



**STATEMENT BY LEADER OF THE OPPOSITION ON THE  
SHRINKING OPERATIONAL SPACE OF CIVIL SOCIETY  
ORGANISATIONS IN UGANDA**

**Moved under Rule 53(1) of the Rules of Procedure**

**NOVEMBER 2021**

Rt. Hon. Speaker and Colleagues, in a democratic government, Civil Society Organisations (CSOs) are a channel through which citizens are mobilized to participate in influencing policy decisions, management of public resources and contribute to national development.

CSOs are champions of transparency, information sharing and holding government accountable in pursuit of service delivery. Hence it is prudent that the State closely works with CSOs in ensuring qualitative service delivery while preventing abuse of public authority and resources. To the contrary, it has been observed that the State is increasingly clamping down CSOs operations in Uganda. The clamp-down is both systemic and targeted.

### **Shrinking Operation Space of Civil Society Organisations**

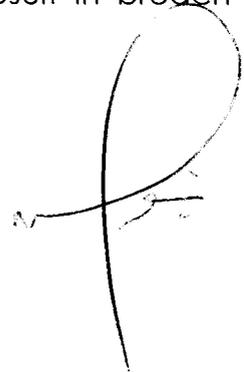
Given the foregoing, it is incumbent upon Parliament to enquire into the operations of civil society organisations particularly Political Parties, Non-Governmental Organisations (NGOs), Media and Journalists, Cultural and Religious Institutions.

#### **a) Political Parties**

The State has been highly repressive towards organized effort of dissent. Opposition political parties are not accorded a conducive environment within which to operate as per the dictates of a free and democratic leadership enshrined under Article 29(1)(e) of the Constitution of Uganda. Security forces deter them from popularising their parties while on the other hand facilitating popularisation of the ruling party. For instance, the National Resistance Movement (NRM) has not been deterred from undertaking mobilisation tours in Buganda Region while the National Unity Platform (NUP) has been blocked from holding radio talk shows and party activities in Mbale and Lira districts.

The Police and the Army have on several occasions under the guise of regulating public order, reigned in on political activities and prevented the opposition from organizing and conducting their activities in an orderly and democratic environment. Hence offending their civic spaces.

The security organs have selectively and conveniently used the Public Order Management Act (POMA) to blatantly stifle political dissent. The Act, under Section 8, had given the Inspector General of Police (IGP) or any person designated by the IGP powers to unilaterally stop gatherings or protests merely on subjective suspicion that such gathering or protest would result in breach of peace.



The Constitutional Court, in Human Rights Network and 4 others versus the Attorney General (Constitutional Petition No. 056 of 2013) annulled Section 8 of the POMA. In effect, the prohibitive powers were clipped because those powers were unacceptable and demonstrably unjustifiable in a free and democratic society. The decision is a hallmark in creating an enabling environment for political dissent that is pertinent in shaping the democratic and just leadership in Uganda. Hence as a matter of urgency, the impugned Section should immediately be removed from the POMA.

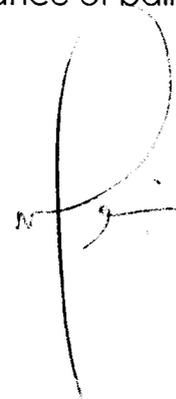
Surprisingly almost a year after the Constitutional Court judgment which was delivered in March 2020, prohibitive powers were still applied during the recently concluded 2021 General Elections. Opposition leaders were harassed, assaulted, and some even faced kidnap. For instance, on the 03<sup>rd</sup> November 2021, the President of National Unity Platform was violently assaulted shortly after being nominated to run for the Presidency of Uganda. The President of the Forum for Democratic Change was equally violently arrested by Police and the Army. He was presented to the nomination venue bare-foot and all roughed up.

Actually, the entire presidential campaigns were characterised by use of excessive force and live ammunition targeted at dissenting candidates and their supporters in the pretext of enforcing COVID 19 containment measures.

In November 2020, the demonstrations that followed the arbitrary arrest of Hon. Kyagulanyi Ssentamu Robert led to the killing of more than 50 people. Several hundreds of his supporters were abducted by the Police and Army, many of whose whereabouts remain unknown.

Later in December 2020, Hon. Kyagulanyi campaign team was violently arrested and court-martialled on trumped up charges. After elections, the Police and Military placed the President of National Unity Platform under house arrest, completely restraining him from his office and lawyers. At the same time, Police and the Military besieged and barricaded off the headquarters of the National Unity Platform for over a month. This hampered the preparation and eventual filing of the presidential election petition against the disputed presidential poll by Hon. Kyagulanyi and his legal team.

Relatedly, the National Consultative Forum for Political Parties and Organisations established under Section 20 of the Political Parties and Organisations Act is yet to influence reforms geared at addressing government's repressive approach towards political parties in Uganda. For instance, the Forum has not weighted in or made known its position on the current indiscriminate attacks on opposition political parties, agitation of the President to curtail issuance of bail and tramped

A handwritten signature in black ink, appearing to be a stylized 'F' or similar character, located at the bottom right of the page.

up charges of Hon. Ssegirinya Muhammed of Kawempe North and Hon. Allan Ssewanyana of Makindye West.

This is mainly attributed to the lukewarm support from the Electoral Commission which has hindered the actualization of the Forum's mandate stipulated under Section 20(4) of the Political Parties and Organisations Act. The Forum is mandated to ensure compliance with Code of Conduct, advancing complaints of political parties to the Electoral Commission and resolving disputes amongst political parties, among others. Unfortunately, the Auditor General noted that the Forum is poorly planned for by the Electoral Commission<sup>1</sup>.

## **b) Non-Governmental Organisations**

Over the years, civic space for NGOs and Community Based Organisations (CBOs) has shrunk due to the historical mistrust of the State on organized groupings of people advocating for civil and fundamental rights and freedoms. They have continually faced the high-handed repressive hand of the State through orchestrated break-ins, closure and suspension of bank accounts especially for those perceived critical of government. For instance, in 2017, the offices and accounts of Action Aid and Great Lakes Institute for Strategic Studies (GLISS) were closed.

The legal regime and regulatory framework are also so cumbersome and extremely taxing. It is exceptionally hard to register a Non-Governmental Organisation (NGO) and even much harder for an NGO to get accredited periodically. For instance, Section 44 of the NGO Act has restrictive provisions that require NGOs to seek approval from the District NGO Monitoring Committees, Local Government and NGO Bureau before extending activities to a new geographical area. The multiple registration constrains the widening of footprints of NGOs into new areas. As a consequence, the complementary role of NGOs to the efforts of government is adversely affected in as far as fighting gender-based violence, provision of clean and safe water, building and supporting schools, health centres as well as road maintenance among others are concerned.

This also downplays the contribution of NGOs to the economy particularly in terms of service delivery, providing employment opportunities and associated tax payments. Whereas it is quite hard to ascertain the total number of employees of NGOs in Uganda, according to the NGO Bureau, there 2,205 indigenous and foreign NGOs operating in Uganda<sup>2</sup>. Assuming every NGO employed 10 people,

---

<sup>1</sup> Office of the Auditor General, 2020. Report of the Auditor General on the Financial Statements of the Electoral Commission for the year ended 30<sup>th</sup> June 2019

<sup>2</sup> The National Bureau for Non-Governmental Organizations, 2021. Updated National NGO Register (UNNR) <https://www.ngobureau.go.ug/en/updated-national-ngo-register> Last accessed on the 09<sup>th</sup> of October, 2021

they would in total employ 22,050 people. These people pay taxes and support a number of dependents.

More still, the NGO Bureau is over reaching in execution of its mandate. In August, 2021, the NGO Bureau announced suspension of fifty-four (54) NGOs on assertion of expired permits, failure to file annual returns or failure to register with authorities. It was noted that most of the NGOs that were suspended were monitoring election results and advocates of protection of human rights. However, some NGOs adduced evidence that they were unduly suspended for they had fulfilled requirements for permit renewal.

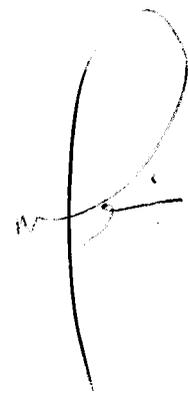
Of late, the State has made known its insecurity about the donor funding towards NGOs. This was evidenced in the Presidential Directive issued on 2<sup>nd</sup> January 2021 ordering the closure of Democratic Governance Facility (DGF). It was asserted that DGF was subverting government under the guise of improving governance. This State orchestrated clamp-down on the financing of NGOs through DGF adversely impacts on the operations of civil society in Uganda.

These manoeuvres were further extended through clumped up charges of money laundering against Nicholas Opiyo, a renowned human rights lawyer and the Executive Director of Chapter Four Uganda. Fortunately, the charges were later dropped due to lack of merit.

### **c) Media and Journalists**

Article 29(1) (a) of the Constitution enshrines freedom of speech and expression which includes freedom of press and other media. This can only be restricted as provided for in Article 43 of the Constitution in circumstances that are acceptable and demonstrably justifiable in a free and democratic society.

Unfortunately, in disregard of the Constitution, throughout the entire campaigns in the recently concluded general elections, Police and the Army specifically targeted journalists that covered the campaign programs of the opposition candidates. This was envisaged in the campaign trails of presidential candidates Hon. Kyagulanyi of the National Unity Platform and Hon. Patrick Amuriat Oboi of the Forum for Democratic Change. Many journalists were violently assaulted and harassed such as John Cliff Wamala of NTV, Daniel Lutaaya of NBS Television, Waiswa Moses of Busoga One Radio among others. Others were shot at and sustained grave injuries such as Ashraf Kasirye of Ghetto Media among others. While others were arrested and prosecuted under the General Court Martial such as Kalema Richard of Ghetto Media and Lukeman Kampala, a free-lance photo journalist.

A large, stylized handwritten signature or mark, possibly a flourish or a specific symbol, located in the bottom right corner of the page.

Surprisingly the Commander of the operation in which the Police and the Army beat up journalists that were covering the National Unity Platform leaders as they delivered a petition to the United Nations Office of the High Commissioner for Human rights in Kampala who ought to have been charged in the Court Martial has never been apprehended for any offence. This highhandedness of Security personnel has resulted in intimidation, coercion, limitation of free speech and expression, curtailed transmission of information and gravely hurt democratic principles and growth of the country.

This has not been helped by the inexcusable suspensions of media houses, journalists and talk shows by the Uganda Communications Commission. This usually happens when the State has expressed displeasure for media coverage of protests or arrests of opposition leaders and engaging in debates critical of unpopular government undertakings. For instance, in 2019, UCC suspended 39 journalists from 13 media houses on allegations of breach of minimum broadcasting standards during the coverage of protests against the arrest of Hon. Kyagulanyi. Such hefty and unjustified sanctions undermine the quality of journalism in Uganda and create an environment of fear<sup>3</sup>. Such circumstances accentuate administrative gaps, deeply abuse natural justice and undermine sector growth for the Commission has on many occasions failed to dispense justice in a free, fair and democratic manner.

Unfortunately, government has failed to constitute the Uganda Communications Tribunal which would have handled complaints relating to the decisions of UCC as provided under Section 60 and 64 of the Uganda Communications Commission Act.

#### **d) Cultural Institutions**

In 1967, Cultural institutions were abolished due to mistrust between their leaders and the State. They were later restored in 1993. However, it has been a bitter-sweet relationship between the traditional or cultural institutions and the Executive arm of Government. Several properties which had been confiscated by past regimes were not given back to the respective institutions from restoration to date. Instead, the government's policy is to hand them back in piece-meal. Tokenism in form of cars and cash is yet another policy the State has employed to strategically and conveniently portray itself as a provider.

Some of the leaders of these institutions watch on in silence as excesses are committed by the State through extreme violence, arrests and kidnaps, murder, corruption and poor governance. It may be perceived that such leaders cannot

---

<sup>3</sup> National Association of Broadcasters, 2019. Letter to Uganda Communications Commission on Repeated Breach of Minimum Broadcasting Standards



speaking-up and sensitize their subjects in fear of losing out on the 'brown envelope' from the President. Consequently, such leaders fail to hold the state accountable.

Worth noting, additionally, is that the state has extended its long arm into the dynamics of some of the cultural institutions causing divisions and disharmony. Government's influence in the leadership contests in some cultural institution has created tensions that have threatened peace and stability within their subjects.

The State involvement in the cultural institutions' dynamics also undermines the cultural sovereignty of those institutions. For instance, in his missive entitled "*Museveni writes to NRM Mobilisers on Land, and sectarianism*", the President describes cultural leaders as parasites that live off the wealth of their subjects. He further alleges that their institutions such as Buganda Land Board are illegal entities. This has been occasioned by the cultural institutions push back of the repressive and exploitative advances of government particularly in access to land. All these attacks subsequently distort the civic roles of the cultural institutions and undermine the propagation of citizen inclusion in governance.

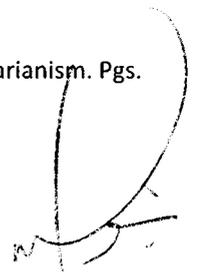
#### **e) Religious institutions**

Government has increasingly demonstrated its displeasure with religious leaders for holding it accountable. In the just concluded election cycle, religious leaders were in one way or another accused of undermining government. For instance, following the 2021 General elections, Hon. Ssempijja Vicent Bamulangaki, the Minister for Defence as well as the former Minister of Presidency Hon. Esther Mbayo on several occasions rebuked religious leaders for the dismal performance of their political party. The State also coordinated a degrading narrative meant to undermine religious leaders in order to derail the religious institutions and preclude them from taking part in shaping the political and democratic landscape of the country. For instance, the President terms religious leaders as parasitic and sectarian<sup>4</sup>.

On other occasions, government has been seen to undermine the authority and control of educational institutions founded by religious institutions. For instance, in religious founded schools that are now government-aided, government has on several times been criticized for transferring teachers and head-teachers without ample consultations. This has led to standoffs that further widen working relations and subsequently shrink the civic spaces of religious institutions.

---

<sup>4</sup> Saturday Monitor, 13<sup>th</sup> November, 2021. Museveni Writes to NRM mobilisers on land, bail and sectarianism. Pgs. 12 and 29



On other occasions, the state has appointed religious leaders into political positions without approval of their superiors. This too has led to tensions between the State and religious institutions.

Of concern too has been the extension of gifts to religious leaders in form of cars and cash. The head of State has long employed tokenism seemingly to buy their support. This presents a risk of undermining the duty and objectivity of some religious leaders. Consequently, compromising use of their platforms in holding the government accountable.

## **Recommendations**

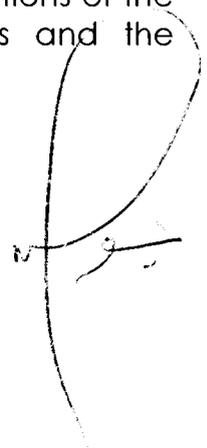
In light of the above, the following propositions are made:

### **1. Political parties**

- It would be prudent to increase funding of the National Consultative Forum to empower it to fast-track its statutory mandate under the Political Parties and Organisations Act. The enhanced funding would improve the operations of the Forum to build the capacities of all political parties in Uganda and propagate dialogue at the national level with the intent of wiping out political persecution and strengthening democratic values; and
- Amend the Electoral Commission Act to redefine the role of police and other armed personnel during elections. The role of conducting elections should be the reserve of the Electoral Commission. The Electoral Commission, (not the Inspector General of Police or the President or any other person), should be solely in charge of and in direct command and control of the co-opted police and other internal security personnel deployed in electoral processes. The Army should not be allowed any role in the electoral processes over and above those listed under Article 208 and 209 of the Constitution and the Uganda Peoples Defence Forces Act, 2005. This would go an extra mile in ensuring that the operations of police during elections are not politically motivated as noticed over-time;

### **2. Non-Governmental Organisations**

- Amend the Non-Governmental Organisations Act, 2016 and dispense with the said unnecessary and restrictive multiple registration and accreditation processes;
- A Committee of Parliament should investigate the operations of the National Bureau for Non-Governmental Organisations and the recent suspensions of 54 NGOs.

A large, stylized handwritten mark or signature, possibly a flourish or a signature, located in the bottom right corner of the page. It consists of a large, sweeping loop that descends and then curves back up, with a horizontal line intersecting it near the bottom.

### **3. Media and Journalists**

- The Minister responsible for Information, Communication, Technology and National Guidance should report to Parliament on why the Uganda Communications Tribunal has not been established as required under the Uganda Communications Commission Act;
- Minister responsible for Internal Affairs should brief the House on measures undertaken to apprehend perpetrators of violence meted out on Journalists during the recently concluded General Elections.

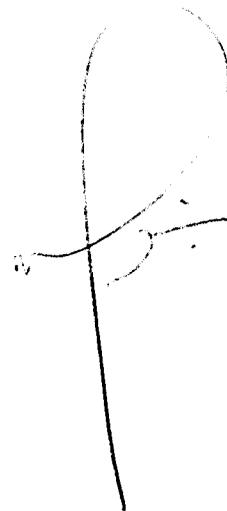
### **4. Cultural institutions**

- The Prime Minister should present to Parliament a comprehensive inventory of all confiscated properties owed to cultural institutions and are due for restitution or compensation accompanied by budgetary implication of restitution or compensation as well as payment schedule of the same.

### **5. Religious Institutions**

- Streamline the Education service Commission to work on the recommendation and technical guidance of the religious institutions as far as the transfer of teachers and head-teachers is concerned in institutions so founded;
- Development of a Donation Policy that elaborates the criteria of who deserves a donation, the purpose, form and value of the donation. This would ensure certainty and consistency in handling of government donations.

I beg to submit.

A handwritten signature in black ink, consisting of a large, stylized loop at the top, a horizontal stroke across the middle, and a long vertical line extending downwards.