



CHRI Commonwealth
Human Rights
Initiative



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To the Secretary-General
Commonwealth Secretariat
Marlborough House
Pall Mall
London
SW1Y 5HX

Re: Shrinking Civil Society Space in Uganda

Dear Secretary-General

We write to express our deep concern at the latest attack on democratic space in Uganda.

On 6 August 2013, the Ugandan Parliament passed the repressive Public Order Management Bill which places excessive restrictions on the exercise of freedom of assembly, association and expression. We understand that the Bill requires any public meeting, defined very broadly as group of three or more people in a public place discussing “principles, policy, actions or failure of any government, political party or political organisation”, to be notified to the Inspector-General of Police seven days in advance. The Bill gives the police broad discretion to prohibit such public meetings, and provides that those who breach the law are liable to a term of two years imprisonment. The Constitutional Court of Uganda has previously struck down similar sections of previous legislation which gave police a wide discretion to limit peaceful assemblies, ruling that the sections were unconstitutional. The passage of this legislation not only undermines human rights fundamental to democracy, it is also in direct contravention of the ruling of the Constitutional Court, undermining the rule of law.

Further, the Bill allows the police to use firearms in protests without the strict safeguards required by international standards. We note the history of excessive use of force by the police in regulating public protests, most notably in the Walk to Work protests of April 2011. The police fired live rounds of ammunition into the crowds, resulting in the deaths of nine people. There have since been no independent investigations into the actions of the police. We fear the Public Order Management Bill will further empower the police to use disproportionate and unnecessary force without safeguards and independent oversight.

We are particularly concerned with the government's failure to release the final version of the Bill passed by the Parliament, resulting in confusion about the content of the Bill.

Worryingly, the Bill is part of a larger pattern of repression in Uganda.

In May 2013, there was a clamp down on the media as the police raided the offices of two newspapers - the Monitor Publications Limited and Red Pepper Newspaper. The police also blocked broadcasts of two radio stations housed by Monitor Publications. Armed policemen then disabled equipment and suspended the operations of the media houses for 10 days. This media siege was reportedly part of attempts by the authorities to obtain information on a leaked letter that had been published in the country's media. The letter allegedly discusses the succession of President Yoweri Museveni's son to power when his father steps down. Journalists and human rights defenders that peacefully demonstrated against the media siege also faced harassment by police authorities.

The political opposition continues to face harassment. Leaders of the political opposition face undue restrictions and are often under "preventive arrest", detained at their houses or in police custody to prevent them from holding protests. Journalists who attempt to report on the arrests of political opposition leaders face police assault.

In the past few years, civil society organisations and human rights defenders have faced threats, arrest and intimidation for their work; particularly those that work on sensitive and controversial issues like corruption, land-grabs, and the rights of sexual minorities.

Secretary-General, we urge you to press upon President Museveni to consider the Public Order Management Bill in light of its obligations to protect fundamental freedoms. The Public Order Management Bill breaches the core Commonwealth values of human rights, democracy and civil society space, as laid out in the Commonwealth Charter. As set out above, it also violates the Constitution of Uganda, and ignores the former ruling of the Constitutional Court of Uganda.

As we move towards the Commonwealth Heads of Government Meeting (CHOGM), one of the concerns of civil society has been the shrinking space for civil society to discuss and exercise human rights. We know this is of concern to you given your stewardship of the new Commonwealth Charter, which expressly recognises the role of civil society, human rights and democracy. We would deeply appreciate the Commonwealth Secretariat voicing its concern at Uganda's attempts to stifle dissent and civil society work, and we ask you to draw attention to this trend in the official papers and lead up to CHOGM in November.

We feel that, beyond the Commonwealth Charter, member states must reiterate their commitment to open societies and fundamental democratic rights such as the rights to associate, assemble and free expression. A clear message from the heads of state will enable the Commonwealth, and the billions of Commonwealth citizens, to benchmark future actions against stated commitments.

Sincerely

Centre for Constitutional Governance Uganda

CIVICUS: World Alliance for Citizen Participation

Commonwealth Human Rights Initiative

Forum for Women in Democracy in Uganda (FOWODE)

Human Rights Network Uganda (HURINET-U)

Human Rights Network for Journalists Uganda (HRNJ)

Human Rights Watch

Uganda Law Society

Uganda National NGO Forum