

The State has an obligation to respect, protect and fulfill Human Rights

Every December 10th, Uganda joins the rest of the world to commemorate the International Human Rights Day which is significant to all humanity and a landmark because it is the day the Universal Declaration of Human Rights was adopted in 1948.

This year, Human Rights Network – Uganda together with other civil society organizations, The Uganda Human Rights commission, the UN office of the high commission for Human rights, the International community and partners shall commemorate this day to re-affirm our commitment to respect, protect, promote and fulfill human rights for all in accordance with the Constitution of the Republic of Uganda, 1995 and other binding international human rights treaties. This year's commemoration is under the theme: **"Stand up for someone's rights today."**

Uganda went through the Universal Periodic Review (UPR). We applaud the government of Uganda for subjecting itself to the Review in 2011 and most recently in November 2016. We further applaud the government for making progress in the implementation of the recommendations that were made in 2011 and the voluntary pledges. The National Action Plan for Human Rights (NAP) is nearing its conclusion and will be a significant document for the furtherance of human rights in Uganda. The Parliamentary Committee for Human Rights was also created however there is need to strengthen it for effectiveness. The Prevention and Prohibition of Torture Act, 2012 was enacted which is a step in the right direction towards domestication of Uganda's obligations under the UN-CAT, establishment of the Child and Family Protection Units in the Police as a way to offer support to survivors of gender based violence (GBV), establishment of the Police GBV Directorate, which works with the Police force on matters of GBV and creation of a Directorate for Human Rights with regional human rights officers.

Despite the above progress, there are a number of concerns that have been noted in the course of the year notably:

Economic Social and Cultural Rights:

The epitome of abuse of economic, social and cultural rights have been rampant land evictions, hunger in Karamoja and Teso as well as in some parts in Western Uganda. It is very absurd that livelihood is no longer given priority as development projects are given preferential treatment over citizens' livelihood. Even more absurd is the fact that there are international laws and guidelines on forced evictions which Uganda has ratified but does not observe which gives continuation to the prevailing trend of unlawful forced evictions. A case in point is Kabarole where more than one thousand families were forcefully evicted from land they had occupied for years. Communities in Bulisa, Mt. Elgon, Kamuli, Amuru and Rwenzori have not survived this impunity in the form of forced land evictions.

Civil and Political Rights:

Political space: There is increased political intolerance in Uganda.

Since opening up of the political space, opposition parties and politicians have been treated unfairly and in most cases brutally handled by the police when quelling peaceful demonstrations across the country. This was further demonstrated during the 2016 general elections which was characterised by human rights abuses by the police and security agencies, arrest of opposition politicians, unfair campaign financing and use of official resources. It is now common knowledge that the political space has been consistently narrowing and shrinking. We therefore remind the government that the exercise of political rights including adult suffrage is guaranteed under national laws and international laws to which Uganda is party. People's political rights should be respected and guaranteed in accordance with all laws.

Media freedoms: Media freedoms are guaranteed by international laws to which Uganda subscribes to and national laws. Most importantly, the Constitution of the Republic of Uganda, 1995 guarantees the right to freedom of speech and expression and the right to information which are core to the exercise of media rights. During this year and the past years, there has been a crackdown on media freedoms. It is very absurd and regrettable that the media which plays a pivotal role in every democratic society. There is increased threats to media houses and practitioners characterised by threats of closure, arrests and torture of journalists, and destruction of equipment's. Social media has also not been spared. There is also increased self-censorship. We call upon the government to respect and uphold media rights as guaranteed in the Uganda constitution and international laws.

Killings and Attacks on Citizens: The attack on the Obusinga Bwa Rwenzururu on 26th and 27th of November 2016 by police and security forces which left over 60 people dead undermines the constitutional mandate of the Uganda Police Force to keep law and order, detect and prevent crime as well as protecting life and property of the citizens. It is very absurd that security agencies have increasingly continued to abuse and violate the human rights of civilians with such impunity and most baffling is the fact that such officers are never brought to book or held to account for their acts of gross human rights violations.

We highly condemn the killings of police officers and civilians during the recent attack on the King's palace in Kasese. The ghastly pictures of blood-shed and slain civilians in Kasese that were awash in the media are shocking and puzzling. It is regrettable that this conflict has been allowed to such indescribable levels considering that the Rwenzori region is still hurting and on the journey towards healing from past unresolved issues.

Additionally, our country Uganda continues to experience an increasing trend of criminality and killings which is a point of great concern to us. The rate of deaths that occur under mysterious circumstances are on the rise and also there has been rampant shootings of Muslim clerics who have lost their lives in the hands of

unknown assailants. Most recently is the case of the Late Kenneth Watmon Akena and Sheikh Kiggundu among others. This is a very worrying trend for the country and as such must be addressed as a matter of urgency.

Civic space: There is continued shrinking civic space for the exercise and enjoyment of Constitutional Rights in the current political dispensation which is characterized by Police brutality and several acts of torture by security agencies who are actually mandated under the Constitution of the Republic of Uganda to protect the lives and property of citizens. Such grave acts of impunity contradict Article 24 of the Constitution of the Republic of Uganda, 1995 which guarantees the dignity of a person and protection from inhuman treatment.

Civil society have not been spared. The operating environment has been narrowing over the years. Laws have been enacted that undermine the operations of civil society notably the Public Order Management Act, NGO Act, and Anti-Terrorism Act among others. Human Rights Defenders have also faced attacks and threats in the form of office break-ins, destruction and theft of equipment's, arbitrary arrests and detention among others.

Threats to withdrawal and possible non-cooperation with the international criminal court: The ICC remains an important court of last resort for trying international crimes more so where a state is unable or unwilling to do so. The greatest challenge that the court faces is on non-cooperation, this particularly is more explicit as some state parties continue to flagrantly host and consort with fugitives of the court. Neither arresting nor surrendering such fugitive in the jurisdiction of state parties to the court. Additionally, the withdrawal or threats to withdraw from the Rome Statute system by some state parties owing to political concerns is undermining the work of the ICC and the Rome Statute system. African states were very instrumental in the coming into force of the Rome statute and this court has great potential of dealing with grave violations arising out mainly from the conflict that dogged the continent and hold accountable those who bore the greatest responsibility for commission of the international crimes.

On that note, as we celebrate this year's International Human Rights Day this 10th day of December 2016, HURINET-U recommends the following;

- The state should strive towards returning a conducive environment which will pave way for peaceful negotiations that accords the people of Rwenzori region the dignity they deserve while at the same time preserving the integrity of Uganda as a whole;
- The Uganda Police Force should conduct their duties in a manner that reflects professionalism of the Force and portray a Police Force Uganda is proud of. In their operations, the Police needs to be mindful of Article 221 of the Constitution which requires all security agencies to observe and respect human rights and freedoms in the performance of their functions;

- The Security agencies such as the Army and the Police while carrying out their operations should do so bearing in mind International Law principles and taking caution not to breach any of these principles to avoid committing crimes against humanity and war crimes. UPF and UPDF should also work towards restoring confidence among the local population by building trust through community policing and acting professionally;
- That the government expedites the process of electoral reforms and take a wide consultative approach with all stakeholders.
- The Uganda Police and other security agencies should restrain from using excessive force against civilians in the course of their operations;
- That speedy investigations be conducted on the causes and architects of violence in the country so that culprits and perpetrators are brought to justice;
- The state should constitute a commission of inquiry to investigate the violence in Kasese and the entire Rwenzori sub-region and ensure accountability for the human rights violations witnessed since 2014 to date;
- The Courts of law should be left to perform their role of dispensing justice. It is very crucial that justice processes be detached from politics if justice is to be served so as to realize the equitable maxim that justice must not only be said to be done but must be seen to be done.
- The State should preach the gospel of unity as enshrined in the National Objectives and Directive principles of state policy. We strongly reject tribal attachments to individual criminal acts and emphasize that acts of criminality are attributed to individual characters in their own individual capacities and not attributed to tribes.
- The Uganda Wildlife Authority and frontline communities engage in peaceful dialogue as opposed to confrontation and clashes that potentially affect peaceful co-existence.
- All Ugandans should join in the strife towards a country free from Human Rights abuse where everyone is his brother's keeper and in so doing, they/we shall be standing up for someone's rights.
- State parties should fully cooperate with the court and that powerful states should not abuse their powers to block actions of the court especially on the non-state parties.
- That state parties should strengthen their domestic justice systems to enable the realization of positive complementarity. This should primarily be at national level but could equally be explored at the regional level.
- That the victims should be put at the centre of every decision by the state parties agitating for withdrawal from the Rome Statute System.

FOR GOD AND MY COUNTRY!
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Dated at Kampala this 10th Day of December, 2016

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