


# UNIVERSAL PERIODIC REVIEW SUBMISSION FOR UGANDA

NGO SUBMISSION



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# Human Rights Foundation

The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.

We focus our work on the founding principles of the human rights movement, those which are enshrined in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights.

HRF's Center for Law and Democracy (HRF-CLD) promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law.

# Introduction

This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Uganda. In this submission, HRF evaluates Uganda's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, wide-spread, and gross violations of human rights, including: the ongoing curtailment of the freedoms of expression, assembly, and association, particularly among LGBTQ+ persons, as well as arbitrary arrests, detentions, violations of due process, and ill-treatment, torture, and extrajudicial killings.

# Follow-Up on the Previous Review

1. The most recent UPR of Uganda by the United Nations Human Rights Council took place on November 3, 2016. The Human Rights Council considered and adopted the outcome of the country's review during its 13th Session, on March 16, 2017.<sup>1</sup> A total of 226 recommendations were made to Uganda, with the government accepting 148 recommendations and noting 78.<sup>2</sup>
2. Although Uganda accepted the vast majority of recommendations which covered a range of issues, it has not made significant progress in implementing these recommendations.
3. One of the most common recommendations by UN Member States was that Uganda should ratify particular international conventions and remove reservations to core human rights instruments. Despite the number of States that made these recommendations, critically, Uganda has yet to:
  - a. ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), which aims to abolish the death penalty;
  - b. ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; and
  - c. ratify the Optional Protocol of the Convention against Torture.
4. As a member state of the United Nations, Uganda has committed to protecting, promoting, and respecting the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Uganda has also ratified the ICCPR.
5. The Constitution of the Republic of Uganda, 1995 (Constitution) formally guarantees the protection of several human rights (*see infra Uganda's*

## FOLLOW-UP ON THE PREVIOUS REVIEW

*National Framework For Protecting Human Rights*). However, despite these constitutional guarantees, in practice, individuals in Uganda are routinely subjected to human rights violations, not least by the very existence of laws that criminalize and impinge on their fundamental freedoms.

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**UGANDA'S  
NATIONAL FRAMEWORK  
FOR PROTECTING HUMAN  
RIGHTS**

The image shows the Parliament of the Republic of Uganda building, a large, modern structure with a curved facade. In the foreground, a sign reads "THE PARLIAMENT OF THE REPUBLIC OF UGANDA" with the national coat of arms above it. Several Ugandan flags are flying on poles in front of the building. The entire scene is overlaid with a semi-transparent red filter.

**THE PARLIAMENT  
OF THE REPUBLIC OF UGANDA**

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# Uganda's National Framework for Protecting Human Rights

6. Uganda's Constitution<sup>3</sup> contains several key provisions relating to the protection of the fundamental rights and freedoms of its citizens.
7. In relation to the equal protection of individuals under the law, Uganda's Constitution states in *Article 21*:

*Equality and freedom from discrimination.*

1. *All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.*
  2. *Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or disability.*
8. In relation to the freedoms of expression, assembly, and association, Uganda's Constitution states in *Article 29*:

*Protection of freedom of conscience, expression, movement, religion, assembly, and association.*

1. *Every person shall have the right to—*
  - freedom of speech and expression which shall include freedom of the press and other media;*
  - freedom of thought, conscience and belief which shall include aca-*



*democratic freedom in institutions of learning;*

- c. freedom to practise any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organisation in a manner consistent with this Constitution;*
- d. freedom to assemble and to demonstrate together with others peacefully and unarmed and to petition; and*
- e. freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organisations.*

9. In relation to arbitrary detention, Uganda's Constitution states in *Article 24*:

- 1. A person arrested, restricted or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyer of his or her choice.*

10. In relation to the respect for human dignity and protection from inhuman treatment, Uganda's Constitution states in *Article 24*:

*No person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment.*

11. In relation to the prohibition of torture, cruel, and inhuman or degrading treatment or punishment, Uganda's Constitution states in *Article 44(a)*:

*Notwithstanding anything in this Constitution, there shall be no derogation from enjoyment of the following rights and freedoms -*

- a. freedom from torture, cruel, inhuman or degrading treatment or punishment.*

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UGANDA'S  
POLITICAL BACKGROUND



# Uganda's Political Background

12. Since gaining independence in 1962,<sup>4</sup> Uganda has endured periods of violent conflict, including a military coup, followed by a brutal eight-year military dictatorship led by Idi Amin, and a six-year guerrilla war that brought current President Yoweri Museveni to power in 1986. Despite regular national elections, President Museveni has remained in power since he oversees a fixed vote during election periods, and because of constitutional amendments that removed term limits for presidents.<sup>5</sup> He and his party, the National Resistance Movement (NRM), retain power through state-sponsored intimidation tactics, politicized targeting of opposition members and dissidents, and through the manipulation of state resources.<sup>6</sup>
13. The Ugandan government used the COVID-19 pandemic as a pretext to strengthen its crackdown on the political opposition, government critics, and dissenters. Ahead of the national elections in January 2021, for example, the government prohibited gatherings under the guise of preventing the spread of the virus. The elections also demonstrate the state's stunning wave of arbitrary arrests and ongoing repression where opposition leaders and their supporters were violently suppressed. In particular, several thousand people were reportedly arrested, while many were tortured before being tried in military courts.<sup>7</sup>

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FREEDOMS  
OF EXPRESSION,  
ASSEMBLY, AND  
ASSOCIATION

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# Freedoms of Expression, Assembly, and Association

14. Uganda has adopted international instruments such as the UDHR and the ICCPR, which protect freedoms of expression, assembly, and association.<sup>8</sup> On a regional level, Article 9 of the African Charter on Human and Peoples' Rights (Banjul Charter) provides rights and freedoms related to the freedoms of expression, assembly, and association.<sup>9</sup> At the national level, Article 29 of the Ugandan Constitution protects the freedom of conscience, expression, assembly, and association, among others.<sup>10</sup> Despite these provisions, the Ugandan government continues to crack down on citizens, activists, and politicians who criticize the government, and dissent of any kind is met with severe consequences.
15. The Ugandan government has consistently used a variety of laws to curtail media freedom and freedom of expression.<sup>11</sup> For example, in September 2017, the Uganda Communications Commission (UCC) announced a ban on live broadcasts, including parliamentary proceedings and debates on constitutional amendment bills.<sup>12</sup> This ban restricted citizens' right to information regarding the Ugandan government, and shut down any speech that was critical of President Museveni and/or the government.
16. In April 2018, the UCC ordered an internet blackout, demanding telecom operators to suspend all internet gateways until further notice.<sup>13</sup> This blackout was planned on the evening of a presidential election in which incumbent President Museveni faced opposition leader and singer Kizza Besigye, more commonly known as Bobi Wine.<sup>14</sup> After announcing his candidacy for the 2021 presidential election in Uganda, Bobi Wine became the leader of the largest opposition party, the National Unity Platform (NUP) party, and President Museveni's biggest competitor.
17. In July 2018, the Ugandan government implemented a social media tax for users on mobile phones.<sup>15</sup> Social media users are now required to pay daily

fees of 200 Ugandan Shillings (US \$0.05) before accessing WhatsApp, Twitter, and Facebook, among other applications.<sup>16</sup>

18. In August 2018, Herbert Zziwa and Ronal Muwanga, two journalists who covered the military's fatal shooting of Yasin Kawuma, Bobi Wine's driver, were arrested by security forces.<sup>17</sup>
19. In April 2019, the UCC directed 13 radio and television stations to suspend their staff after they aired news reports covering Bobi Wine,<sup>18</sup> who was arrested en route to a press conference about issues of "police brutality and abuse of authority."<sup>19</sup> Wine was later charged with disobedience of statutory duty for having led a protest in July 2018 against the social media tax.<sup>20</sup>
20. In August 2019, Ugandan activist and feminist Stella Nyanzi was convicted and sentenced to 18 months in prison for a poem she published on Facebook in 2018 criticizing President Museveni.<sup>21</sup> The government concluded that her poem violated prohibitions on "obscene, lewd, lascivious or indecent" content.<sup>22</sup>
21. In October 2019, Ugandan police and security forces cracked down on student protesters who protested against fee increases at Makerere University. Journalists were arrested and prevented from covering these student protests.<sup>23</sup>
22. In September 2020, the Ugandan government introduced new regulations that further restrict freedom of expression online. The UCC now requires "providers of online data and communication" to seek authorization from the Commission, and pay a fee of 100,000 Uganda shillings (US \$26.82).<sup>24</sup>
23. In November 2020, presidential election campaigns began in Uganda. Subsequent protests relating to the election were met with excessive force from Ugandan police and security forces, resulting in over 50 deaths and numerous injuries.<sup>25</sup> Ugandan authorities justified their excessive force, claiming that it was necessary to disperse crowds to ensure compliance with COVID-19 measures.<sup>26</sup>

24. In January 2021, in the lead-up to the general elections, the UCC once again shut down access to social media services, including Twitter, Facebook, and WhatsApp.<sup>27</sup>
  
25. The government's silencing of opposition members, government critics, activists, and journalists during this period, included the targeting of Bobi Wine who was put under house arrest.<sup>28</sup> Wine and his wife were held under house arrest for nearly two weeks, which severely impacted their rights to freedom of expression and assembly, as they were unable to protest President Museveni's re-election.<sup>29</sup> Wine was subsequently rearrested in March 2021 while taking part in a protest against the abduction, torture, and murder of his supporters.<sup>30</sup>

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LGBTQ+ RIGHTS

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# LGBTQ+ Rights

26. LGBTQ+ people continue to face significant discrimination in Uganda. Same-sex marriage is constitutionally banned, and Uganda's Penal Code states that "carnal knowledge" among people of the same sex is punishable by a maximum term of life in prison.<sup>31</sup>
27. In 2014, Uganda's parliament caused international outcry after passing a law that imposes a life sentence for certain categories of same-sex intercourse.<sup>32</sup> Shockingly, however, many politicians felt that the punishment was not harsh enough, and proposed a re-examination of the infamous "Kill the Gays" bill that proposed using the death penalty.<sup>33</sup> In 2019, Ugandan Minister of Ethics and Integrity, Simon Lokodo, joined the call of action to revive the bill.<sup>34</sup> Regrettably, the mere introduction of the bill has caused an increase in homophobic sentiment and hate crimes.<sup>35</sup>
28. Attacks against LGBTQ+ people are frequent and occur without effective mechanisms for redress for the victims. For example, on March 29, 2020, community residents and police officers raided an LGBTQ+ youth homeless shelter.<sup>36</sup> Police beat and arrested 23 adults, including some shelter residents, who were all charged with "a negligent act likely to spread infection of disease" and "disobedience of lawful orders."<sup>37</sup> Twenty shelter residents were also arrested and detained for more than six weeks without access to lawyers, and charged with "disobeying Covid-19 restrictions."<sup>38</sup>

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ARBITRARY  
ARRESTS, DETENTIONS,  
AND VIOLATIONS OF  
DUE PROCESS



# Arbitrary Arrests, Detentions, and Violations of Due Process

29. The Ugandan government continues to use arbitrary arrest and detention as a means of silencing political opposition and human rights and environmental rights activists, even though Uganda has ratified the ICCPR and the ACHPR, which both prohibit arbitrary detention.<sup>39</sup>
30. The 21st Annual Report of the Uganda Human Rights Commission noted with concern “the continued long and arbitrary detention of suspects in police custody which negatively affected their right to fair and speedy trial.”<sup>40</sup> The Report continued: “Some suspects were found to have been detained for weeks and even months in police custody without being produced before court.”<sup>41</sup> Indeed, under the guise of Uganda’s Police Act, which contains provisions that allow for the arrest and detainment of a person who is suspected of committing an offense,<sup>42</sup> innumerable cases of arbitrary detention have occurred in Uganda.
31. On September 16, 2020, nine environmental rights defenders were arbitrarily detained while traveling to Hoima to participate in peaceful demonstrations against the destruction of the Bugoma forest.<sup>43</sup> Two of the nine individuals were initially arrested on their way to a radio talk show, to which they had been invited to discuss the dangers of sugar cane production and oil activities in the forest.<sup>44</sup> They were expected to call for people to participate in peaceful protests.<sup>45</sup> The seven other individuals went to the police station to negotiate the release of their detained colleagues but were arrested and detained in what the police called a “preventive arrest.”<sup>46</sup> The police claimed that the organizers of the protest did not have the authorization to hold demonstrations.<sup>47</sup>
32. Bobi Wine has also been targeted with arbitrary arrest and detention by Museveni’s regime, on the basis of his political candidacy. Museveni accused Bobi Wine of encouraging young people to riot, stating that Wine’s

supporters are “a misguided group being used by some foreigners to destabilise” Uganda.<sup>48</sup> Museveni’s regime subsequently undermined Wine’s campaign by arresting Wine on several occasions, as well as his supporters and team members.

33. On October 13, 2020, the police and army raided Bobi Wine’s NUP headquarters. Security forces blocked all roads leading to the building and sealed off the premises before arresting Bobi Wine and other party officials. They also confiscated important documents and security cameras.<sup>49</sup> While a justification for the raid has yet to be provided, Wine alleges that “politics cannot be ruled out.”<sup>50</sup>
34. Bobi Wine was again “violently arrested” and brutalized by police and military on November 3, 2020, after handing in his nomination papers to the election body.<sup>51</sup>
35. After Wine lost the disputed presidential election in January 2021, he was placed under house arrest for 11 days.<sup>52</sup> Wine tweeted that he was confined with his wife, Barbara, and their 18-month-old niece, without food.<sup>53</sup> He was released after a court determined that his confinement was “unlawful.”<sup>54</sup>
36. Bobi Wine was then detained on March 15, 2021, when he led a demonstration in the capital, rejecting the results of the January presidential election. Wine was also protesting “the abduction, torture and murder of his supporters,” among other violent tactics that the government uses to break up peaceful rallies, including the use of bullets, beatings, teargas, and arbitrary detention.<sup>55</sup>
37. Security agents have been apprehending Wine’s supporters who have allegedly been demonstrating against Wine’s presidential loss.<sup>56</sup> Internal Affairs Minister Jeje Odongo eventually stated that 177 individuals were held in military detention for allegedly participating in riots, possession of military stores, and planning post-election violence.<sup>57</sup> On March 8, 2021, without providing evidence, President Museveni claimed that another 51 people were being held by the Ugandan army for “treasonable acts of elements of the opposition.”<sup>58</sup>

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EXTRAJUDICIAL  
KILLINGS, TORTURE,  
AND ILL-TREATMENT

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# Extrajudicial Killings, Torture, and Ill-Treatment

38. In 2012, the Ugandan government passed an anti-torture law, which, in conjunction with Articles 24 and 44(a) of the Constitution, guarantees respect for human dignity and protection from inhumane treatment, as well as the prohibition and prevention of any form of torture or cruel, inhuman or degrading treatment or punishment. Article 5 of the Banjul Charter, to which Uganda is a State Party, also prohibits all forms of exploitation and degradation, including torture, cruel, and inhuman or degrading treatment or punishment.<sup>59</sup> Furthermore, Uganda ratified the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) in 1986.<sup>60</sup>
39. Despite the Ugandan government's legal obligations under domestic and international law to ensure the respect of human dignity, prohibit torture and ill-treatment, and to ensure investigations of extrajudicial killings, torture, and ill-treatment, it continues to engage in widespread repression and perpetrate human rights abuses against opposition leaders and their supporters.<sup>61</sup>
40. Following the most recent UPR of Uganda in November 2016, more than 100 civilians were killed by security forces during the Kasese Massacre.<sup>62</sup> The Kasese Massacre came after years of tension between the Ugandan government and the Rwenzururu kingdom in the town of Kasese.<sup>63</sup> The Ugandan government attacked the kingdom's prime minister, resulting in clashes and a massacre in which children were amongst the slaughtered victims.<sup>64</sup> The Ugandan government refused to investigate the conduct of its forces during this military and police operation.<sup>65</sup>
41. In August 2018, six parliamentary opposition members were arrested and beaten by state forces in advance of the by-elections held in Arua.<sup>66</sup> One of the arrested opposition members, Francis Zaake, was allegedly tortured by the military's Special Forces Command during his 10 days in detainment.<sup>67</sup>

Bobi Wine's driver was also shot and killed. A few days later, at least six other people were killed<sup>68</sup> by state forces during protests against security forces' abusive conduct regarding the violence during the by-elections in Kampala, Mityana, Katwe, and Gomba.<sup>69</sup>

42. Ugandan security forces have also used excessive and sometimes lethal force to punish those who are non-compliant with COVID-19 restrictions. At least 66 people were extrajudicially killed by security forces starting in March 2020, 12 of whom were killed for violating COVID-19 lockdown measures.<sup>70</sup> Others were extrajudicially killed in the context of riots or protests.<sup>71</sup>
43. In March 2020, Ugandan police allegedly shot and injured two construction workers for violating the ban on transporting multiple passengers on a motorcycle.<sup>72</sup> Members of the Local Defense Unit (LDU), an armed paramilitary group affiliated with the army, used this occasion to beat several people with wires and sticks for not adhering to COVID-19 restrictions. Another injury was sustained when police officers fired a gunshot at a group of people in order to enforce the ban on public gatherings during COVID-19. Journalists were assaulted by the LDU, which claimed it was enforcing the government's COVID-19 curfew and ban on public transport.<sup>73</sup>
44. In April 2020, parliamentarian Francis Zaake was again arrested and allegedly tortured by police for distributing food to the public as part of COVID-19 relief assistance.<sup>74</sup> Activist Kakwenya Rukirabashaija was also arrested and allegedly tortured by military police for criticizing the President. Rukirabashaija was charged with defamation and cyber-related crimes.<sup>75</sup>
45. At the start of the electoral campaigns in November 2020, numerous people were killed by police and security forces during protests. In particular, at least 54 people were killed in protests following the arrest of Bobi Wine.<sup>76</sup>
46. In light of the government's crackdown on political opponents, which has been ongoing since the January 2021 election, the UN appointed nine independent rights experts to investigate all human rights violations.<sup>77</sup> They have since called on the Ugandan government to immediately cease its pattern of persecution, and stated that they were "particularly alarmed

by the reports of widespread and continued repression against opposition leaders and their supporters.”<sup>78</sup>

47. Museveni’s swearing-in ceremony in May 2021 also resulted in a wave of torture and mass abductions.<sup>79</sup> The NUP has listed over 700 NUP members and activists who have been detained, though the true figure is likely to be higher.<sup>80</sup> Among them is Daniel Apedelm, a member of Bobi Wine’s inner security team, who was abducted and tortured to death by security operatives.<sup>81</sup>



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# RECOMMENDATIONS

**MUSEVENI  
MUST  
STOP  
TORTURING  
OPPOSITION  
POLITICIANS**

**WE STAND WITH YOU  
HON: BOBI WINE**



**PEOPLE POWER.....OUR POWER**

**WE STAND WITH YOU  
HON: BOBI WINE**



**PEOPLE POWER.....OUR POWER**

# Recommendations

48. HRF calls on Uganda's government to:

- a. Protect, respect, and promote, without reservation, the rights of all individuals to freedom of assembly, association, and expression. The government must ensure that activists, journalists, and opposition groups can operate peacefully and safely within Uganda, without fear of retribution in the form of censorship, harassment, arbitrary arrest and detention, torture, ill-treatment, extrajudicial killings, and enforced disappearances, among others;
- b. Commit to ratifying critical international human rights instruments, including, but not limited to: the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol of the Convention against Torture.
- c. Protect the due process rights of every accused person to a fair, speedy, and public trial;
- d. Ensure that, absent compelling evidence of criminal conduct, individuals who have been arbitrarily detained, in violation of their rights to freedom of expression and association, are released, and that those in detention receive humane treatment;
- e. Commit to ensuring rights and protections for LGBTQ+ individuals, including by decriminalizing same-sex intercourse and providing mechanisms for redress for LGBTQ+ victims of hate crimes.
- f. Allow the African Commission on Human and Peoples' Rights and Special Rapporteurs on extrajudicial killings, freedom of expression, and access to information, to conduct unannounced and unobstructed site visits;

## RECOMMENDATIONS

- g. Cooperate with regional and international human rights mechanisms by allowing the special procedure mandate holders to carry out an independent assessment of the human rights situation in Uganda and advise the government accordingly; and
- h. Engage in constructive national dialogue with all political, social, and religious groups – particularly opposition groups – in Uganda in order to generate a sustainable solution to ensuring peace and protection of human rights within the country.

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# ENDNOTES



# Endnotes

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