

POLICY BRIEF

STATE OF CIVIC SPACE IN UGANDA: A CALL TO ACTION

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EXECUTIVE SUMMARY

Civic space is the physical, virtual, legal, regulatory, and policy space where people can, among other things, securely exercise their rights to the freedoms of peaceful assembly, association, and expression, in keeping with human rights.

Civic space which is the bedrock of any democratic society, and it can only thrive in an open, secure and safe environment that is free from all acts of intimidation, harassment and reprisals, whether online or offline. When civic space is open, citizens and civil society organizations are able to organize and play a role in policymaking and contribute to decision-making, political and peace building processes. In doing so, they are able to claim their rights and influence the political and social structures around them. This can only happen when a state holds by its duty to protect its citizens and respects and facilitates their fundamental rights to associate, assemble peacefully and freely express views and opinions.

OECD[1] recognizes that civil society's ability to exercise the rights to freedom of peaceful assembly, association, and expression, in-person and online, is in jeopardy in many places and closing civic space is part of a broader concern of diminishing respect for human rights, democracy, and international humanitarian law, in a context of rising autocratisation

that has been exacerbated by the Covid-19 pandemic. Closing civic space poses real danger to civil society actors in many countries, increases the vulnerability of civil society, and affects the quality and effectiveness of development co-operation, humanitarian assistance and peacebuilding.

As Uganda edges closer to the year 2026 when the country will hold her next general elections, it is noteworthy that democratic elections thrive on fundamental liberties namely; freedom of movement (mobility), freedom of assembly (campaign rallies and processions), and freedom of association (direct candidate and voter interaction). Yet, these are the very liberties that a growing number of citizens as revealed in ACFIM Report on State of Civic Space in Uganda, feel and opine that they are restricted.

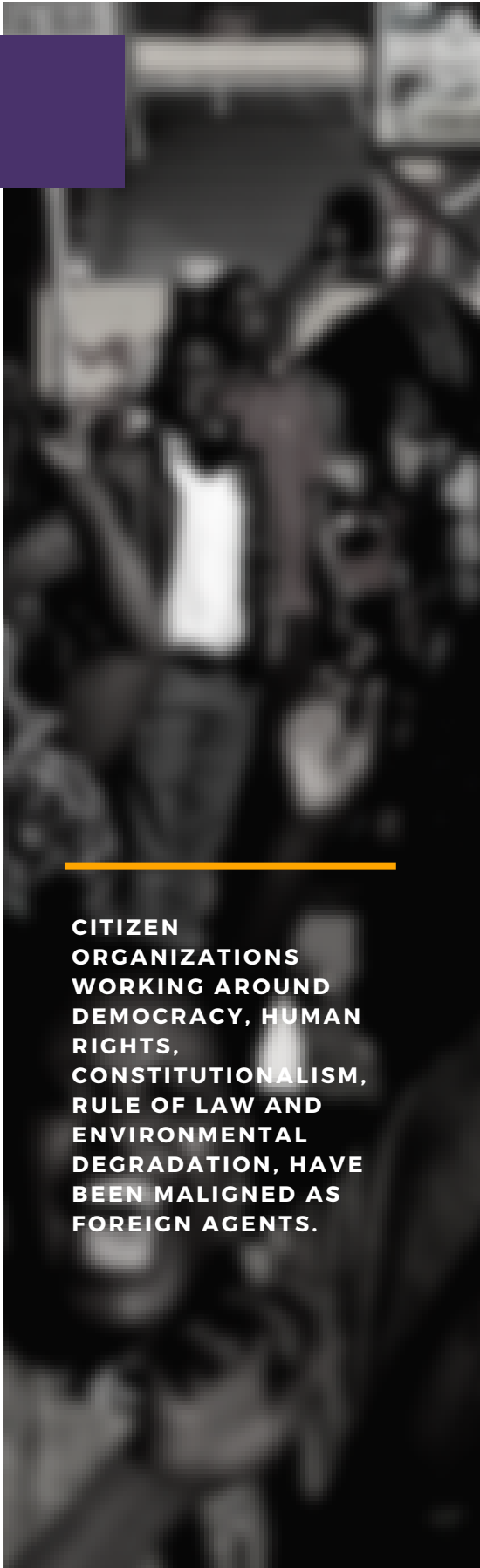
The new Computer misuse laws which according to pro-democracy and human rights activists, threatens the freedom of expression, and coming on the heels of the extended suspension of Facebook in Uganda which remains in place for the second year running, paints a bleak future for netizens at a time when many Ugandan young people have taken refuge to social media to express their voices of dissent. The new Act prescribes punitive measures for sending or sharing false, malicious, and unsolicited information online.

OVERVIEW

The constitution of Uganda that was promulgated in 1995, established a comprehensive framework for entrenching electoral democracy, safeguarding, and promoting respect for human rights and human dignity, building pillars for economic inclusion and shared economic prosperity while erecting safeguards against all forms of inequality and discrimination. Appropriate principles were also adopted guaranteeing the independence of civil society and a comprehensive bill of rights was enshrined in chapter four of the very constitution.

However, with a commanding majority in Parliament, the incumbent National Resistance Movement (NRM) regime has tampered with the national constitution almost at will. Notably, in 2005, it was amended to remove presidential term limits and enable Gen. Yoweri Museveni to contest again for the presidency. The remaining safeguard was removed in 2017 when the constitution was once again amended to remove the provision that prohibited anybody above the age of 75 years from contesting for the presidency. President Museveni will have been in power for forty years by the time he completes his current term of office in 2026.

Citizen organizations working around democracy, human rights, constitutionalism, rule of law and environmental degradation, have been maligned as foreign agents. Election related corruption, monetization and securitization, are used to manipulate and control voter consent at the detriment of electoral competition. Journalists covering campaigns of leading opposition presidential candidates have been subjected to battering and other inhumane treatment on allegations of biased reporting and getting themselves into harm's way.



CITIZEN ORGANIZATIONS WORKING AROUND DEMOCRACY, HUMAN RIGHTS, CONSTITUTIONALISM, RULE OF LAW AND ENVIRONMENTAL DEGRADATION, HAVE BEEN MALIGNED AS FOREIGN AGENTS.

CIVIC SPACE DIMESIONS

The table below illustrates the dimensions of civic space that were reviewed under the study of State of Civic Space in Uganda

Dimesnions

Freedom of Information and Expression

Principle

- Access to information guaranteed by law and respected in practice
- Freedom of expression is guaranteed by law and respected in practice
- Media freedom is guaranteed by law and respected in practice
- Internet freedom is guaranteed by law and respected in practice.

Freedom of Assembly and Association

- Rights of assembly are guaranteed by law and respected in practice
- Rights of association are guaranteed by law and respected in practice
- CSOs are able to function independently and free of government interference
- There is an enabling fiscal environment for CSOs

Citizen Participation

- Elections are free and fair
- The government facilitates the participation of citizens and CSOs in processes of public deliberations and decision making
- The government recognizes and respects the legitimate role of citizens and CSOs as independent advocates, watchdogs and development agents

Non-Discrimination /Inclusion

- Women have equal civil rights and equal access to civic space
- Minority groups have civil rights and equal access to civic space
- Marginalized groups have civil rights and equal access to civic space

**Non-Discrimination
/Inclusion**

- Basic human rights are guaranteed by law and respected in practice
- Rule of law is effective





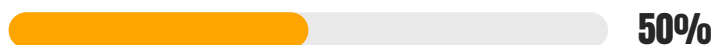
KEY FINDINGS OF THE STUDY

Most restricted civic space dimensions



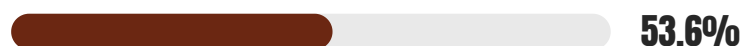
Majority of the respondents believe that human rights, rule of law, freedom of assembly and association are the two most restricted civic space dimensions rating them at over 75 per cent. This was associated with enactment of draconian laws that were selectively enforced to suppress citizens' dissenting voices and to silence political opposition.

Citizen Participation



The dimension of citizen participation was rated as partially protected at 50 per cent. Only 35.7 per cent rated it as a restricted space while 14.3 per cent perceived it as a promoted space. None of the respondents rated this dimension as non-existing in Uganda.

Non-discrimination/Inclusion



Slightly more than half of respondents (53.6 per cent) believe that the civic space dimension of Non-discrimination/inclusion is partially protected by ratification of international covenants and enactment of laws that protect it.



Freedom of information and expression



Freedom of information and expression was felt to be the third most restricted freedom at 57.1 per cent in terms of being restricted.



On non-discrimination and inclusion, 53.6 per cent of the respondents rated Uganda to be under the parameter of partially protected space, then 39.3 per cent scored it at restricted space and 7.1 per cent think this is a protected space.

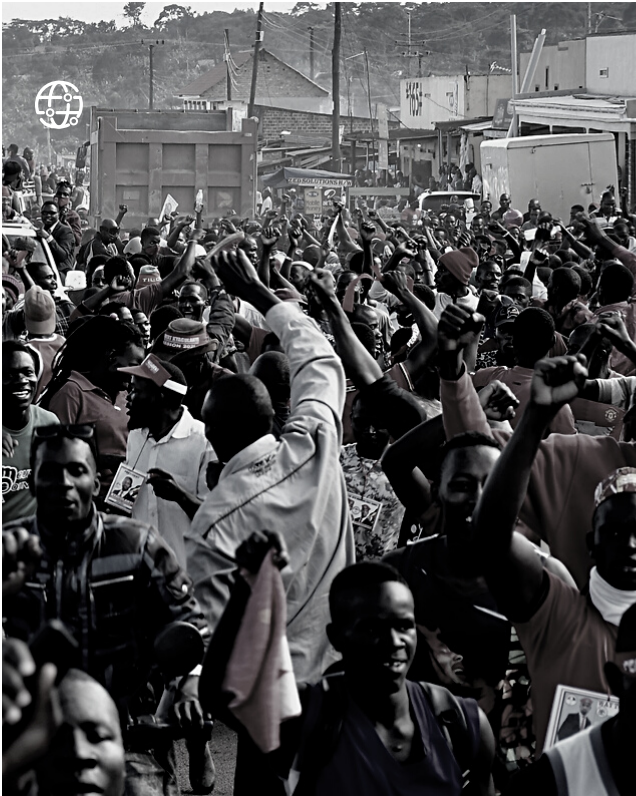
Citizens still think the situation is not yet out of control because there are still a few courageous citizens who can openly criticize government on media platforms and not be summoned by security operatives or be picked up by the so-called “Drone” vans. 57.1 per cent of the respondents argued that whereas there are laws that protect the freedom and right of access information, they are not respected in practice.

53.6%

of respondents rated Uganda under the parameter of a partially protected space

57.1%

of respondents argued that whereas there are laws that protect the freedom and right of access information, they are not respected in practice



Freedom of assembly and association

Majority of respondents (71.6 per cent) rated freedom of assembly and association as a restricted space in Uganda. This they based on the numerous restrictive laws

Majority of the civil society organizations working on democracy, human rights, accountability, constitutionalism and the rule of law (79 per cent) said their organizations are perceived as foreign agents because they largely get their funding from foreign donors and private foundations. Only 21 per cent of the CSOs feel that government perceives them as allies contributing to the national development of Uganda.

Media

The media is by and large, not independent because many of the radios, television and newspapers are owned and controlled by either the government, ministers, or cronies of the NRM regime. The few independent media available are operating under a hostile environment.

Journalists covering opposition campaign events, are targeted with battering, harassment, arrests and confiscation of devices by security authorities while in their line of duty.

79%

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Majority of the respondents including key informants do not feel that Uganda's general elections are free and fair with majority.

Nature of Elections

Only 29 per cent of the respondents including key informants rated Uganda's general elections as being free and fair with majority (70 per cent) feeling that they are not. This feeling is premised on a number of factors including: commercialization and monetization of elections; militarization and securitization of elections; Arrest and detention of opposition presidential candidates and/or their supporters; Brutalization of Journalists covering opposition presidential candidates; and Political intolerance among others.

Participation in political and development processes

On citizen participation in political and development processes, the feeling is even as half the respondents (50 percent) feel it is protected while the other half feels that participation is either not protected or restricted.



Percentage of respondents that feel that citizen participation in political and development process is protected.

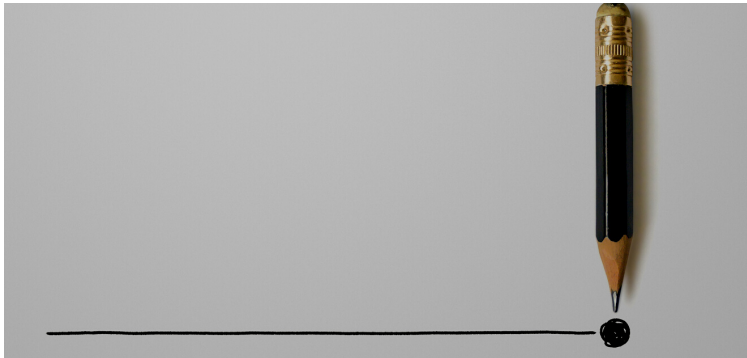
50%

Percentage of respondents that rated Uganda's general elections as being free and fair.

29%

Percentage of respondents that rated Uganda's general elections as not being free and fair.

70%



CONCLUSIONS

01 Whereas there are still a few citizens mostly civil society activists that are still able to speak out in dissent, there is fear across the rest of citizenry to criticize the government when it does wrong for fear of retribution from state security operatives that use the dreaded “Drone” vans.

02 The media is exercising self-censorship on the news they put out for fear of displeasing the regime and hence be labeled antigovernmental. It remains to be seen how many journalists will be willing to cover campaigns for leading opposition presidential candidates following the brutalization of their colleagues who did so in 2020-2021.

03 There is growing inertia within the population to participate meaningfully in political processes including elections. The shooting and killing of citizens in Kampala during the protests of November 18th and 19th, 2020, during the campaign period for 2021 general elections, are still fresh in citizens minds. This is likely to have an effect on the voter turnout for 2026 general elections.

04 The playwrights can no longer write and produce plays that depict the wrong and distasteful things government is doing, yet 20 years ago, it was possible. There is a general feeling that political plays like 30 years of Bananas and Kigenya Agenya among others, can no longer be allowed to be screened in Uganda. There is a degree of self-censorship within the performing arts.

05 Donors have abandoned developing programmes that support civil society organisations that work on democracy and taken refuge to less risky areas such as private sector, climate change, humanitarian aid and fighting emergent virus diseases such as COVID-19 and Ebola.

06 There are very few in any civil society organizations that are emerging to work on democracy, rights and governance issues. Following the arrest and detention for 3 days of civil society leaders and volunteers that were picked from Hotel Africana on election day January 14, 2021, there is a growing sense of hesitation to engage in domestic election observation under the current regime.



KEY RECOMMENDATIONS

TO GOVERNEMENT



01.

Security agencies namely the Police, Internal Security Organization (ISO) and military, should stop arbitrary arrests, detentions and persecutions of human rights defenders, pro-democracy, constitutionalism, and political activists.



02.

All claims of torture and other inhumane acts committed against journalists, activists and opposition politicians should be investigated with a view to bring to justice the perpetrators. These must not only be held accountable but must be seen by citizens to be brought to book.



03.

Rollout rigorous public awareness campaign on the freedom of access to information and expression particularly targeting the grass root citizens on their right as protected by law. This is a role that civil society is best positioned to play.



04.

Review and amend the restrictive provisions on all legal instruments that curtail civic space, and replace them with more enabling provisions. Some of the laws that require amendment include; NGO Act 2016, the Computer Misuse (as amended) Act, 2011, the Public Order Management Act, 2013 among others. These should conform to the International Conventions on Civic and Political Rights.

The use of “drones” to arrest citizens with dissenting views, the inhumane treatment (flogging and battering) of Journalists covering public demonstrations and opposition presidential candidates on campaign trails including the wanton shooting against demonstrators, should cease.



05.

The Computer Misuse (amendment) Act 2022 should not be used to restrict the freedom of expression of citizens on social media and other online platforms. Government should exhibit a degree of tolerance to dissenting voices from citizens that have found refuge on online spaces. The ban on Facebook which used to be the most popular social media platform in Uganda, should be lifted to allow citizens enjoy their freedom of expression. The shutdown of internet during elections should not be repeated as it casts a shadow on Uganda’s democracy credentials.



06.

Conduct additional training for members of Uganda Police Force (UPF) and other security operatives on the prevention of torture & handling/ management of crowds, journalists on duty, with a view of avoiding excessive use of force against civilians during protests. There is also need to address the multiplicity of policing units and the overlapping chain of command between different policing units and between the military and UPDF.

TO CIVIL SOCIETY AND DONORS



01.

Capacity building: CSOs should be supported to build the capacity and resilience of their staff and activists to safeguard civic freedoms within the context of a long serving regime without unnecessarily getting in harm’s way. Digital platforms are increasingly one avenue to explore in terms of citizens information and mobilisation.



02.

Using strategic litigation: Under certain circumstances, CSOs should opt for strategic litigations as an effective way to challenge restrictive laws and raise awareness of the barriers CSOs face.



03.

Increasing peer-to-peer support: CSOs should increase peer-to-peer exchange, joint trainings and capacity building initiatives that can help them navigate the restrictive environments. External partners (e.g., donors, consultancies, pro-bono lawyers, or international organizations) can provide important legal advice and technical know-how.

04.



Donors should Provide flexible financial support to diverse civil society actors as independent development and humanitarian actors in their own right as well as to civil society actors as implementing partners, particularly those representing persons in the most vulnerable or marginalized positions, by, where appropriate and feasible, increasing the availability of flexible and predictable support, core support, and/or programme-based support.

05.



Paying attention to early warning signs: CSOs, and donors should take early warning signs seriously and increase investment in preventive action to counter government repressive tactics.

06.



Donors should seek to engage in dialogue with partner country or territory governments and raise public awareness on the value of an inclusive and independent civil society and civil society participation and on respecting, protecting, and promoting civic space.

07.



Donors should call on and support voluntary CSO efforts to build on existing good practice and standards in CSO led self-regulation, transparency and accountability mechanisms to broaden CSO participation in such mechanisms.

08.



Donors should work with and support CSOs to implement mutual capacity strengthening to address CSOs' vulnerabilities and bolster their resilience, accountability, and effectiveness, especially at partner country or territory level.

09.



Donors should streamline administrative requirements for civil society support to lower transaction costs for civil society and providers, and incorporate adaptive and flexible processes into results management of civil society funding.



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