rule of Law Report, March 2017	Uganda Law	-Report for the 1 st Quarter of 2017 - Highlights major incidences that have put on trial the rule of law in Uganda	Report also gives insight into the state and scale of human rights violation that continue to shrink the space for civil society.
	A Pocketbook for Police on BASIC HUMAN RIGHTS STANDARDS, 2012	Uganda Human Rights Commission	the dos and don'ts of respect for human rights in police work	It is a Manual that provides police officers with a handy, quick reference material that would be their constant companion as they do their work.