



Covid-19 and Civic and Democratic Space

UGANDA

Civic space has shrunk in Uganda as the government clamps down on opposition activists and passes new laws curtailing civil and political rights.

On 18 March 2020, Uganda began introducing restrictions in response to the Covid-19 pandemic. Over the next month, the government announced a ban on public gatherings, the closure of borders, schools and businesses, night curfews and the suspension of public and private transport, among other measures.

The government used the pandemic as an excuse for repression of opposition politicians and their supporters in the lead-up to the general election on 14 January 2021.¹ Opposition politicians were arrested for allegedly violating Covid-19 rules and campaigning by opposition politicians was effectively banned. President of the Forum for Democratic Change (FDC) Patrick Oboi Amuriat was arrested over 41 times in the run-up to elections in January 2021.²

FACTS AND FIGURES



Covid-19 cases as of 23 April 2021:

40,751³



Law enforcement killed at least

12 people

and unlawfully detained or mistreated many more in the first four months of enforcing Covid-19 restrictions.⁴

Patrick Oboi Amuriat arrives without shoes at Kyambogo for nomination.
Source: Internet/Courtesy



Security forces harassed or assaulted at least

6 journalists between 19 March and 22 April 2020 while enforcing Covid-19 restrictions.⁵



At least **833 prisoners** were **pardoned**

and released to curb the potential spread of Covid-19 in overcrowded prisons.⁶



Uganda secured **USD 491.5 million** in

emergency financing from the IMF on 6 May 2020 under the Rapid Credit Facility. On the 29 June 2020, the World Bank approved **USD 300 million** in budget support to Uganda.

HUMAN RIGHTS IMPACT OF COVID-19 MEASURES

Freedom of Expression and Right to Information

Journalists and social media users were harassed, beaten and detained for criticising the government's response to the pandemic.

"In Fort Portal two journalists were arrested and beaten for reporting about management of curfew. The New Vision Newspaper Journalist Tom Gwebayanga was arrested following a story he wrote on mismanagement of Covid-19 funds. In Arua, Alfred Nyakuni of Radio Pachis was threatened with arrest, his journalist card withdrawn and his employers asked to dismiss him following a photo which he took for a nurse who pushed on wheel chair a patient needing specialized care for 2KM." – **Anthony Masake, Programs Assistant at Chapter Four Uganda, a human rights organization.**

The government did not share information about how and where donations for the Covid-19 response were spent. **Access to information** about the pandemic was undermined by Uganda's social media tax and the related high cost of internet use.⁷

Freedom of Movement, Assembly and Association

Police, soldiers and paramilitary Local Defence Units (LDUs) have been accused of **killing at least 12 people** and beating and arbitrarily detaining many more while enforcing Covid-19 restrictions. One of those beaten and arbitrarily arrested was opposition MP, Francis Zaake, for distributing food to his constituents on 19 April 2020.

"Many women and poor people were beaten in Kampala for attempting to sell things on the streets. Many of these did not get lawyers and some were remanded [in prison]." – Lawyer Eron Kiiza, Partner at Kiiza and Mugisha Advocates

A ban on gatherings of more than five people restricted the right to protest and ability to hold **political rallies** ahead of the January 2021 election. Nevertheless, ruling party candidates held rallies, while opposition



Women arrested for vending food stuff during lockdown board a prisons truck after being remanded. Source/Photo Credit: NBS TV

MPs were arrested for allegedly violating the rule against public gatherings.⁸ The limit on public gatherings was increased to 200 people from 9 November 2020.

Restrictions on movement presented an obstacle to **human rights defenders** and civil society organisations providing their services in-person, conducting trainings and meetings and visiting places of detention.

“As a human rights defender, the pandemic has affected my planned in-person engagements and blocked access to prison facilities, exposing inmates to rights violations.” – **Anthony Masake, Programs Assistant at Chapter Four Uganda**

Rule of Law

No state of emergency was declared in Uganda; the response to Covid-19 was mainly implemented under the authority of the *Public Health Act 1935*. Courts were almost completely closed due to the virus with only ‘urgent’ cases, for which an order of urgency had been obtained, being heard. **Access to justice** was limited because lawyers were not deemed an ‘essential service’ and restrictions on movement and public transport impacted their contact with clients, witnesses and courts. Many clients could not communicate with their lawyers online or over the phone due to the risk of surveillance and limited internet or phone access. In some cases, police denied lawyers access to their client and their client’s files.

“I had to walk over 15km to get a certificate of urgency. Once the certificate was granted, I had to apply for an order of Habeas Corpus, that meant another 15km walk to court the next day to get it. Once the order was got, I had to walk another 10km to serve it.”

“I represented Hon. Zaake MP, Mityana who was arrested for distributing food during the lockdown. Following his arrest, we were denied access to him and even in some cases where we managed to get to him, he would be instructed not to talk to us. When we applied for a certificate of urgency so that he is brought to court and his case can

be heard, it was denied. It took an appeal and a lot of social media engagement to have the certificate issued and to be allowed to talk to him.” – **Lawyer Eron Kiiza, Partner at Kiiza and Mugisha Advocates**

Women and LGBT+ People

During the lockdown, cases of violence against children, including gender-based violence, increased in Uganda. In April 2020, the Uganda Child Helpline received over ten times the usual number of calls; over 21,000 calls reporting cases of child neglect, sexual and physical abuse in 14 days.⁹

20 young people living in a shelter for **LGBT+ people** near Kampala were imprisoned after police raided the shelter on 29 March 2020. They were charged with disobeying Covid-19 regulations and committing “negligent acts likely to spread infection of disease”.¹⁰ The prosecutor eventually dropped the charges and, on 18 May 2020, a court ordered the release of the detainees.

Economic And Social Rights

Restrictions on informal trading and arrests and attacks against **informal workers** by law enforcement severely impacted women and young people, who make up a disproportionate percentage of the informal sector. Sex workers were targeted with raids, extortion and violent attacks.¹¹

“We documented a number of violations and torture, for example women food vendors in Kampala and Lira who were arrested and detained after being found selling food. The women later got bailed in courts.” – Anthony Masake, Programs Assistant at Chapter Four Uganda

The Covid-19 lockdown and ban on private and public transport prevented people in need of healthcare from travelling to hospitals and clinics. At least 11 **pregnant women** died because they were unable to travel to seek medical care.¹²

NATIONAL POLICY RECOMMENDATIONS

The Ugandan government should:

- Ensure that any restrictions on rights for public health reasons are lawful, necessary, and proportionate. They must be based on scientific evidence, neither arbitrary nor discriminatory in application, of limited duration and formulated narrowly and precisely;
- independently, promptly and thoroughly investigate allegations of excessive use of force and misconduct by law enforcement officials enforcing Covid-19 measures. Police must stop targeted attacks and arrests on vulnerable communities, such as LGBTI people and sex workers;
- ensure that media workers can carry out their journalistic functions without threats, harassment or intimidation, and are not prosecuted for their legitimate media work;

- recognise the provision of legal services as ‘essential’ to ensure access to justice;
- implement Covid-19 restrictions in a non-discriminatory manner – selective enforcement of restrictions based on political belief violates the right to non-discrimination; and
- target women, young people, people living with disabilities and informal sector workers with financial support and services, acknowledging that they are impacted disproportionately by the pandemic and subsequent restrictions.

Endnotes

1. <https://www.theeastafrican.co.ke/tea/news/east-africa/violence-deaths-continue-ahead-of-uganda-elections-3219396>
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11. <https://healthgap.org/press/ugandas-covid19-response-is-terrorizing-women-with-arbitrary-detention-blackmail-and-violence/>
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