

# PRE-LEGISLATIVE SCRUTINY, REGIONAL CONSULTATIVE MEETINGS OF THE HUMAN RIGHTS DEFENDERS PROTECTION BILL 2020

### **Background and Rationale**

Over the past few years there has been a growing concern, both locally and internationally on the increased violations of fundamental human rights and freedom.

The Defenders Protection Anitiative ADPI)'s study on Legislative Climate for Human Rights Defenders in Uganda found out that the anticipated legal climate pertinent to the work of human rights defenders (HRDs) in Uganda is increasingly restrictive. These are coupled with absence of specific legislation guaranteeing the rights and freedoms of human rights defenders in Uganda, this inspired the development of Human rights defenders' bill with protecting human rights defenders from abuse while carrying out their activities as the main objective.

The HRDs Protection Bill 2020 seeks to provide legislative guarantees to the safe and effective working environment of HRDs in Uganda. It is intended to give effect to Article 50 (2) of the Constitution of the Republic of Uganda, to recognise the rights and responsibilities of individuals, groups and associations engaged in the protection and promotion of human rights and fundamental freedoms guaranteed under the Constitution and to protect human rights defenders from abuse while carrying on their activities.

While the above provision undoubtedly recognises the work of HRDs, Parliament is yet to enact an enabling law to guide how this can be achieved.

A private members bill was tabled in parliament led by Hon. Lyandro Komakech, MP Gulu Municipality as mover of the bill, seconded by Hon. Silas Aogon MP Kumi Municipality and supported by Defenders Protection Initiative.

"The cross-sectional nature of duties of HRDs include but are not limited to; documenting evidence of human rights violation, raising awareness on human rights violations, putting pressure on perpetrators, lobbying those in positions of influence, pursuing legal avenues for justice and offering protection and rehabilitation support to survivors of human rights abuses" Hon. Lyandro Komakech, MP Gulu Municipality

# Road map

Hon. Lyandro Komakech reflected the journey of the Human Rights Defenders Protection Bill dating as far as 2016, he noted that It is also hoped that once that once assented into law, the bill will not only empower the

government to work amicably with the HRDs but also refurbish Uganda's image on the international arena. He called on all stake holders to deeply reflect on the bill and urged for their cooperation towards seeing the bill through to a law.



Commencement of study on the legislative climate of HRDs in Uganda

### June 2015

Launch of the report on the legislative climate of HRDs in Uganda

### April 2016

**Drafting Expert** contracted to draft the HRD protection Bill

### May 2016

Communication to Stake holders and partners about drafting of HRD Bill

### June 2016

Launch of the model law on protection of HRDs and creation of HRDs Bill Collaborators group

### July 2016

Legal Experts consultative meeting on 1st Draft of the HRD Protection Bill.

### August 2016

Retreat for 20 lawyers to compare the model Law and draft HRD Protection Bill

### September 2016

2nd draft of the HRD Bill popularized around the country -Regional strategic HRD forum in Masaka

### October 2016

Meeting with the Legislative council to discuss the Human rights based approach Vs **HRD Protection Bill** 

### December 2016

Breakfast roundtable Dialogue targeting HRDs and stake holders on building consensus on the need for the Bill

### April 2017

Consultative visit to JLOS to identify gaps in the justice sector to be included in the Bill

### June 2017

Consultative visit to Min. Internal Affairs. NGO line Ministry and Met with Permanent Secretary Dr. Benon M.Mutabani

### August 2017

Meeting with Uganda Law Reform Commission

### September 2017

Meeting with the Chairperson **Human Rights Commission** 

### October 2017

Regional and Thematic Consultative meetings with civil society



Mover of the Bill is granted leave of parliament to table the bill is granted leave of Parliament to table bill.

- Consultative meeting with legal and Parliamentary Committee and Human Rights Committee,

### January-April 2020

-Popularising 4th draft of the bill. - Collaborators meeting to strategize on tabling the bill in parliament, -Engaging with the mover and seconder of the Bill

### May 2018- November 2019

Benchmarking visit from HRDs that have passed similar law in Africa -Popularising 3rd draft of the Bill -Re-engagement with MPs and thus 4th draft of the Bill

### **April- 2018**

Collaborators input comments from consultative meetings thus the 3rd draft of the HRD Protection Bill

### February 2018

Meeting with **Human Rights Parliamentary** Committee and some MPs to compare the HR enforcement bill a nd HRD Protection Bill



# **Pre –Legislative Scrutiny and Regional Consultative** meeting

The mover of the Human Rights Defenders Bill 2020, Hon. Lyandro Komakech, MP Gulu Municipality sought leave of Parliament to introduce a private members bill and consult further with HRDs and other stakeholders. The exercise was aimed at gleaning views, experiences, and recommendations from various stakeholders to craft an evidence-based law. Recognising Uganda's turbulent history riddled with violence and wars, the Gulu MP, iterated the significance of passing this bill into law. "Now that as a country we have healed, it is imperative that this law is passed to remodel Uganda as a country governed under the rule of law."

### **Keynotes**

Yona Wanjala | Executive Director, DPI recognised and appreciated the support of collaborators; Greater North Parliamentary Forum (GNPF), National Coalition of Human Rights Defenders (NCHRD), Human Rights Centre, Human Rights Network Uganda (HURINET), Chapter Four Uganda, Defend Defenders, Human Rights Network for Journalist (HRNJ), rights defenders across the country and Lead legal consultant-- John Tamale Mirundi for developing the draft bill.

He also thanked the members of parliament for MPs; Hon. Lyandro Komakech, Silas Aogon and other members of Parliament's Human Rights Committee for braving the rigors of procedure to present the bill before Parliament.

Hon. Lyandro Komakech|MP Gulu Municipality/Mover of the Bill lauded the HRD fraternity for their hard work, fighting for the common good and consistency in the process of developing the bill. This, the lawmaker added, has been the inspiration behind all the hard work that has been put into it. Reflecting on Uganda's history of state formation which is tainted by violence, trickery and colonialism, Hon. Komakech submitted that having such a law in place is one of the best mechanisms to guarantee peaceful state formation. The law would not only ensure that Uganda under the current Government and subsequent governments is a state governed by law but also reaffirm Uganda's commitment.

Hon. Veronica Eraagu Bichetero| MP Kaberamaido County/Parliamentary Legal Committee speaking on behalf of the Chairman of the Parliamentary Legal Committee. According to Bichetero, majority of cases regarding human rights violations and abuses are reported through HRDs. "It is difficult for a person whose human rights have been violated or infringed upon to go straight to the courts of law. Survivors often consider HRDs more approachable to seek comfort and advise from." Any yet paradoxically HRDs suffer the most injustices; coercive treatment, torture, intimidation, arbitrary arrests. Logically, it is only fair to have in place a legislation to protect HRDs, she concluded.

Latif Ssebagala Sengendo | MP Kawempe North expressed his appreciation to the movers of the bill, fellow members of the Parliamentary Legal Committee and DPI. Calling to mind the series of human rights violations reported in Uganda especially at the hands of security operatives, Hon. Ssebagala called on Members of Parliament to expeditiously pass the bill adding that it is long overdue.

Hon. Monica Omoding | District Woman MP Kumi Municipality raised the issue of setting a time limit on the prosecution of human rights issues. "What is the justification for prosecuting human rights issues within 10 years? Tamale John Mirundi | Senior Legal Officer Parliament reiterated the main objective of the bill which is to operationalize Article 50(2) of the Constitution of Uganda adding that the law if passed, will restore dignity in the work HRDs and ensure there is an avenue to seek recourse from courts of law in the event that their rights and freedoms are violated. He highlighted some of the vital clauses as thus:

Clause 2: Right to protect human rights and fundamental freedoms

Clause 5: Right to solicit and receive funds and other assistance.

The law however prohibits receipt of funds from organisations/countries that have demonstrated intention to overthrow government or from terrorist organisations.

Clause 11: The law under clause 11 prohibits Government from seizing/confiscating funds from HRDs accounts.

There have been incidents of HRDs having their funds frozen without substantive legal basis.

Clause 13: guarantees the *right to develop, discuss and disseminate new ideas* and principles which relate to promotion and protection of human rights and fundamental freedoms, and to advocate their acceptance.

Right to Privacy: HRDs have reported bugging, searching and confiscation of property without warrant. Freedom from Defamation and stigmatisation: HRDs advocating for accountability, fighting against corruption, journalist is often invalidly profiled as anti-government, attacked and slandered as threats to national security.

### Claus 16: Right to meet and assemble peacefully

While this is already provided for in the Constitution, this law recognises that HRDs can be are organisations and therefore that may not enjoy this right as granted to natural persons under Chapter Four(4).

## SUMMARY OF OTHER REGIONAL CONSULTATIVE MEETINGS

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Challenges	Recommendations
Lack of awareness among the masses and duty bearers on the role and importance of HRDs	The term "Human rights defender" should be broadened to include the aspect of peaceful promotion and protection of human rights.
The locals are ignorant of their rights and the role of HRDs as they are mistaken for politicians; this stifles the efforts of creating	A section on the responsibilities of HRDs should be included in the bill right before the rights and freedoms they are entitled to.
awareness on human rights and freedoms.	Provision of penalties for HRDs that do not abide by the law should be drafted.
Security operatives are the chief perpetrators of human rights violations, however there are those that appreciate and understand the roles of HRDs.	The term "Government" should be replaced with "State" as government transits every after 5 years and yet state is permanent. Clause 17 on the limitations of rights and freedoms of HRDs in the proposed law as should be expounded on to address the
Increased rates of land right abuses and continuous attacks on land rights defenders in the	possible incompatibility or conflict with Article 34 of the constitution.
region.	Penalties in articles 34 of the bill should be increased from 500 to 1000 currency
Inconsistencies in the categories of HRDs and their mandates.	points, as this serves more effectively as deterrence to the perpetrators.  Article 32 should also provide a specific time frame within which compensation is paid to the wronged party.
	masses and duty bearers on the role and importance of HRDs  The locals are ignorant of their rights and the role of HRDs as they are mistaken for politicians; this stifles the efforts of creating awareness on human rights and freedoms.  Security operatives are the chief perpetrators of human rights violations, however there are those that appreciate and understand the roles of HRDs.  Increased rates of land right abuses and continuous attacks on land rights defenders in the region.  Inconsistencies in the categories

Region	Challenges	Recommendations	
Northern region (Gulu) as of 27 July 2020	Stigmas from communities, HRDs are also criminalized for defending the rights of women that were abducted by LRA rebels.  Vulnerability of local HRDs compared to the urban one as they fail to seek support in terms of network and partnership Arrests and detention of HRDs without substantive legal basis Threats and intimidations from communities.  Women HRDs suffer specific challenges by the virtue of being women.  State actors are the chief perpetrators of human rights violations, however there are those that appreciate and understand the roles of HRDs.	HRDs bill needs to be engendered this would address gender specific protection needs Responsibilities of HRDs should be prescribed.  Provisions should be included to allow HRDs to seek redress from outside the country where national options have failed Article 10 of the constitution should be reworded as the word lawful demonstration has been abused to curtail HRDs.  The bill should be translated to local dialects as most of the HRDs are comfortable in their local dialects.  Freedoms and rights should be tailored to the local Ugandan settings as western rights and freedoms may not be applicable in Uganda.  Duration to Section 20(4) should be attached for HRDs to access information expediently to the sensitive nature of human rights issues.	

Region	Challenges	Recommendations	
Western region (Mbarara) as of 30th July 2020	Challenges  HRDs legitimacy in Isingiro district is questioned.  Harassment from state operatives as they taken as opposition politicians like in Kasese.  HRDs struggle to register their NGOs in Ibanda district	HRDs should be empowered by the law to hear and determine applications relating to the enforcements, or violation of rights.  Clarification of human rights defender and activists is needed.  Article 27 is not sufficient considering that magistrates are corrupt and frustrate the efforts to seek and redress at prosecution stage.  Clause 41 of the constitution is expounded	
		Clause 41 of the constitution is expounded to add provisions for a time frame with in which the UHRC should process cases.	

# PROPOSED SALIENT FEATURES OF THE BILL



•To operationalize Article 50(2) of the Constitution of Uganda the law if passed, will restore dignity in the work HRDs and ensure there is an avenue to seek recourse from courts of law in the event that their rights and freedoms are violated.



Clause 4: Right to protect human rights and fundamental freedoms



Clause 6: Right to solicit and receive funds and other assistance. The law however prohibits receipt of funds from organisations /countries that have demonstrated intention to overthrow government or from terrorist organisations.



Clause 6 (4): Prohibits Government from seizing/confiscating funds from HRDs accounts. There have been incidents of HRDs having their funds frozen without substantive legal basis.



Clause 8: guarantees the right to develop, discuss and disseminate new ideas and principles which relate to promotion and protection of human rights and fundamental freedoms, and to advocate their acceptance.



Clause 11: Right to meet and assemble peacefully While this is already provided for in the Constitution, this law recognises that HRDs can be are organisations and therefore that may not enjoy this right as granted to natural persons under Chapter Four of the Constitution



Clause 14: Right to Privacy: HRDs have reported bugging, searching and confiscation of property without warrant.



Clause 16: Freedom from Defamation and stigmatisation: HRDs advocating for accountability, fighting against corruption, journalist are often invalidly profiled as anti-government, attacked and slandered as threats to national security.



Clause 17 (1): Right to effective remedy
A human rights defender shall have the right
to an effective remedy and full reparation in the
event of a violation of any right or freedom or
a breach of any of the obligations in this Act.
23 (c) Prescribes that the rights and freedoms
of a human rights defender shall only be subject
to limitations that are reasonable, necessary,
proportionate, acceptable and demonstrably
justifiable in a free and democratic society.



Article 30 lists as a power and duty of an HRD to to visit a place of detention, whether gazetted or not, with a view to assessing and inspecting conditions of the inmates or any violation of a human right or freedom or any place or building where a person is suspected to be illegally detained.



Section 25 details the obligations of Government to HRDs. This would allow HRDs to seek legal action on Government for failure to fulfil their cardinal obligations as set by law.

# **OBLIGATIONS OF GOVERNMENT TO HRDS,**



- 22. Obligation to respect, promote and fulfil rights and freedoms of human rights defender Government shall take all necessary measures to ensure that;
- (a) the rights and freedoms of human right defenders prescribed under this Act are respected, promoted, promoted and guaranteed;
- (b) the laws, policies and programs of Uganda are consistent with the rights guaranteed under this Act; and
- (c) human rights defenders are able to undertake their activities and work in a safe and enabling environment free from unlawful restrictions.



- 23. Obligation to facilitate human rights defenders (1) Government shall take all necessary measures to facilitate and protect the rights and freedoms guaranteed under this Act.
- (2) Without limiting the general effect of subsection
- (1), all organs and agencies of Government shall—
- (a) recognise, uphold and protect human rights defenders and their lawful activities;
- (b) permit and facilitate human rights defenders access information required in the exercise of their rights and freedoms; and
- (c) develop and implement policies and measures to promote, support and enhance the capacity of human rights defenders to promote and protect human rights and fundamental freedoms.



- 24. Obligation to prevent and ensure protection against intimidation or reprisal All organs and agencies of Government shall take all necessary measures to protect human rights defenders against-
- (a) intimidation or reprisal by any person or entity; and
- (b) arbitrary or unlawful intrusion and interference in the human rights defender's family, home, places of work, possessions and correspondence, both offline and online.
- 25. Obligation to conduct investigation
  (1) Whenever there is reasonable ground to believe that a human rights defender has been killed, disappeared, tortured or arbitrarily detained on account of his or her status as a human rights defender, Government shall ensure that a prompt, thorough, effective and impartial investigation is conducted.
- (2) Government shall report on the outcome of the investigation referred to in subsection (1) within a reasonable time, in any case, not later than six months from the commencement of the investigations.

### Powers of human rights defenders

- (1) A human rights defender may lawfully exercise the following powers, including -
- (a) To investigate matters relating to violation of a human right and freedom and to seek redress;
- (b) To lawfully visit a place of detention, whether gazetted or not, for the purposes of protecting the rights and freedoms of a person detained in the place of detention;
- (c) to recommend to the Commission effective measures to promote human rights;
- (d) to lawfully monitor compliance with human rights and freedoms guaranteed under the Constitution;
- (e) to bring action, both civil or criminal, for enforcement of rights and freedoms guaranteed under the Constitution; or
- (f) to exercise any other power necessary for the promotion and protection of human rights and fundamental freedoms.
- (2) Subject to subsection (1), the Minister may, by statutory instrument, regulate the powers granted to human rights defenders under this Act.
- (3) In the exercise of the powers of human rights defenders under subsection (1), human rights defenders shall recognise the constitutional functions of the Uganda Police Force and shall cooperate with the Uganda Police Force in exercise of its constitutional functions under article 212 of the Constitution.

### A human rights defender shall not-

- (a) participate, by act or omission, in a violation of human rights and fundamental freedoms or in undermining democratic societies, institutions and processes;
- (b) disclose confidential information or sources of such confidential information:
- (c) engage in or encourage violence by its members, supporters or other persons affiliated to it;
- (d) engage in or encourage any kind of intimidation of any member or supporter of, or other person affiliated to, any other human rights defender;
- (e) advocate for hatred, ethnic incitement, racial incitement, vilification of others or incitement to cause harm:
- (f) circulate information knowing it to be false or misleading

### **Observations from the Consultations**

There was a submission that HRDs at grass roots levels are often interrogated by local administrators and other authorities on their legitimacy as individuals or organizations.

Journalists were mentioned as one of the vulnerable groups to human rights abuse when in line of duty and that there is needed to empower and support associations of journalists in Uganda.

The issue of custodian power was raised, pointing out the Uganda human rights commission as the designated custodian of the proposed law and what is its position on its role after the law is passed.

The absence of duties and obligations of the HRDs in the law while the rights and freedoms, duties and obligations of the state is spelled out was also spotlighted. The challenge in prescribing duties and obligation of the HRDs stems from the broad scope of the defenders of human rights. That it is also difficult to prescribe the obligations that would accrue to every rights defender in their own uniqueness.

It was also opined that the bill will also amplify issues of human rights especially in rural areas where human rights issues are only associated with domestic violence and gender issues.

# Contentious Issues from Regional Consultative Meetings and Proposed Recourse

Below are some of the highlighted key issues of contention regarding the bill that were raised during the nation-wide consultative meetings and suggestions to recast definitions and clauses

- The definition of a Human Rights Defender should be framed to cater for HRDs in all their diversties, i.e based on 3 main aspects;universality, peacefulnees and human rights.
- Government's/UHRC role in the implementation and enforcement of bill.
- Engendering of the bill to address issues specific to Women Human Rights Defenders (WHRDs).
- To be able to hold Government accountable on failure to fulfill their duties and responsibilities to HRDs as prescribed by the proposed law, it was conceptualized that government needs to know who HRDs are. To that end the following amendments were proposed; That, HRDs should register with UHRC. (Note: There are several individuals that are HRDs by virtue of their work; Police, lawyers, e.t.c.) The law will provide for exemption from registration for HRDs like advocates who by virtue of their work defend the rights of other.
- UHRC must issue a certificate of registration to organisations Registration may be denied if the organisations' objectives are in contravention of other laws. The Commission may deregister if an organisation is no longer legible to be an HRD as per the definition.

### **Question and Answer Session**

QN: The UHCR has been designated as the host of the Bill however they seemingly have had very little involvement in the process formulating the proposed law. What has been the degree of interaction with the Commission?

John Tamale: The UHRC was represented during the regional consultative engagements. Just as we are engaging the civil society, we will meet with government MDAs especially UHRC for scrutiny and input on the bill.

Obed K | Uganda Police Force Legal Services submitted that under Article 23 on the limitations of the rights and freedoms of an HRD, the law should also prescribe a penalty for HRDs who violate rights and freedoms. On the issue of personal liability, he suggested the need to establish the context in which it is applied. Owing to the chain of command on which security organs run, there is a possibility of holding an innocent lower level officer, culpable for orders issued by a senior officer.

**John Tamale:** Penalties for violation of human rights and freedoms are already prescribed in existing laws like the Human Rights Enforcement.

Act, 2019. On the issue of personal liability, the law doesn't pass judgement, the courts of law do. There will be an opportunity for the accused to plead their case before a judge – the circumstances under which they carried out the arrest.

Hon. Silas Aogon: We can consult with the legal experts on how to institute under this bill, a requirement to issue a command in writing so that the chain of command is traceable and the penalty should extend to the entire chain and the judge can ascertain the culpable individual. Collective responsibility has been used by those in power to abuse people's rights. All those who are capable should be panelized except those with immunity from the law.

"This law has come to restore dignity in the work HRDs and ensure there is an avenue to seek recourse from courts of law in the event that their rights and freedoms are violated."

Tamale John Mirundi| Senior Legal Officer, Parliament.

**QN:** Recommended the incorporation into the law of four (4) yardsticks actions must aimed at promoting human rights, peaceful means, working within laws and knowing the context within an HRD operates in order to differentiate between an activist and an HRD.

Hon. Silas Aogon: How do we draw a line between HRDs and human rights activists? Are they mutually exclusive? Activism is based on defending human rights. We need more research information on the two.

QN: The definition of an HRD should be further amended in terms of the laws within which HRDs operate. HRDs should not only strive to protect human rights and fundamental freedoms of others guaranteed under the Constitution and any other laws. It was further pointed out under Article 24 on Powers and Duties of HRDs which seemingly equates HRDs to UHRC — a national human rights institution with power to impose judgement. The language used should be moderated.

John Tamale: The bill is a work in progress and with every new piece of information, and input from international benchmarks we are working to realign these definitions to be more comprehensive. However, we have to appreciate that the definition of an HRD is a very difficult, very contentious issue. The drafters of the laws didn't want to be prescriptive by defining each and every one HRD but chose to focus on what they do.

Yona Wanjala: Why must we sell ourselves short by moderating or toning down the language? Moderation can easily turn into removal of power. Our efforts have been frustrated by duty bearers whose investigations have not yielded prosecution. We should harness the power granted by this bill to bring human rights violators to order.

Florence Nakachwa | Deputy Director- Law Development Centre made submissions on refining the language used in the draft law. She highlighted clause 39 (6) on unconditional release of persons unreasonably detained on offences, recommending use of an active voice;

"...the person in charge of detention shall not ignore the orders made in" Q-LD5 +ÁW-^Á; Áæ-Á; æ-•ãç^Áç[ã&^Á; à-&`¦^•Ác@-Á\*!æ;ãc Ás^-•^¦çā \*Á; Áæ-Á; -^} &^È

QN: The need to engender the bill. The absence of gendered provisions in the proposed law, stem from the flawed practice of considering gender issues as an afterthought rather than being put at the forefront from the beginning and, from having a male dominated committee.

Hon. Lyandro Komakech: The committee is not male dominated. The bill has two male seconders and two female in addition to several other women legislators who have been part of the journey every step of the way.

John Tamale: The law was formulated with broad provisions intended to cover every HRD regardless of their gender. However, we do appreciate that the WHRDs may experience specific challenges and the significance of having an engendered law. To that end, we are hoping to engage WHRDs/ receive proposals on the specific challenges of WHRDs to curate specific provisions to address them.

**QN:** On the broad scope/definition of HRDs which ranges from citizens to organisations like NGOs. It was highlighted that a journalist who in the recourse of their work are at the forefront of human rights defence too.

"Given the diversity of HRDs, is there a special group more vulnerable to human rights violations and abuse that is unprotected by the current laws in the country?"

Hon. Lyandro Komakech concurred that journalists are indeed one of the groups most vulnerable to human rights abuse especially when in the line of duty. (See Free Al Jazeera's journalist Mahmoud Hussein). There is need to empower and support associations of journalist in Uganda, he added.

"However, the challenge is that there are several associations. Journalists need to form one professional body to represent all journalists. This would make it easier to lobby for protection under the law."

QN: Raised concerns over the issue of custodial powers. Pointing out that the UHRC is seemingly designated as the custodian of this proposed law, what fall-back position or option is available in the event that the Commission is unwilling to assume this role after the law is passed?

John Tamale: "The bill is a work in progress and the institutional framework is still being conceptualised. The law framers didn't see it fit to formulate another body that registers and verifies HRDs at the risk of watering down Article 50 which designates everybody as a rights defender. The institutional arrangement of the bill continues to be finetuned with input from several consultative meetings and others yet to be held."

Hon Silas Aogon | MP Kumi Municipality re-joined that issues of passing the bill to a law, currently should take precedence over concerns of custodianship/housing of the proposed act which can be dealt with at a later date.

Latif Ssebagala Sengendo |MP Kawempe North expressed his appreciation to the movers of the bill, fellow members of the Parliamentary Legal Committee and DPI. Calling to mind the series of human rights violations reported in Uganda especially at the hands of security operatives, Hon. Ssebagala called on Members of Parliament to expeditiously pass the bill adding that it is long overdue.

Joviah Kamateeka| District Woman MP Mitooma
District congratulated the HRD fraternity for coming up with
the bill. She also spotlighted the absence of duties and
obligations of the HRDs in the law while rights and freedoms
and duties and obligations of the state however are spelled
out.

"It is imperative to caution HRDs that they too must observe the law and in the course of their work, not abuse the rights of others."

John Tamale: "The challenge in prescribing duties and obligations of HRDs stems from the broad scope/diversities of rights defenders. It is difficult to prescribe obligations that would accrue to every rights defender in their uniqueness. The proposed law however prescribes

- (3) A human rights defender shall not:
- (a) participate, by act or omission, in a violation of human rights and fundamental freedoms or in undermining democratic societies, institutions and processes;

Hon. Monica Omoding | District Woman MP Kumi Municipality raised the issue of setting a time limit on the prosecution of human rights issues.

"What is the justification for prosecuting human rights issues within 10 years?"

John Tamale: "The provision was included basing on the Human Rights Enforcement Act, 2019 for purposes of harmonising the laws. The purpose of the time imits is to ensure for collection of useable evidence. As more time passes, evidence or testimonies may get distorted."

Hon. Sylvia Akello| Woman MP |Otuke District opined that the bill will also amplify issues of human rights especially in the rural areas where human rights issues are only associated with domestic violence and gender issues. The challenge lies in developing a communication strategy tailored to the grassroots.

### Recommendations and Way forward

- The mandate of Uganda human rights commission should be expanded to include educating Ugandans on human rights all the time.
- The bill should be fast tracked and passed before the installation of the next parliament (11th).
- There is needed to communicate/share the bill in a way that is more receptive by the grassroots.
- The framers of the law and other stake holders should not be quick to engage government on the issues of financing and institutionalizing the bill security operatives are the major violators of human rights and they work hand in hand with the state. Seeking government input could compromise the process of passing the bill into law.
- Florence Nakachwa | Deputy Director- Law Development Centre also called for public sensitisation on the bill adding that issues of human rights affect everyone and anyone can be a victim of human rights violation. "Once the masses get to know the benefits of the proposed law, they will appreciate it"
- Hon. Lucy Akello | Woman Representative Amuru District reaffirmed her support for the proposed law and conveyed a message from the Women Human Rights Defenders Network (WHRDN) on their eagerness to engage with the legislators and drafters of the bill on enriching the bill with gender pertinent issues especially those specific to women.

- Hon. Silas Aogon |MP Kumi Municipality noted that the bill has been one of many miles with each step is getting it closer to the end a law. He appreciated the contributions of the participants which he termed as building blocks which will be taken into consideration to enrich the bill. The Kumi legislator also encouraged participants to forward more submissions to fine tune the bill.
- He commended the mover of the bill—Hon. Lyandro Komakech, partners and collaborators; DPI, Greater North Parliamentary Forum (GNPF), Chapter 4, Defend Defenders, HRC, LDC AND the entire HRD fraternity for their technical and financial support and implored them to continue offering support until the bill is passed into law.

### Way forward

- Rolling out of more regional consultative meetings after the Pre Legislative Scrutiny meeting in Kampala.
- The bill is a work in progress and will be enriched with views shared in the consultative meetings and all other subsequent ones.

### **Supplementary Engagements**

In adherence to COVID -19 Standard Operating Procedures for mass gatherings, the meeting attendees were kept to the Government stipulated minimum However, additional engagements were held through FM Radio broadcasts and social media to maximize participation. All the regional consultations entailed slots for popularization and creation awareness of the Bill by FM Radio talk shows in the respective towns i.e Open Gate FM in Mbale, Rupiny FM in Gulu and Vision FM in Mbarara.

# **Contributions towards HRD Bill Consultative Meetings 2020**

Eastern Region (Mbale)			
	DPI	Human Rights Centre Uganda	Total
	6,968,650	7,000,000	13,968,650
Northern Region (Gulu)			
	DPI	Defend Defenders	Total
	8,743,126	6,000,000	14,743,126
Western Region(Mbarara)			
	DPI	National Coalition for Human Rights Defenders in Uganda	Total
	8,985,603	7,990,000	16,975,603
Central Region(Kampala)			
	DPI	Chapter Four Uganda	Total
	6,312,000	5,000,000	11,312,000
GRAND TOTAL	31,009,379	25,990,000	56,999,379

### **Email**

Participants were encouraged to continue sending recommendations to the legal consultants through email.

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