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*USAID/Uganda Civil Society
Strengthening Activity (CSSA)*



PUBLIC PARTICIPATION MECHANISMS IN UGANDA

**AND THE ENABLING ENVIRONMENT FOR CIVIL
SOCIETY: A BASELINE STUDY**

PUBLIC PARTICIPATION MECHANISMS IN UGANDA

And the Enabling Environment for
Civil Society Organizations



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The study is a product of the USAID/Uganda's Civil Society Strengthening Activity (CSSA). USAID/Uganda's CSSA is made possible by the support of the American people through the United States Agency for International Development (USAID). It is implemented by the East West Management Institute (EWMI) in partnership with the International Center for Not-for-Profit Law (ICNL), Uganda's Development Network of Indigenous Voluntary Associations (DENIVA), and Common Ground Consulting (CGC). CSSA will support the capacity strengthening of Ugandan civil society organizations (CSOs) to influence and contribute to improved development outcomes in 1) health, with particular attention paid to achieving the country's HIV/AIDS reduction goals; 2) education, youth, and child development; 3) agriculture and food security; and 4) democracy, rights, and governance. To achieve its aim, CSSA will implement activities under three principal components:

Component 1: Strengthen the advocacy capacity of CSOs to influence national and local development;

Component 2: Improve the organizational capacity of advocacy and service delivery-oriented CSOs to sustainably fulfill their stated missions; and

Component 3: Promote a more supporting enabling environment that sustains a vibrant civil society.

This product falls under Component 3.

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ABBREVIATIONS

ACCU	Anti-Corruption Coalition Uganda
ACODE	Advocates Coalition for Development and Environment
ACME	African Centre for Media Excellence
ACHPR	African Charter for Human and People's Rights
AFIC	Africa Freedom of Information Centre
AFIEGO	Africa Institute for Energy Governance
AML	Anti-Money Laundering
ATI	Access to Information
AU	African Union
CBO	Community Based Organization
CCEDU	Citizens Coalition for Electoral Democracy
CCG	Centre for Constitutional Governance
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEPA	Centre for Public Affairs
CEPIL	Centre for Public Interest Law
CIPESA	Collaboration for ICT Policy in Eastern and Southern Africa
COFI	Coalition on Freedom of Information
CRPD	Convention on the Rights of Persons with Disabilities
CSBAG	Civil Society Budget Advocacy Group
CSO	Civil Society Organization
CSOSI	Civil Society Organization Sustainability Index
DENIVA	Development Network of Indigenous Voluntary Associations
DGF	Democratic Governance Facility
DISO	District International Security Officer
DNMC	District NGO Monitoring Committee
DP	Democratic Party
DPI	Defenders Protection Initiative
EAC	East African Community
EITI	Extractive Industries Transparency Initiative
EOC	Equal Opportunities Commission
EU	European Union

FIA	Financial Intelligence Authority
GCIC	Government Citizen Interaction Centre
ICCPR	International Covenant for Civil and Political Rights
ICNL	International Center for Not-for-Profit Law
ICT	Information and Community Technology
IGG	Inspectorate of Government
ISO	Internal Security Organization
KACITA	Kampala City Traders' Association
KAS	Konrad Adenauer Stiftung
MCU	Media Council of Uganda
MDA	Ministries, Departments and Agencies
MoU	Memorandum of Understanding
MP	Member of Parliament
MUASA	Makerere University Academic Staff Association
NAPE	National Association of Professional Environmentalists
NDP	National Development Plan
NEMA	National Environment Management Authority
NFA	National Forestry Authority
NGO	Non-Governmental Organization
NIJU	National Institute of Journalists of Uganda
NOTU	National Organization of Trade Unions
NUSAF	Northern Uganda Social Action Fund (NUSAF)
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPM	Office of the Prime Minister
OTT	Over the Top (services)
PDC	Parish Development Committee
PFMA	Public Finance Management Act
POMA	Public Order Management Act
PPDA	Public Procurement and Disposal of Public Assets Authority
PWD	Persons with Disabilities
RDC	Resident District Commissioner
RCC	Resident City Commissioner

SWAps	Sector Wide Approach(es)
SWG	Sector Working Group
UBC	Uganda Broadcasting Corporation
UCC	Uganda Communications Commission
UDHR	Universal Declaration of Human Rights
UGEITI	Uganda Extractive Industries Transparency Initiative
UHRC	Uganda Human Rights Commission
ULGA	Uganda Local Governments Association
ULRC	Uganda Law Reform Commission
ULS	Uganda Law Society
UMA	Uganda Manufacturers Association
UMA	Uganda Media Association
UNATU	Uganda National Teachers' Union
UNCAC	United Nations Convention Against Corruption
UNNGOF	Uganda National NGO Forum
UPC	Uganda People's Congress
UPR	Universal Periodic Review
URSB	Uganda Registration Services Bureau
USAID	United States Agency for International Development
UWA	Uganda Wildlife Authority
UWONET	Uganda Women's Network

EXECUTIVE SUMMARY

Introduction

Article 38 of the Constitution of Uganda grants citizens the right to participate in the governance affairs of the country. Participation can be both direct and indirect through legitimate intermediary institutions and representatives.¹ This study focuses on citizens' direct participation in the conduct of public affairs in Uganda. It explores whether existing mechanisms can foster an enabling environment for civil society which can in turn spur public participation.

The study comes against the background of a fast-growing civil society in Uganda dominated by non-governmental organizations (NGOs) and community-based organizations operating at both national and local levels. CSOs play a vital role in enabling people to claim their rights, including the right to participate, the development of public policy and monitoring of implementation. To facilitate public participation, CSOs need an enabling environment in which the rights to associate, assemble and organize are respected and promoted. Unfortunately, the operating environment for civil society in Uganda has continued to deteriorate with CSOs facing growing legal restrictions and regulatory overreach, intimidation and attacks, and significant funding challenges.

Based mainly on extensive document review, key informant interviews, and focus group discussions, this study provides a baseline assessment of public participation mechanisms in Uganda, exploring whether they offer meaningful opportunities for citizens and civil society to participate in decision-making. It assesses:

- the legal, policy and administrative measures that facilitate public participation in Uganda and their application in practice.
- existing public participation platforms/mechanisms at the national and local government levels; and
- the prevailing barriers and challenges to civil society participation in public affairs and strategies to address them.

The study also identifies opportunities to foster government and CSO collaboration to improve the operating environment for civil society in Uganda in order to facilitate public participation and responsive governance.

Legal Framework

Uganda is a party to several international and regional instruments that guarantee the right of the public to participate in the conduct of public affairs or have a direct bear-

¹ Rasheed Ti-Jo Research Series: Good Governance; "Good Governance in CSO: Contextualization and Global Experience", 2020 [Vol 2], p5.

ing on public participation for citizens and CSOs. Among these are the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the United Nations Convention Against Corruption. At the continental level are the African Charter on Human and Peoples Rights (ACHPR), the African Charter on Democracy, Elections and Governance, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), AU Vision 2063, African Youth Charter, the African Commission Guidelines on Freedom of Association and Assembly in Africa, and the Treaty for the Establishment of the East African Community.

At the national level, the Constitution of Uganda provides for the right to participate in public affairs and guarantees several rights that facilitate participation including freedom of association, assembly, and expression. Although Uganda does not have a specific law on public participation, several laws contain provisions that can promote this right. Among these are the Access to Information Act, 2005; the Non-Governmental Organizations Act, 2016; the Public Finance Management Act, 2015; the Local Governments Act, 1997; the Uganda Human Rights Commission Act; the Equal Opportunities Act, 2007; and the Persons with Disabilities Act, 2020.

However, some of these laws, such as the NGO Act, also contain provisions that restrict rather than promote the enjoyment of the right to participate. In addition, there are several other laws that negate the constitutional guarantees of the rights to freedom of association, assembly, and expression. These include, among others, the Public Order Management Act, 2013; the Uganda Communications Act, 2013; the Press and Journalist Act; and the Anti-Money Laundering Act, 2013. Other laws, such as the Access to Information Act, have not been fully implemented partly because many government agencies do to comply with them.



Although Uganda does not have a specific law on public participation, several laws contain provisions that can promote this right.

Institutional Frameworks for Participation

Under the Comprehensive National Development Planning Framework (CNDPF), government undertakes to ensure wide consultation and public participation including with civil society in the development of the National Development Plans. Other key policies that call for public participation include the NGO Policy, Uganda Gender Policy, the National Youth Policy, and the ICT policy among others. These offer strong basis for promoting CSO-Government collaboration on enabling environment issues.

At the highest Executive level, the Cabinet has adopted a 'Guide to Policy Development & Management in Uganda', which emphasizes the need for public consultations with civil society organizations during policy development and implementation.

Participation Mechanisms

A number of public participation mechanisms exist at the national and local levels. At the Executive level, civil society is represented on the board of the National Planning Authority (NPA), which coordinates the country's planning system. CSOs are also represented on the National Sub-Committee on Evaluation in the Office of the Prime Minister (OPM), which has the mandate to supervise and review the performance of all government ministries, departments, and agencies (MDAS). CSOs are further represented in many Sector Working Groups (SWGs) and are also involved in budget consultation meetings spearheaded by the government. Most recently CSOs have been tapped to be represented on the Uganda Extractive Industries Transparency Initiative (UGEITI), which has the mandate of promoting good governance in the management of wealth from natural resources. A major criticism was that participation in these mechanisms sometimes comes off as tokenism as it is not fully institutionalized or guaranteed to have influence on policy.

The Government Citizen Interaction Centre (GCIC) and other online participation mechanisms are meant to promote citizen participation and bring the government closer to the people. But public awareness and ability to use these opportunities to access information and hold the government to account remains limited.

At the Parliamentary level, parliamentary committees and petitions offer opportunities for citizens and CSOs to provide an input in legislation and to seek redress. While civil society has in some cases effectively used these avenues to influence legislation, Parliament sometimes does not consult the public or seek the input of civil society. And even when it has done so, Parliament has sometimes gone ahead with what appeared to be unpopular legislation. There is no laid down framework for citizen participation in parliamentary proceedings and avenues for feedback if citizen input has been adopted in decisions are generally lacking.

The judiciary has in some instances established Court User Committees which have

been lauded as providing an opportunity to make the justice system more participatory by involving civil society actors. The committees are intended to provide an opportunity for the court to receive feedback from the public about its operations. However, many of these committees are not operational which presents an institutional gap in complying with public participation obligations. Similarly, the Justice Law and Order Sector (JLOS)² runs Chain Linked Committees based in each District to oversee and coordinate the reform program. The committees are composed of all JLOS actors, CSO representatives and private sector actors who meet every quarter to address administration of justice, human rights issues in the region. These meetings offer a strategic platform for public participation and an opportunity for CSOs to push for enabling environment concerns to be addressed in collaboration with state actors.³

At the local level, Uganda operates a decentralized system of governance with local council meetings, local committees, *barazas* or community meetings, and public hearings that provide opportunities for citizen participation. However, lack of access to information, illiteracy, and high levels of poverty are said to hinder public involvement in these mechanisms. CSOs serve as an active voice that represents the concerns and needs of local communities in decision making processes however their engagement is undermined in the absence of mandatory consultative structures that incorporate feedback mechanisms on how their views have been addressed.

CSOs, especially umbrella bodies such as the Uganda National NGO Forum, Anti-Corruption Coalition Uganda (ACCU), Civil Society Budget Advocacy Group (CSBAG), Advocates Coalition for Development and Environment (ACODE), Forum for Women in Development (FOWODE), Development Network of Indigenous Voluntary Associations (DENIVA) among others, have put in place several mechanisms geared at promoting citizen participation in the conduct of public affairs. These include citizen-government public dialogues, civic education programs, *barazas*, public demonstrations, and use of media tools.

Interviewees for this research noted that Ugandans were generally engaged, although many avenues of public participation were described as tokenism. Public participation around policy formulation, implementation and accountability was said to be limited,

² The Justice Law and Order Sector is a sector wide approach adopted by the Government of Uganda to bring together institutions with closely linked mandates of administering justice and maintaining law and order and human rights, to foster cooperation communication and coordination. It focuses on a holistic approach to improving access to and administration of justice through the sector wide approach to planning, budgeting, program implementation, monitoring and evaluation. See, Justice Law and Order Sector (judiciary.go.ug)

³ JLOS is made up of Eighteen (18) member institutions: Ministry of Justice and Constitutional Affairs (MOJCA); Ministry of Internal Affairs (MIA); The Judiciary; Uganda Police Force (UPF); Uganda Prison Service (UPS); Directorate of Public Prosecutions (DPP); Judicial Service Commission (JSC); The Ministry of Local Government (Local Council Courts); The Ministry of Gender, Labor and Social Development (Probation and Juvenile Justice); The Uganda Law Reform Commission (ULRC); The Uganda Human Rights Commission (UHRC); The Law Development Centre (LDC); The Tax Appeals Tribunal (TAT); The Uganda Law Society (ULS); Centre for Arbitration and Dispute Resolution (CADER) and The Uganda Registration Services Bureau (URSB).

and many local level participatory platforms were described as inactive or ineffective. Low levels of participation were blamed on inadequate funding of participation mechanisms and a political environment characterized by polarization and criminalization of dissent, as well as low political efficacy. Poverty, lack of access to information, low levels of civic competence, partly a result of inadequate civic education, were also blamed.

Barriers to CSO Participation

Shrinking civic space was widely blamed for undermining citizen agency and civil society autonomy and participation in governance. In particular, restrictive legislation affecting especially NGOs and the media, regulatory overreach, intimidation, attacks and arrests of activists and NGO leaders, capacity gaps, funding challenges and the public image of civil society were noted among the key factors in undermining civic organizing and participation in governance.

The lack of formal public consultative platforms within state Ministries, Departments, and agencies (MDAs) also undermines the participation of civil society in processes to enact legislation and adopt policies both at national and local levels.

Media and Participation

Both traditional news media and new media, including social media, offer opportunities for citizens and civil society to participate in the conduct of public affairs. Radio remains the main source of information on public affairs for most Ugandans. However, capacity challenges including low ethical standards, and the flouting of basic journalistic principles of accuracy, balance and fairness, context and perspective, completeness, depth, and follow-up continue to undermine the media's ability to cover public affairs.

Radio and television talk shows offer direct opportunities for policy makers to engage with the public, but the government has sometimes sabotaged these popular platforms. For instance, open-air talk shows known as *ebimeeza* (roundtables) were banned in the early 2000s, and since then a number of talk shows are said to have become more guarded, often employing self-censorship for their own survival.



Open-air talk shows known as *ebimeeza* (roundtables) were banned in the early 2000s, and since then a number of talk shows are said to have become more guarded, often employing self-censorship for their own survival.

The use of existing restrictive legislation and regulations as well as growing attacks on journalists by state regulatory authorities have also tended to promote self-censorship on certain aspects of public affairs in the media.

A key challenge noted is the media's failure to proactively cover public participation as an issue. Anecdotal evidence suggests that the media rarely flag the presence or absence of public participation in decision-making in their coverage of politics and public affairs. This was blamed on lack of adequate knowledge on public participation as a constitutional requirement, the failure of MPs and civil society representatives to flag the issue, and inconsistency in media coverage of civil society.

The lack of adequate media relations skills within the ranks of civil society, also affects the kind of coverage they attract.

Recommendations

The study makes a number of recommendations but below are the most salient ones:

TO GOVERNMENT:

- a. The government should develop a national policy on public participation. An inclusive and diverse group of stakeholders should be constituted to develop a national policy on public participation.
- b. The government should establish permanent institutionalized spaces for multi-stakeholder dialogue on policy. Such mechanisms should in more detail define minimum standards of participation and consultation for both executive and legislative authorities and for local self-government bodies development and should recognize the roles and contributions of civil society and other non-state actors in policy development, implementation, and monitoring processes.
- c. Ensure that the Regulatory Impact Assessment⁴ that is enforced at cabinet level on all proposed policy or regulation is implemented at local government level and equip civil society with capacity to monitor compliance.
- d. Design a national strategy for civil society development, which would identify issues of importance related to civil society activities and sustainability, as well as obligations of different social actors in that context.
- e. Increase funding for civil society to empower the public to engage on governance issues.
- f. The government should consider setting up a civil society fund aimed at strengthening the role of CSOs in service provision as well as monitoring

⁴ Para 5.9, p38

the implementation of government programs. The promotion of public participation in decision-making, implementation, and evaluation of government programs would be one of the conditions for accessing these public resources. Such a fund would also support the alignment of CSO activity to government priorities. However, the funding process must be transparent, accountable, and protected from political interference.

- g. Establish a system of continuous education and capacity building to all public officials at national and local government to understand the obligation of, and rationale for public participation and how to effectively engage in these processes.
- h. The NGO Bureau should undertake its responsibility to coordinate the establishment and functions of a National NGO consultative and dialogue forum.⁵ This must be done in consultation with the CSO sector and other key stakeholders including the media. The Bureau should overall maintain independence, transparency, and accountability in its oversight role the sector.
- i. The government should build open and timely access to information and transparent feedback mechanisms and processes, in line with the Access to Information law.
- j. Parliament should amend its rules of procedure to make consultation with the public and civil society during the legislative process mandatory.

TO CIVIL SOCIETY:

- a. Promote transparent and efficient civic participation mechanisms in the procedure of designing of laws and other public policy instruments. Such mechanisms should in more detail define minimum standards of participation and consultation (this refers to both executive and legislative authorities and to local self-government bodies).
- b. There is a need for CSOs working in collaboration with various actors to advocate for the adoption of a specific law on public participation to give effect to the constitutional right of citizens to participate in their governance.
- c. Collaborate with government to come up with a national strategy for civil society development, which should identify priorities for CSO operations and their sustainability as influential actors in policy and law-making processes.
- d. Undertake stakeholder awareness and public campaigns to sensitize local communities on the importance of participating in government decision making and especially in law and policy making processes.
- e. Provide dedicated capacity building for a wide range of civic organizations,

⁵ See, NGO Act, 2016, Section 6 (f)

especially at local level, to appreciate the functioning of government public administration, as well as on the procedures and mechanisms of designing and adopting laws and other public policy instruments in order to communicate such information effectively to the public and better facilitate public participation.

- f. CSOs should strengthen partnerships with the media to promote public participation mechanisms via mainstream, community, and social media platforms.
- g. Establish collaboration with broader CSO actors including academic, research and educational institutions to increase demand for public participation in law and policy making.
- h. CSOs need to increase collaboration with state institutions on civic education programs.
- i. CSOs should lobby government to join membership to the Open Government Partnership (OGP) - which is a multilateral initiative that aims to secure concrete commitments from national and sub-national governments to promote open government, empower citizens, fight corruption, and harness new technologies to strengthen governance.
- j. Leverage existing transparency mechanisms that promote inclusive CSO participation such as the EITI validation process.⁶
- k. Civil society organizations should work on improving their public image through sharing information with the public, getting feedback from citizens, and ensuring more popular participation in their activities. All NGOs and CBOs should also participate actively in Uganda's Quality Assurance Mechanism (QuAM), the self-regulatory mechanism for NGOs.

⁶ Uganda became a member of the EITI in 2020 and is required to undergo regular assessments known as "Validations" to assess its compliance with the EITI Standard, which obligates states to ensure participation of civil society in the EITI process. Uganda's validation is scheduled to commence on February 12, 2023, and CSOs have opportunity to share views including civic space concerns during the EITI validation.



Civil society organizations should work on improving their public image through sharing information with the public, getting feedback from citizens, and ensuring more popular participation in their activities.

- l. CSOs should also identify champions within the executive or legislature and at local government level to help advance their enabling environment concerns as an integral part to national development.
- m. Civil society should speak with one voice and present a united front in response to the challenge of shrinking civic space.
- n. More organic membership organizations, professional associations, and trade unions as well as citizen movements are needed for a stronger and more robust civic space.

TO THE MEDIA:

- a. Media houses should invest in improving the capacity of journalists to cover public affairs. In particular they should invest in knowledge of the Constitution and policy making and implementation processes. More attention should be paid to capturing how public policy is *actually* developed, implemented, monitored, and evaluated.
- b. Media houses should pay more attention to civic space and an enabling environment for civil society. These issues require far more consistent coverage than they currently generate.

General Recommendations

- a. Both state actors and civil society should harness and leverage ICTs for participation. Both state and non-state actors have opportunities to share more information faster, engage in online consultations, and receive public feedback on implementation of policies and programmes. Similarly, both the government and civil society should work towards promoting digital literacy or media and information literacy
- b. Development partners should provide funding and technical assistance in developing relevant frameworks on public participation and in establishing the institutional mechanisms equipped with knowledge on best practices.
- c. The government must ensure that physical attacks on journalists and human rights defenders are investigated, and perpetrators are punished.
- d. The Uganda Human Rights Commission annual report to Parliament should include a section on how the right to participation was implemented and the challenges that were encountered.
- e. Civic education should be mainstreamed across all government institutions. MDAs should set up strong civic education directorate and ensure collaboration with CSOs in carrying out civic education.

INTRODUCTION

Public participation is broadly understood as “the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have access to public services”.⁷ Also known as civic participation, it refers to processes through which citizens are involved in decision-making by public authorities, including the formulation, implementation, and evaluation of policies and laws at local and national levels. In line with the notion of participatory democracy, public participation mechanisms are critical avenues for states to engage with all individuals affected or concerned by the decisions at stake in order to deepen ownership of public policies and processes.⁸ This requires not only ensuring inclusive participation in consultations on public policies, but also creating structured and permanent forums that target a diversity of civil society actors, especially marginalized populations, in advising and monitoring public policies, plans and programs.⁹

This study focuses mainly on citizen participation in the conduct of public affairs and examines how existing mechanisms can support the enabling environment for civil society organizations (CSOs) to operate and maximize their impact and vice versa. In this report, the enabling environment for CSOs refers to an environment that supports the establishment and operation of CSOs and their engagement in public affairs.¹⁰ It is a broad multi-dimensional concept comprising the “political, financial, legal and policy context that affects how CSOs carry out their work.”¹¹

It is widely recognized that civil society organizations (CSOs) are both critical players and beneficiaries of enabling public participation processes. The existence of CSOs is often taken as one effective means of including the poor and marginalized groups in decision making processes. Citizens may organize themselves or CSOs can take up the role of mobilizing citizens’ voices to be heard in decision-making and legislative processes. CSOs are also viewed as independent voices providing oversight and pushing for reform and efficiency on responsible government agencies.

The ability of CSOs to engage with government on policy concerns through dialogue and advocacy is an essential element of the enabling environment for CSOs. The UN Human

7 United Nations Human Rights Committee, General Comment No. 25, para. 1.

8 United Nations Human Rights: Office of the Higher Commissioner: Guidelines for States on the effective implementation of the right to participate in public affairs.

9 See, Civil Society Partnership for Development Effectiveness (CPDE), ‘An Enabling Environment for Civil Society Organizations: A Synthesis of evidence of progress since Busan’, October 2013, available at [Microsoft Word - Synthesis of CSO Evidence for Indicator 2.docx \(icnl.org\)](#) (p15)

10 According to the Task Team on CSO Development Effectiveness and Enabling Environment: Guidance and Good Practices on CSO Development Effectiveness and Enabling Environment (April 2019).

11 See, the OECD (2012), Partnering with Civil Society: 12 Lessons from DAC Peer Reviews, <http://www.oecd.org/dac/peer-reviews/partneringwithcivilsociety.htm> as cited in Guidance and Good Practices on CSO Development Effectiveness.

Rights Council has clarified that public participation “entails the rights of individuals to organize in groups or formal associations, to be free to decide on their internal governance in a way that would most effectively help them reach their mission and, where needed, to also engage their constituencies without fear of repercussion”.¹² The Community of Democracies Vilnius Declaration also emphasizes that an enabling legal environment for civil society is an essential component of a sustainable democracy.¹³ The Declaration underlines the importance of continuous support for civil society and non-governmental organizations in their efforts to exercise and promote freedom of expression, association, and assembly.¹⁴

Emphasizing the importance of civic participation, the United Nations Office of the Human Commissioner for Human Rights in its “Guidelines on to States on the effective implementation of the right to participate in public affairs,”¹⁵ (“OHCHR Guidelines”) has recognized that:

“Participation enables the advancement of all human rights. It plays a crucial role in the promotion of democracy, the rule of law, social inclusion, and economic development. It is essential for reducing inequalities and social conflict. It is also important for empowering individuals and groups and is one of the core elements of human rights-based approaches aimed at eliminating marginalization and discrimination.”¹⁶

As such, the OHCHR Guidelines requires States to support individuals to ensure that they are empowered and equipped with the knowledge and capacity to claim and exercise their rights to participate through civic education programs at all levels.¹⁷

12 European Center for Not-for Profit Law (2016). Civil participation in decision-making processes: an overview of standards and practices in Council of Europe Member States, p.8

13 See, VILNIUS DECLARATION: THE COMMUNITY OF DEMOCRACIES: EMPOWERED, EBERGISED, ENGAGED adopted on July 1, 2011 available at [2011-Vilnius-Declaration-pdf \(community-democracies.org\) \(p1\)](https://www.community-democracies.org/2011-Vilnius-Declaration-pdf)

14 Ibid.

15 UN Document A/HRC/39/28 adopted by resolution 33/22 of the Human Rights Council.

16 United Nations Human Rights: Office of the Higher Commissioner: Guidelines for States on the effective implementation of the right to participate in public affairs. A/HRC/30/26

17 Ibid.



Participation enables the advancement of all human rights. It plays a crucial role in the promotion of democracy, the rule of law, social inclusion, and economic development.

The OHCHR Guidelines further underscore that the right to participate cannot be considered in a vacuum. “The effective exercise of this right requires an environment where all human rights, in particular the rights to equality and non-discrimination, to freedom of opinion and expression and to freedom of peaceful assembly and of association, are fully respected and enjoyed by all individuals.”¹⁸ Additionally, the OHCHR Guidelines emphasize the importance of the right of access to information, “which, as part of the right to freedom of expression, is an enabler of participation and a prerequisite that ensures the openness and transparency of, and accountability for, States’ decisions”.¹⁹

In 2004, the Supreme Court in Uganda in a judgment that outlawed the offence of publication of false news under the Penal Code Act noted that “...meaningful participation of the governed in their governance, which is the hallmark of democracy, is only assured through optimal exercise of the freedom of expression. This is as true in the new democracies as it is in the old ones.”²⁰

Conceptually, public participation in decision-making occurs at three main levels:²¹

1. At the first level, which is a “crucial precondition for participation”,²² citizens have *access to information* about policies or decisions in the pipeline, those that are under implementation as well as the ones under review or evaluation. This could be through various platforms, including government information portals, websites, noticeboards, awareness campaigns, the mainstream media, and social media.
2. Secondly, through *consultation*, the government or public authorities proactively seek the views or opinions of citizens. This could be through public hearings, community meetings, public debates, rallies, or acceptance of written submissions or feedback.

18 United Nations Human Rights: Office of the Higher Commissioner: Guidelines for States on the effective implementation of the right to participate in public affairs. A/HRC/30/36, p.6.

19 United Nations Human Rights: Office of the Higher Commissioner: Guidelines for States on the effective implementation of the right to participate in public affairs.

20 Charles Onyango-Obbo and Andrew Mwenda vs. Attorney General of Uganda, Constitutional Appeal No. 2 of 2002, Supreme Court decision of 2004.

21 European Center for Not-for Profit Law (2016). Civil participation in decision-making processes: an overview of standards and practices in Council of Europe Member States. Paper prepared for the European Committee on Democracy and Governance (CDDG).

22 European Center for Not-for Profit Law (2016). Civil participation in decision-making processes: an overview of standards and practices in Council of Europe Member States, p.20.

3. The third level is *active participation*, which involves the citizen directly in decision-making. For example, as members of legislative bodies or executive office; participating in referenda or electoral processes; public debates and dialogues with their representatives, or through organizing popular assemblies, among others.²³

OHCHR has further provided key principles and criteria for ensuring effective participatory mechanisms and processes as follows:

- Participation mechanisms and processes must be established by law.
- All stakeholders must have access to information in a timely and transparent manner.
- Participation mechanisms and processes should be sufficiently resourced.
- Participation mechanisms should be “non-discriminatory, inclusive and designed so that concerned groups, even the most marginalized, have the opportunity to voice their opinions”.
- Participation requires a genuine commitment to consultation and dialogue.²⁴

The specific benefits of public participation include transparency in decision-making, accountability of public authorities to citizens, improved oversight on the implementation of government programmes, public ownership of decisions, which in turn increases their legitimacy, and better quality of policies, laws, and other measures as well as their outcomes.²⁵

Participation should be informed and organized, which implies freedom of association and expression on the one hand and organized civil society on the other.²⁶ Overall, civil society participation in the policy sphere can be achieved either through: (i) “*Established processes*” for policy engagement, which include periodic consultation mechanisms, episodic government/civil society dialogue processes, and processes for government/community engagement; or (ii) “*Institutionalized opportunities*”, which includes permanent structured mechanisms for policy dialogue, which are regular and have a defined mandate to inform the development, implementation and assessment of government policies.²⁷

23 UN Human Rights Committee General Comment no. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25) : . 12/07/96. CCPR/C/21/Rev.1/Add.7, para 6 & 8. European Center for Not-for Profit Law (2016). Civil participation in decision-making processes: an overview of standards and practices in Council of Europe Member States, p.26.

24 Report of the Office of the United Nations High Commissioner for Human Rights (2015). “Promotion, protection and implementation of the right to participate in public affairs in the context of existing human rights law; best practices, experiences, challenges and ways to overcome them.” A/HRC/27/29.

25 See Bulgarian Center for Not-for-Profit Law, Participation of NGOs in the process of policy- and law-making; and United Nations Human Rights: Guidelines for States on the effective implementation of the right to participate in public affairs.

26 Rasheed Ti-Jo Research Series: Good Governance; Ibid, n1.

27 Civil Society Partnership for Development Effectiveness (CPDE), *ibid*, p30

In examining the role of public participation mechanisms to the CSO enabling environment, this should take into account both the opportunities and processes for engagement, as well as the resulting impacts/outcomes on public policy.²⁸ Similarly, assessing the degree to which public participation mechanisms and spaces for policy dialogue can foster the CSO enabling environment requires consideration of certain key dimensions:²⁹

- Does government establish inclusive and accessible processes for policy engagement at all levels (local, regional, national)? Are marginalized groups included (e.g., women’s rights organizations, youth groups, Persons with Disabilities, LGBTI, ethnic minorities, human rights defenders)? Are such processes available for all kinds of policies?
- Are there inclusive institutionalized opportunities for CSOs to participate in policy and decision-making processes?
- Are CSOs involved in design, implementation and monitoring of national development plans and policies?
- Is CSO input taken into account in the policy outcomes?
- Are there fully accessible accountability mechanisms for feedback and policy assessment, ensuring that governments consider CSO input?
- Are there initiatives to address capacity needs of all stakeholders (In particular, CSOs) to participate in policy dialogue fully and effectively?

In Uganda, it is also critical to consider the prevailing political and democratic climate and its impact on civil society. A common question that emerges, based on recent history, is whether it is tenable for civil society to collaborate or engage with a government that appears hostile especially to NGOs and other organized interests involved in human rights and governance advocacy.

Rationale for the Study

Generally, CSOs play a vital role in enabling people to claim their rights, in promoting rights-based approaches, in shaping development policies and partnerships, and in overseeing their implementation. Therefore, it is important for the State to not only recognize the autonomous role that CSOs play as key stakeholders in a democratic state, but also ensure an enabling environment that allows CSOs to engage meaningfully in public affairs in accordance with international human rights norms.

28 Civil Society Partnership for Development Effectiveness (CPDE); “An Enabling Environment for Civil Society Organizations: A Synthesis of evidence of progress since Busan; October 2013, p29

29 See, 2011 Busan Partnership for Effective Development Cooperation Monitoring Framework (ibid). APPENDIX ONE A CPDE Monitoring Framework for Assessing Progress for a CSO Enabling Environment, Area Two: Policy influencing; Dimension One: Spaces for dialogue and policy influencing, p30

As the UN High Commissioner for Human Rights has clearly noted: “Human rights will not improve much without the direct participation of a robust, free, and independent civil society - yet we are seeing increasing examples of State policies and actions that deliberately suppress, sideline or deter important civil society activities.”³⁰ As such, the degree to which there are institutionalized spaces for policy dialogue and fair and inclusive processes for government-CSO consultations is critical in fostering the enabling environment for CSOs.³¹

Uganda boasts a fast-growing civil society with about 2,400³² registered non-governmental organizations (NGOs) that contribute to national development, good governance, and rule of law.³³ Over the years, the operating environment for the NGO sector in Uganda has continued to deteriorate as CSOs face growing barriers to their formation and operations, coupled with constraints in exercising their right to participate in governance affairs. Despite existing legal guarantees on fundamental rights that contribute to an enabling environment for civil society, CSOs are disproportionately affected by restrictions under existing regulatory frameworks such as the NGO Act, 2016, the Public Order Management Act, 2013, the Uganda Communications Act, 2013, Anti-Terrorism Act, 2007 and the Anti-Money Laundering Act, 2013, among others.

On the other hand, some good practices exist that enable the right to participate in policy making processes. For instance, at Cabinet level, the Guide to Policy Development, which was adopted in 2013, requires government Ministries, Departments and Agencies (MDAs) to conduct a Regulatory Impact Assessment³⁴ on any proposed policy or regulation to assess its effect on various groups, including Civil Society and Non-Governmental Organizations, who may be disproportionately affected.³⁵

30 The UN High Commissioner for Human Rights, at a press conference on October 18, 2012. See, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12675&LangID=E>

31 Civil Society Partnership for Development Effectiveness (CPDE), Ibid, p29

32 According to the statistics from the NGO Bureau re-validation of NGOs exercise conducted in 2019.

33 See, the 2020 Civil Society Organizations Sustainability Index available at [2020 Civil Society Organisation Sustainability Index Report.pdf](https://www.ngoforum.or.ug/Civil-Society-Organisation-Sustainability-Index-Report.pdf) (ngoforum.or.ug) (p2)

34 Para 5.9, p38

35 See, Cabinet Secretariat, “Evidence Based Policy Making A Guide to Regulatory Impact Assessment”, available at [Uganda-Guide-to-RIA-Cabinet-Office-Undated.pdf](http://regulatoryreform.com/Uganda-Guide-to-RIA-Cabinet-Office-Undated.pdf) (regulatoryreform.com)



Over the years, the operating environment for the NGO sector in Uganda has continued to deteriorate as CSOs face growing barriers to their formation and operations, coupled with constraints in exercising their right to participate in governance affairs.

Similarly, Uganda has several mechanisms that can foster engagement between government and civil society such as the NGO Bureau, which is responsible for coordinating the establishment and functions of a National NGO consultative and dialogue forum.³⁶ The Uganda Human Rights Commission has a mandate to promote civic education that is vital for public empowerment to engage meaningfully in their governance.³⁷ The Equal Opportunities Commission is required to monitor and ensure that policies, laws, programs and activities of state organs, private sector and NGOs are compliant with equal opportunities and affirmative action for marginalized groups,³⁸ which is a central element of public participation. Several other mechanisms including parliamentary bodies such as the Human Rights Committee, and the Justice Law and Order Sector, the National Planning Authority among others, provide institutionalized spaces for fostering public participation in governance. However, their impact in facilitating the enabling environment for civil society engagement has been relatively inadequate for several reasons as explained in this report. Moreover, participation mechanisms at lower levels of government appear to be more ineffective compared to the ones at the national level.

The study assesses existing public participation mechanisms at national and local level with a view of identifying opportunities that can be leveraged to strengthen CSO and government engagement to promote a more supportive enabling environment for civil society and to strengthen protection of civic space in Uganda.

Purpose of the Study

This baseline study on public participation mechanisms in Uganda aims to support meaningful opportunities for civil society participation in developing and implementing public policy by establishing whether existing mechanisms provide inclusive spaces for policy engagement and dialogue and exploring how they can foster the enabling environment for civil society. Such participation not only has implications for the public good but is also integral to the civic life of citizens in a democratic society.

Specific Objectives

- To assess the legal, policy and administrative measures that facilitate public participation in Uganda and their application in practice.

³⁶ See, NGO Act, 2016, Section 6 (f)

³⁷ Article 52 of the Constitution of Uganda sets out the functions of the Uganda Human Rights Commission to include: (f) to create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda; (g) to educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation; (h) to formulate, implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people. See also, section 7 of the Uganda Human Rights Commission Act, Cap 24

³⁸ See, section 14 (1) of the EQUAL OPPORTUNITIES COMMISSION ACT, 2007.

- To assess existing public participation platforms/mechanisms at the national and local government levels.
- To assess the prevailing barriers and challenges to civil society participation in public affairs and strategies to address them.
- To identify opportunities to foster government and CSO collaboration to improve the operating environment for civil society in Uganda in order to facilitate public participation and responsive governance.

Scope of the Study

This report covers public participation at both the national and local levels. It analyzes the legal framework for public participation in Uganda and examines existing platforms and mechanisms that can facilitate participation directly by citizens or through civil society organizations. While it is important, political participation such as voting in local or national elections or standing for office, and campaigning for political candidates is outside the scope of this research. The focus of the report is on citizens' direct participation in decision-making at local and national levels - what is often referred to as participation in the conduct of public affairs.

This report adopts the African Union Commission's definition of civil society – which refers to formal and informal associations that are independent of the state and through which citizens may pursue common purposes, participate in the political, social, and cultural life of their societies, and be involved in all matters pertaining to public policy and public affairs.³⁹ These include non-governmental organizations, community-based organizations (CBOs), trade unions, professional associations, self-help groups, trade and business associations, faith-based organizations, women and youth groups, coalitions, and social movements.⁴⁰

³⁹ Article 2 of the African Union Commission Guidelines on Freedom of Association and Assembly in Africa adopted in 2017.

⁴⁰ The Centre for Civil Society at the London School of Economics. "What is civil society?" Available at www.lse.ac.uk/collections/CCS/what_is_civil_society.htm; see also DENIVA (2006). "Civil Society in Uganda: at the Crossroads?" Kampala, p.19



This report covers public participation at both the national and local levels ... The focus is on citizens' direct participation in decision-making at local and national levels - what is often referred to as participation in the conduct of public affairs.

Methodology

The analysis is based on a mixed-methods approach that involved desk research/document review, in-depth/informant interviews, an expert panel and focus group discussions. Multiple methods and sourcing were applied to increase the reliability of information collected.

DESK RESEARCH/DOCUMENT REVIEW

Among the major documents reviewed were the Constitution of Uganda, national laws, regulations, and policies that have a significant bearing on public participation in governance. These include the Non-Governmental Organizations Act, 2016; the Non-Governmental Organizations Regulations, 2017; the Public Order Management Act, 2013; the Local Governments Act, 1997 (as amended); the Public Finance Management Act, 2015 (as amended); Access to Information Act, 2005; the Press and Journalist Act, 2000, the Uganda Communications Act, 2013, the Computer Misuse Act, 2011; the National Development Plan III and Uganda Vision 2040. It should be noted that Uganda does not have a specific statutory law governing public participation, but a number of laws include provisions that either promote or hinder this right.

Regional and international instruments and protocols were also reviewed. Of particular relevance are the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), as well as General Comment 25 of the United Nations Committee on Human Rights on Article 25 of the ICCPR, and the United Nations Guidelines for States on Effective Implementation of the Right to Participate in Public Affairs.⁴¹ Other relevant instruments include the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), and the United Nations Convention Against Corruption (UNCAC). At the continental level are the African Charter on Human and Peoples Rights (ACHPR), the African Charter on Democracy, Elections and Governance, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), African Union (AU) Vision 2063, African Youth Charter, the African Union Commission Guidelines on Freedom of Association and Assembly in Africa, and the Treaty for the Establishment of the East African Community.

IN-DEPTH INTERVIEWS

Interviews were conducted with 36 informants including civil society actors, academics and public policy analysts, Members of Parliament, and policy makers at national and local government levels, as well as media practitioners. These stakeholders provided insights on the state of public participation in Uganda, the operating environment for CSOs, as well as opportunities for improving collaboration between the government and civil society.

⁴¹ Issued by the United Nations High Commissioner for Human Rights in July 2018, accessible here: [OHCHR | Guidelines on the effective implementation on the right to participate in public affairs](#)

EXPERT PANEL

A panel of experts on the public policy sector from government, academia, media and civil society was constituted. The panelists individually completed a structured questionnaire on public participation in Uganda then discussed their scores during a virtual convening. A rapporteur recorded the scores agreed on by the group for each question.⁴²

FOCUS GROUP DISCUSSIONS

Focus group discussions (FDGs) with ordinary citizens (including market vendors, traders, members of women, youth, and community groups, motor bike taxi riders, and teachers, among others) were held in six selected districts⁴³ in the eastern, northern, western and West Nile regions of Uganda. Kampala and Central Uganda were excluded because enough informant interviews were conducted with people based there. The FDGs sought to assess public perceptions on citizen participation and the operating environment for civil society in Uganda.

Limitations of the Study

The study has surveyed only certain selected public participation mechanisms and government institutions as well as civil society organizations whose work intersects with the theme. ICNL is cognizant of the fact that several other examples of public participation that are not specifically mentioned in this report may exist in Uganda, however this does not prejudice the key findings of the research. Similarly, while key informant interviews and focus group discussions are very useful in providing breadth and depth, the perceptions of the participants may not be generalized as universal.

⁴² The panel adopted a methodology that has been successfully employed for the annual Freedom House freedom of the press reports and the Afromedia barometer.

⁴³ The Focus Group Discussions were held in Arua, Gulu, Kabarole, Lira, Mbale and Mbarara.

LEGAL FRAMEWORK ON PARTICIPATION IN UGANDA

This section outlines and examines international and regional instruments to which Uganda is a party as well as the country's Constitution and laws, regulations, and policies that have a direct bearing on public participation for citizens and CSOs.

1. International and Regional norms on Public Participation

A. AT THE UNITED NATIONS LEVEL

Uganda is a signatory to a number of international and regional instruments that protect the right to participate in public affairs and underscore the role of civil society in promoting public participation. Article 21 (1) of the Universal Declaration of Human Rights (UDHR) provides: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives."

Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states:

"Every citizen shall have the right and opportunity, without unreasonable restrictions:

(a) To take part in the conduct of public affairs directly or through freely chosen representatives.

(b) To vote and to be elected at genuine elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors."

General Comment 25 of the United Nations Human Rights Committee elaborates key elements and conditions of the right to participation which must be complemented by the protection of the rights to freedom of opinion and expression, association, and assembly.⁴⁴ It recognizes that the right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights to public participation protected under Article 25 of the ICCPR.

⁴⁴ Human Rights Committee, General Comment 25 (57) adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996).

The United Nations Convention Against Corruption⁴⁵ under Article 13 (1), provides that “each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption”. It adds that participation shall be strengthened through measures such as “enhancing the transparency of and promoting the contribution of the public to decision-making processes; “ensuring that the public has effective access to information; and respecting, promoting, and protecting the freedom to seek, receive, publish, and disseminate information concerning corruption”.⁴⁶

Uganda is a party to the United Nations Framework Convention on Climate Change, under which States parties committed to take measures to enhance public participation and public access to information as important steps with respect to enhancing actions under the Agreement.⁴⁷

There are other international instruments that specifically provide for the participation of women and other minorities in public affairs. Article 7 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)⁴⁸ provides that:

“States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies.

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”⁴⁹

Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD)⁵⁰ specifically provides for the right of people with disabilities to participate on political and public life. It states:

45 Uganda ratified the UN Convention against Corruption on September 9, 2004. See, [Ratification status \(unodc.org\)](http://unodc.org).

46 See article 13(1) (a) (b) (d).

47 Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104, Article 12.

48 Uganda ratified CEDAW on July 22, 1985. See, [Treaty bodies Treaties \(ohchr.org\)](http://ohchr.org)

49 Uganda signed the Convention in July 1980 and ratified it in July 1985.

50 Uganda was among the first countries to sign the Convention on 30 March 2007. It was ratified in September 2008.

“States Parties shall undertake:

(a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.

(b) *To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:*

(i) *Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties.”*

Other international instruments that contain specific guarantees include the International Convention on the Protection of All Migrant Workers and Members of Their Families⁵¹; the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁵²; the United Nations Declaration on the Rights of Indigenous Peoples⁵³; and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.⁵⁴

B. AT THE AFRICA REGIONAL LEVEL

The African Charter on Human and Peoples Rights (ACHPR), which Uganda ratified in 1986, guarantees every citizen’s right to participate freely in the government of his/her country directly or indirectly through freely chosen representatives.⁵⁵ Uganda is also a signatory to the African Charter on Democracy, Elections and Governance that commits member states to encourage the participation of civil society organizations

51 Article 41 (1) states that migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation. Uganda ratified the convention on November 14, 1995.

52 Article 2(3) provides that persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation; (4) Persons belonging to minorities have the right to establish and maintain their own associations.

53 Article 5 states that indigenous peoples have the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. Article 18 also provides that indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures as well as to maintain and develop their own indigenous decision-making institutions.

54 Article 8 provides that (1) Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs; (2) This includes, inter alia , the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

55 Article 13 (1) of the African Charter on Human and Peoples Rights

in efforts to advance political, economic and social governance.⁵⁶ One of the objectives of the Charter is to “promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.”⁵⁷ The Charter lays out certain prerequisites for States Parties to promote democratic principles and practices which include:

- Ensuring the effective participation of citizens in democratic and development processes and in the governance of public affairs”; and “transparency and fairness in the management of public affairs.”⁵⁸
- Creating conducive conditions for civil society organizations to exist and operate within the law.⁵⁹
- Fostering political participation and partnerships with civil society organizations in order to advance political, economic, and social governance.⁶⁰
- Undertaking regular reforms of the legal and justice systems; and
- Promoting freedom of expression, in particular freedom of the press and fostering a professional media.

The Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa⁶¹ similarly enjoins States Parties to:

1. “...take specific positive action to promote participative governance and the equal participation of women in the political life of their countries through affirmative action, enabling national legislation and other measures to ensure:

(c) Women are equal partners with men at all levels of development and implementation of State policies and development programmes.

2. ensure increased and effective representation and participation of women at all levels of decision-making.”⁶²

The African Commission Guidelines on Freedom of Association and Assembly in Africa require states to ensure the independence of civil society and the public sphere and to enable the participation of individuals in the political, social, and cultural life of their communities.⁶³

⁵⁶ Uganda signed in December 2008 but has not yet ratified the Charter.

⁵⁷ See Article 3(10), African Charter on Democracy, Elections and Governance, Objective 10.

⁵⁸ See Article 3.

⁵⁹ See Article 12(3).

⁶⁰ Also see Article 27(2).

⁶¹ Uganda signed the Protocol in 2003 and ratified it in 2010.

⁶² Article IX.

⁶³ See, principle (iii) on political and social participation of an independent civil society.

Similarly, the African Union Agenda 2063, the current strategy to boost Africa's development, reaffirms the commitment to overcome the continent's challenges – which include governance, peace, and security; and women's and youth's empowerment and participation – through providing an enabling environment that is inclusive to ensure people-centered development across the continent.⁶⁴

At the **East Africa level**, the governing Treaty for the Establishment of the East African Community also seeks to promote the enhancement and strengthening of partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development.⁶⁵ It provides that Partner States will: (i) provide an enabling environment for the private sector and the civil society to take full advantage of the Community.⁶⁶ And; (ii) promote enabling environment for the participation of civil society in the development activities within the Community.⁶⁷ Furthermore, the Secretary General is mandated to provide a forum for consultations between the private sector, civil society organizations, other interest groups and appropriate institutions of the Community.⁶⁸ These mechanisms are notable good practices that member states can emulate at national level.

2. National Frameworks on Public Participation in Uganda

A. THE CONSTITUTION OF THE REPUBLIC OF UGANDA

Objective II of the National Objectives and Directive Principles of State Policy in Uganda's 1995 Constitution sets out key democratic principles, which state that:

64 Mindzie, M. A. 2015. Citizen participation and the promotion of democratic governance in Africa. GREAT Insights Magazine, Volume 4, Issue 3. April/May 2015.

65 Article 4 (3) (g)

66 Article 127(1)

67 Article 127(3)

68 Article 127(4).



The governing Treaty for the Establishment of the East African Community also seeks to promote partnerships with the private sector and civil society in order to achieve sustainable socio-economic and political development.

(i) The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance and

(ii)

(iii) The State shall be guided by the principle of decentralization and devolution of governmental functions and powers to the people at appropriate levels where they can best manage and direct their own affairs.

Objective X enjoins the State to “take all necessary steps to involve the people in the formulation and implementation of development plans and programmes.”

Objective XXVII on accountability also provides that:

- All public officers shall be held in trust for the people.
- All persons placed in positions of leadership and responsibility shall, in their work, be answerable to the people.

Article 1 of the Constitution similarly guarantees the “sovereignty of the people”, as a central pillar of the democratic state. It states that all power belongs to the people who shall exercise their sovereignty in accordance with this Constitution.

Article 36 of Uganda’s Constitution specifically protects the right of minorities, and states that their “right to participate in decision-making processes, and their views and interests shall be taken into account in the making of national plans and programmes”.

Article 38 provides for civic rights and activities and specifically guarantees:

- Every Ugandan citizen the right to participate in the affairs of government, individually or through his or her representatives in accordance with the law.
- Every Ugandan’s right to participate in peaceful activities to influence the policies of government through civic organization.

The abovementioned provisions, and others on equality and freedom from discrimination (art. 21), affirmative action in favor of marginalized groups (art. 32)⁶⁹, the rights of women (art. 33), the rights of people with disabilities (art. 35), pivot the citizen’s right to participation in the conduct of public affairs at all levels. These provisions similarly echo international human rights standards on participation, and therefore provide a robust framework for the realization of the right in practice.

In addition to guaranteeing the right of citizens to participate in their governance, the Constitution further provides for fundamental rights that facilitate this participation. These include the right to freedom of expression, assembly, and association as well as the right to access information in the possession of the State.

⁶⁹ This article among others establishes the Equal Opportunities Commission.

Article 29 guarantees among others, the right to freedom of expression, assembly, and association. It provides:

- (l) Every person shall have the right to –
 - (a) freedom of speech and expression which shall include freedom of the press and other media;
 - (b) freedom of thought, conscience and belief, which shall include academic freedom in institutions of learning;
 - (c) ...
 - (d) freedom to assembly and to demonstrate together with others peacefully and unarmed and to petition; and
 - (e) freedom of association which shall include the freedom to form and join association or unions, including trade unions and political and other civic organizations.⁷⁰

Similarly, Article 41 of Uganda’s Constitution provides for this right to access to information, which is essential for meaningful public participation. It states that:

- (l) Every citizen has a right of access to information in the possession of the State or any other organ or agency of the State except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person.⁷¹

Uganda’s decentralized system of government is also premised on the idea of fostering public participation in governance. Article 176(2) of the Constitution provides that: “Decentralization shall be a principle applying to all levels of local government and, in particular, from higher to lower local government units to ensure people’s participation and democratic control in decision-making.”

B. NATIONAL LAWS, REGULATIONS, AND POLICIES RELATED TO PARTICIPATION

Uganda does not have a specific law or policy that focuses exclusively on public participation. Public participation, including the participation of CSOs in the conduct of public affairs, is provided in different laws and regulations at both national and local levels. The laws or policies reviewed in this section either have provisions that provide for some aspects of public participation in the conduct of certain forms of decision-making or attempt to foster public participation through promoting facilitative rights such as freedom of expression, association, and assembly.

⁷⁰ The Constitution of the Republic of Uganda (1995). pp.46-47.

⁷¹ The Constitution of the Republic of Uganda (1995), Article 51.

Access to Information Act, 2005

The Access to Information Act (ATI) provides a framework that seeks to empower the public to effectively scrutinize and participate in government decisions that affect them.⁷²

Section 5 of the Access to Information Act provides for every citizen's right of access to information and records in the possession of the State, or any public body and sets out the procedure for obtaining such information. However, the Act broadly exempts certain information from disclosure such as minutes of Cabinet and its committees; information related to defense, security, and international relations; or information on operations of public bodies where such information would frustrate the operations of the body, which in effect undermines full transparency and accountability to the public.⁷³

On a positive note, the Access to Information Act permits mandatory disclosure of information in the public interest. The courts have relied on this provision to compel public bodies to disclose certain information following petitions by rights activists. In 2015, the Chief Magistrates Court in Mengo, Kampala ruled in favor of journalist Edward Sekyewa against the National Forestry Authority (NFA) for denying him access to information regarding a World Bank loan. Chief Magistrate Boniface Wamala ruled that the information requested for was subject to mandatory disclosure in public interest because the NFA is a public body and the public interest in its disclosure is greater than any harm that may be contemplated by the Authority.⁷⁴ However, in another case of Charles Mwanguhya Mpagi and Angelo Izama vs the Attorney General⁷⁵, the High Court held that the applicants had not proved that their application for information on Uganda's oil production sharing agreements was for public interest and that the public benefit in the disclosure of this information far outweighed the harm that such disclosure would occasion. The Court also found that the applicants did not state how they would use information to make the government more transparent, accountable, and efficient in the management of the oil resources and was therefore insufficient to prove the public interest.

Overall, non-compliance with Uganda's ATI law is still widespread.⁷⁶ A 2019 study by the Africa Freedom of Information Centre (AFIC) reported that 92 percent of requests for information submitted to government ministries, departments and agencies are denied, thus denying citizens access to vital information.⁷⁷ This severely impacts the media - who are citizen watchdogs, in collecting and disseminating reliable information from public bodies.

⁷² Section 3 (e) of the Access to Information Act.

⁷³ Part III, Section 24-33 of the Access to Information Act, 2005.

⁷⁴ <https://acme-ug.org/2015/02/17/media-organization-wins-precedent-setting-access-to-information-case/>

⁷⁵ Miscellaneous Cause No.751 of 2009

⁷⁶ <https://acme-ug.org/2021/09/28/news-release-protect-citizens-right-to-access-information/>

⁷⁷ <https://www.parliament.go.ug/news/3931/afic-petitions-parliament-access-information>

The ATI Act requires each minister to submit an annual report to Parliament on requests for access to records or information made to public bodies and their respective ministry. The report is supposed to indicate whether access was given or not, and if it was denied to state the reasons for the denial.⁷⁸ Fifteen years since the law was enacted, Parliament had neither received these annual reports nor compelled ministers to submit them.⁷⁹ In addressing this, the new Rules of Procedure of Parliament adopted in May 2021, specifically provide that ministerial policy statements submitted each year, shall contain “lists of requests for access to information made by the public during the previous year indicating whether or not access was granted and reasons for denial, in accordance with the Access to Information Act, 2005.”⁸⁰

It is not clear to what extent, in what areas, and with what success the public and civil society in Uganda have used the ATI law to access information in the possession of the State and public bodies.

The Press and Journalist Act, 1995

The Press and Journalist Act is the principal media enabling law whose objective is to ensure freedom of the press. It provides for a council responsible for the regulation of mass media and establishes the National Institute of Journalists of Uganda (NIJU). The Act guarantees every person the right to publish newspapers⁸¹, which, on paper, empowers the media and civil society groups to freely disseminate information to the public through diverse media platforms. The Act also prohibits the unauthorized prevention of the printing, publication, and circulation of a newspaper on account of its content.⁸² Similarly, Section 4 provides that a person may have access to official information, but subject to any law in force relating to national security, secrecy, or confidentiality of information. These provisions may present opportunities for the media to provide the

78 Section 43, Access to Information Act, 2005.

79 <https://cipesa.org/2017/07/cipesa-engages-ugandan-members-of-parliament-on-implementation-of-access-to-information-law/>

80 Rules of Procedure of the Parliament of Uganda, Statutory Instrument 2021. No. 30.

81 Section 2, Press and Journalists Act, 1995.

82 The Press and Journalist Act, Section 2.



The Press and Journalist Act is the principal media enabling law whose objective is to ensure freedom of the press. It provides for a council responsible for the regulation of mass media and establishes the National Institute of Journalists of Uganda (NIJU).

public with information about government activities, including decision-making processes. The media plays a key role as watchdogs for transparency and accountability in public decision making. However, the media is often constrained by existing repressive legal provisions that among others, grant wide discretionary powers to authorities to issue or deny licenses and accreditation to journalists, both local and foreign, to perform their work and to issue harsh penalties for non-compliance with any orders made under the Act.⁸³

The law has been criticized for introducing restrictions on who can be a journalist, which in effect limits freedom of expression through the media to people with university degrees or professional qualifications.⁸⁴ This restriction also appears to contravene international human rights standards against the licensing of journalists.⁸⁵

The Media Council established by the Act has also been faulted for flouting the principle of independence of media and communication regulatory bodies.⁸⁶ The Minister of Information has broad powers in the appointment of the members.⁸⁷ However, Uganda's Constitutional Court recently rejected an appeal by the Centre for Public Interest Law, Human Rights Network for Journalists -Uganda, and the East African Media Institute, challenging these and other provisions of the Press and Journalist Act. In the lead judgment by Justice Monica K. Mugenyi, the Court said regulation of journalism by the Media Council, including licensing of journalists, did not contravene the Constitution. "The argument that journalism is so inter-linked with the right to freedom of speech as to negate the need for statutory regulation is self-defeating," she said.⁸⁸ The three organizations said they would file an appeal to the Supreme Court.

In January 2021, months before the Constitutional Court pronounced itself on the petition against the Press and Journalist Act, the High Court had quashed the Media Council's directive for journalists to get accreditation to cover the 2021 general elections and other state events. The High Court declared that "the registration of journalists by the Media Council of Uganda without an operational National Institute of Journalists of

83 Under Part IV – Section 26-29 of the Press and Journalist Act, Cap 105 (1995).

84 African Centre for Media Excellence (2010). Freedom of Expression in Uganda. Briefing Paper No. 1. See also, Jjuuko, F. (2015). The Fourth Estate: media freedoms and rights in Uganda. Kampala: Friedrich Ebert Stiftung.

85 According to the Joint declaration of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression (adopted in 18 December 2003) it states: (i) Individual journalists should not be required to be licensed or to register; and (iii) There should be no legal restrictions on who may practice journalism; (ii) Accreditation schemes for journalists are appropriate only where necessary to provide them with privileged access to certain places and/or events; such schemes should be overseen by an independent body and accreditation decisions should be taken pursuant to a fair and transparent process, based on clear and non-discriminatory criteria published in advance. The Inter-American Court of Human Rights has also ruled against mandatory licensing. See, Inter-American Court of Human Rights, Advisory Opinion, Oc-5/85 Of November 13, 1985, for the Government of Costa Rica, available at [Microsoft Word - seriea_05_ing.doc \(corteidh.or.cr\)](#)

86 See Declaration of Principles on Freedom of Expression in Africa.

87 African Centre for Media Excellence (2010). Freedom of Expression in Uganda. Briefing Paper No. 1.

88 The Constitutional Court of Uganda. Constitutional Appeal No. 9 of 2014. Judgment of Monica K. Mugenyi, JCC.

Uganda (NIJU) to enroll journalists in accordance with the Press and Journalists Act is illegal, irrational and procedurally irregular”.⁸⁹The absence of the NIJU which has a key role to, among others, train and equip journalists to play their part in society presents an institutional gap that undermines the creation of a robust, independent and professional media sector that can adeptly oversee and support public participation mechanisms. NIJU has not been in existence for more than 15 years.

Currently, a lot of the political pressure on the media in Uganda is premised on the lack of “order” in the sector. Judge Esta Nambayo ruled that the Media Council can only register and issue practicing certificates to journalists who have enrolled with the NIJU and therefore, without it, the Media Council is acting outside its mandate to register and issue practicing certificates to journalists. The failure to have transparent and accountable regulation of journalism has continued to have a “chilling effect” on freedom of expression, which is a prerequisite for public participation.

Uganda Communications Act, 2013

The Uganda Communications Act is another key law that seeks to promote freedom of expression and therefore a vital framework for facilitating public participation. It provides for the regulation of electronic media and telecommunication, which are the main forms of communication for a majority of Ugandans. The Act establishes the Uganda Communications Commission (UCC) as the regulator of broadcasting and telecommunication services. As a media regulator, the primary roles of the UCC are to advise government on legal and policy issues related to communication services; and to promote the development and use of new communications techniques and technologies, including those which promote accessibility of persons with disability and other members of society to communications services.⁹⁰ This demonstrates its potential role in harnessing communication services to enhance public participation in decision-making processes and creating opportunities for multi-stakeholder forums that include government, media and CSOs in policy making dialogues.

Significantly, the Act prohibits the unauthorized prevention of the broadcast of a program on account of its content.⁹¹ However, the minimum broadcasting standards in the Fourth Schedule of the Act have been criticized for being overly broad and subject to abuse by the regulator.⁹² The standards provide the following:

⁸⁹<https://acme-ug.org/2021/01/19/court-rules-media-council-accreditation-of-journalists-illegal/#:~:text=The%20High%20Court%20in%20Kampala,%2C%20irrational%20and%20procedurally%20irregular.%E2%80%9D>. See See Misc Cause 400 of 2020 [2021] UGHCCD 2 (18 January 2021)

⁹⁰ Section 5 (l) & (p) of the Act.

⁹¹ Uganda Communications Act, 2012, Section 28 (1).

⁹² Jjuuko, F. (2015). *The Fourth Estate: media freedoms and rights in Uganda*. Kampala: Friedrich Ebert Stiftung.

“A broadcaster or video operator shall ensure:

1. That any program which is broadcast (a) is not contrary to public morality; (b) does not promote the culture of violence or ethical prejudice among the public especially the children and the youth; (c) in case of a news broadcast, is free from distortion of facts; (d) is not likely to create public insecurity or violence; (e) is in compliance with the existing law.
2. The programs that are broadcast are balanced to ensure harmony in such programs.
3. That adult-oriented programs are appropriately scheduled.”

UCC has on numerous occasions invoked the minimum broadcasting standards to threaten, warn, or shut down radio and television stations for airing programs that were critical of the government or undermined its public image.⁹³

Although the Act grants UCC independence in the exercise of its functions, it is enjoined to comply with policy guidelines given by the Minister of ICT, which in effect undermines its institutional independence.⁹⁴ Freedom of expression advocates have criticized the regulator for being subordinate to the government.⁹⁵

Moreover, the Uganda Communications Tribunal which is meant to serve as a dispute resolution mechanism under the Act has not been operationalized which leaves the affected media services at risk of over regulation without safeguards.⁹⁶ In such an environment, the capacity of the media in fostering public participation is constrained.

The Computer Misuse Act, 2011

The Computer Misuse Act contains provisions that pose a threat to the right to freedom of expression online and potentially undermines the right of citizens to participate in public affairs. The object of this Act is “to make provision for the safety and security of electronic transactions and information systems; to prevent unlawful access, abuse or misuse of information systems, including computers and to make provision for securing the conduct of electronic transactions in a trustworthy electronic environment and to provide for other related matters.”⁹⁷

The law contains broad and vaguely defined offences such as cyber harassment, offensive communication and cyber stalking that are likely to violate freedom of expression

⁹³ <https://www.independent.co.ug/ucc-going-rogue/>

⁹⁴ Jjuuko, F. (2015). *The Fourth Estate: media freedoms and rights in Uganda*. Kampala: Friedrich Ebert Stiftung.

⁹⁵ See: <https://ugandaradionetwork.com/story/we-do-not-operate-under-influence-ucc;> <https://freedomhouse.org/country/uganda/freedom-net/2021;> <https://www.hrw.org/world-report/2020/country-chapters/uganda#>

⁹⁶ Centre for Constitutional Governance and Copyright Institute of Uganda (2021). *Findings on Laws Affecting Civic Space*. Briefing Paper. Also see, <https://cipesa.org/2021/06/uganda-communications-tribunal-regulations-fail-to-constitute-an-impartial-arbiter/>

⁹⁷ See, long title to the Computer Misuse Act, 2011. (Preamble)

guarantees.⁹⁸ These provisions have been widely contested as weapons used by authorities to target individuals, including activists and artistes, expressing critical views on public affairs. These provisions are currently being challenged in court by civil society.⁹⁹

Local Governments Act, 1997

The object of the Local Governments Act is to give effect to decentralization and devolution of functions, powers, and services; to provide for decentralization at all levels of government to ensure good governance and democratic participation in and control of decision-making by the people; to provide for revenue and the political and administrative set-up of local governments; and to provide for elections of local councils” and for any other related matters.¹⁰⁰

The Local Governments Act embraces the principles of accountability and community participation at local government level. It recognizes that public engagement in the planning and prioritization of service delivery is essential for efficient and effective government functioning. The Act also reaffirms the constitutional imperative that government should be citizen-centered both in respect of planning and implementation of policies and programs.¹⁰¹

One of the major challenges for participation, as noted in subsequent sections of this report, has revolved around the lack of knowledge by both councilors and their local constituents

98 Cyber harassment is defined under Section 24 to mean - “the use of a computer for...making any request, suggestion or proposal which is obscene, lewd, lascivious, or indecent” and “threatening to inflict injury or physical harm to the person or property of any person.” Offensive communication is defined under Section 25 as the use of electronic communication “willfully and repeatedly” to disturb or attempt to the disturb “the peace, quiet or right of privacy of any person with no purpose of legitimate communication whether or not a conversation ensues”; and Section 26 on cyber stalking

99 The Uganda Law Society has a filed a petition challenging Sections 24 and 25 of the law as too broad and vague and a violation of the right to freedom of expression guaranteed by the Constitution. The Constitutional Court is yet to hear the petition. See, Anthony Wesaka & Juliet Kigongo, Law Society Challenges Computer Misuse Law, Daily Monitor, February 5, 2019; and Farooq Kasule & Barbra Kabahumuza, Law Society Wants Computer Misuse Act Outlawed, New Vision, February 5, 2019.

100 See long title of the Act. Section 3 of the Act defines local government as a system based on a district as a unit under which there are lower local governments and administrative units.

101 Shah Anwar (2006), Local Governance in Developing Countries: Public Sector Governance and Accountability. Washington DC. World Bank.



The Local Governments Act embraces the principles of accountability and community participation at local government level. It recognizes that public engagement in the planning and prioritization of service delivery is essential for efficient and effective government functioning.

of their rights and responsibilities as well the inner working of the system. A number of civil society groups, including NGOs and CBOs, have attempted to address this void by educating councilors and constituents on issues such as how to hold local leaders accountable and how to scrutinize council budgets and reports, and how to hold effective meetings.

Non-Governmental Organizations Act, 2016

The Non-Governmental Organizations Act regulates the operations of non-governmental organizations in Uganda. The object of the Act is, among others, *“to provide a conducive and an enabling environment for the non-governmental organizations sector; to strengthen and promote the capacity of non-governmental organizations and their mutual partnership with government.”* (Emphasis added).

The Act appears to facilitate public participation to the extent that it recognizes the formation of “private voluntary groupings of individuals or associations established to provide voluntary services to the community”¹⁰² and to participate in both local and national decision-making processes. Typically, these voluntary services can include facilitating access to public goods (such as health and education), e.g., through the provision of information and awareness creation, demanding for accountability from leaders, promoting and defending human rights, participating in law-and policymaking, as well as providing a collective voice on interests and aspirations. The NGO Act is, therefore, in part a recognition of the role of NGOs as key partners in fostering a culture of participation and development.

However, a number of provisions in the Act appear to restrict NGOs rather than promote the enabling environment for civil society to participate in the conduct of public affairs. Human rights defenders have faulted the law as a tool for the government to “suppress CSO activity and restrict core rights and freedoms”.¹⁰³ In particular stringent registration requirements are said to restrict the right to freedom of association and hinder the participation of more NGOs in decision-making processes. The requirement for registration of voluntary associations also appears to limit participation to formally registered groups, ignoring a myriad of informal community groups that bring individuals with shared interests together.

Section 5 of the Act establishes the National Bureau for Non-Governmental Organizations (NGO Bureau) as the regulator of the sector, to coordinate and monitor NGO activities. Among its functions, outlined under Section 6 of the Act, include establishing and maintaining a register of organizations, considering the application for issue and renewal of permits, formulating, and developing policy guidelines for the effective and efficient mon-

¹⁰² Section 3 of the NGO Act – Interpretation section.

¹⁰³ “The Enabling Environment for CSOs in Uganda: Challenges and Opportunities,” USAID/Uganda Civil Society Strengthening Activity Conference Report of the International Center for Not-for-Profit Law (ICNL); (July 26-29 and 18 August 2021):

itoring of operations of the NGOs. The NGO Bureau is also mandated to coordinate the establishment and functions of a National NGO Consultative and Dialogue Platform.¹⁰⁴

Section 7 vests several powers in the Bureau, including suspending the permit of an organization exposing the affected organization to the public, blacklisting the organization, or suspending and revoking of an organization's permit based on very broad and vague grounds under the Act. It also gives the Bureau powers to summon, discipline and punish actors without stating offences which seems to contradict Article 23 of the Constitution which requires all offences, with the exception of contempt of court, and their punishments to be prescribed by law.¹⁰⁵ Political scientist Moses Khisa has described the NGO Bureau “the vast and seemingly unlimited powers of the NGO Bureau” as “a classic example of ‘authoritarianism by law’”.¹⁰⁶

According to section 33 (1), a permit can be revoked when an organization does not operate in accordance with its constitution or when it contravenes any of the conditions or directions specified in the permit.

The Centre for Constitutional Governance and the Copyright Institute of Uganda have argued that the requirement under Section 44 (a) for licensed organizations to enter into Memorandum of Understanding (MoUs) with government and seek approval of District NGO Monitoring Committee (DNMC) creates duplication of roles and multiple obligations.¹⁰⁷ The two organizations also argue that the requirement for NGOs to be non-partisan¹⁰⁸ is susceptible to abuse by denying NGO leaders their political rights as citizens.¹⁰⁹ As the African Commission has stated, civil society should be able to participate in the political, social, and cultural life of their societies, and be involved in all matters pertaining to public policy and public affairs.¹¹⁰

Generally, the NGO Act contains broad restrictions that affect CSOs' ability to freely engage in public affairs. In June 2020, Chapter Four Uganda and the Centre for Constitutional Governance filed a constitutional petition against the Attorney General challenging sections of the NGO Act, for being inconsistent with the Constitution of Uganda and international treaties to which Uganda is a State Party.¹¹¹ The petitioners argue

104 Section 6(f) of the NGO Act, 2016.

105 Centre for Constitutional Governance and Copyright Institute of Uganda (2021). Findings on Laws Affecting Civic Space. Briefing Paper.

106 Personal communication, 15 May 2022.

107 Centre for Constitutional Governance and Copyright Institute of Uganda (2021). Findings on Laws Affecting Civic Space.

108 Section 44 (g) of the Non-Governmental Organizations Act.

109 Centre for Constitutional Governance and Copyright Institute of Uganda (2021). Findings on Laws Affecting Civic Space.

110 See, Article 2 of the African Commission Guidelines on Freedom of Association and Assembly in Africa adopted in 2017.

111 Constitutional Petition No. 7 of 2020.

that the sections of the law which require NGOs to incorporate under the Companies Act 2012 or the Trustees Incorporation Act; obtain a certificate of registration and apply for a permit the National Bureau for NGOs; obtain the approval of District Non-Governmental Monitoring Committees and Local Governments in the area of operation; and sign an MoU with Local Governments prior to operating “establish a cumbersome administrative procedure and inhibits other than promote the right to association”.¹¹²

Section 29(1) of the NGO Act, which permits registration to only a persons or groups who are incorporated as organizations is being challenged for discriminating unincorporated persons, which violates their right to freedom of association”.¹¹³ The petition further argues that provisions that prohibit NGOs from engaging in acts “prejudicial to the security of Uganda” and prejudicial to the interest and dignity of the people of Uganda” or to be “non-partisan” are overly broad, undefined, vague obligations in contravention of the principle of legality under Article 28(12) and 44(c) of the Constitution.”¹¹⁴ Section 40 of the NGO Act, which renders anyone or organization liable to imprisonment for failure to carry out the administrative requirements provided in the Act is equally a severe and unjustifiable restriction on the freedoms of assembly, expression, and association.¹¹⁵ In conclusion, the petition argues that restrictions under NGO Act defeat its overarching objective to provide a conducive and enabling environment for the NGO sector and promoting their capacity and mutual partnership with government.¹¹⁶

Non-Governmental Organizations Regulations, 2017

These regulations are aimed to facilitate the implementation of the NGO Act, 2016. Although the regulations appear to streamline the formation and operations of NGOs, they add onerous requirements for registration which in practice interferes with the right to associate.

Regulation 4 provides for the requirements that must be fulfilled for registration of an organization which are inconsistent with international law and best practice.¹¹⁷ The application to the Bureau must be accompanied by a raft of documents, including copies of the certificate of incorporation, constitution or founding documents, a chart showing the governance structure, proof of payment of prescribed fees, source of funding for the organization’s activities, minutes and resolution of members authorizing the registration, as well as recommendation letters from the District NGO Monitoring

112 Paragraph 12.1 Constitutional Petition No. 7 of 2020.

113 Paragraph 12.4 and 12.5, Constitutional Petition No. 7 of 2020.

114 Paragraph 12.2, Constitutional Petition No. 7 of 2020.

115 Paragraph 12.3, Constitutional Petition No. 7 of 2020.

116 Paragraph 14, Constitutional Petition No. 7 of 2020. The Constitutional Court is yet to hear the petition.

117 According to the African Commission, states may require that associations include certain basic information in their initial notifications to obtain legal status. Information required may include the name of the association, names of founding members, physical address (if any), contact information, and planned aims and activities of the association. (Art. 14, ACHPR Guidelines on Freedom of Association and Assembly, *ibid*).

Committee and the responsible ministry or government agency. The NGO Bureau has on numerous occasions suspended NGOs for failure to register, in 2019 following the NGO Validation exercise, and recently in 2021 when 54 NGOs were shut down on similar grounds. Such powers render independent CSOs at risk of being targeted and thus undermining their ability to engage openly in public affairs. Community Based Organizations are also subjected to similar onerous registration requirements which can deter small organizations from formalizing their status.¹¹⁸

Upon registration, an organization receives a permit, which can be revoked at the discretion of the Bureau for failure to operate in accordance with its constitution or in contravention of the terms specified in the permit. Such provisions go beyond permissible restrictions on CSOs freedom of association which protect associations from facing sanctions on grounds that their activities breach their internal regulations, where the activities in question are otherwise lawful.¹¹⁹

Overall, the NGO regulations reproduce the onerous and discretionary registration requirements in the NGO Act, which CSOs have challenged in their constitutional petition filed in 2020.¹²⁰ The provisions would not survive scrutiny if the Court annulled the impugned sections of the NGO Act.

Public Order Management Act, 2013

The Public Order Management Act (POMA) provides for the regulation of public meetings; the duties and responsibilities of the police, organizers, and participants; and measures for safeguarding public order. According to Section 2 of the Act, “the underlying principle of managing public order is to regulate the exercise of the freedom to assemble and demonstrate together with others peacefully and unarmed and to petition in accordance with Articles 29(1)d and 43 of the Constitution.”

As already noted, the right to freedom of assembly is important for the participation of civil society and citizens in the conduct of public affairs. Public meetings, including demonstrations, are an important avenue for expression. Citizens use such forums to raise their voice on public policy issues of concern.

Whereas the Act, on the face of it, allows public meetings, including demonstrations, some provisions and state practices have had the effect of curtailing the right to freedom of assembly. The context in which the law was passed (at a time of heightened street activism that included the ‘walk-to-work protests’) favored control rather than

118 Regulation 15 (3) of the NGO Regulations, 2017 requires CBOs to submit an application which shall be accompanied by a copy of the constitution of the Community Based Organisation to be registered; (b) a recommendation from the Sub County Non-Governmental Organizations Monitoring Committee; (c) a work plan and budget or strategic plan for the Community Based Organisation; and (d) proof of payment of the prescribed fee

119 Article 59 (a) of the ACHPR Guidelines on Freedom of Association and Assembly, *ibid*.

120 Chapter Four Uganda and Centre for Constitutional Governance Constitutional Petition No. 07 of 2020 to challenge repressive sections of the NGO Act, 2016.

facilitation of public meetings by authorities, who tend to interpret the Act as granting them powers to authorize rather than receive notification for an assembly.¹²¹

Section 4 (2) of the POMA defines a public meeting that is subject to regulation as a gathering, assembly, procession or demonstration in a public place or premises held for the purposes of discussing, acting upon, petitioning, or expressing views on a matter of public interest. This covers a broad scope of meetings that are subject to regulation by state authorities who can exercise wide discretionary powers to stifle such forms of expression and civic participation. The state has on numerous occasions weaponized the Act to disrupt CSOs that were seemingly exercising their legitimate rights during protests such as the anti-corruption campaigns dubbed “Black Monday”, the Walk to Work protests, among others.

Some problematic provisions include section 8 of the Act which authorized police officers to stop or prevent a meeting. This provision was challenged by civil society in the case of Human Rights Network Uganda & Ors vs Attorney General,¹²² and the Constitutional Court declared it unconstitutional. In the lead judgment, Justice Cheborion Barishaki ruled that provisions of the Act did not pass the constitutional test set out under Article 43(2)(c) which provides that any limitation of rights and freedoms must be “acceptable and demonstrably justifiable in a free and democratic society.” The court further emphasized that, “It is only in undemocratic and authoritarian regimes that peaceful protests and public gatherings of a political nature are not tolerated.”¹²³ However, police have continued to ban certain public meetings by civil society and political groups in disregard of the Court’s decision. They have been fortified by statutory instruments passed in response to the Covid-19 pandemic since early 2020, the same time when the Constitutional Court

121 Section 3 of the Act gives the Inspector General of Police or an authorized officer the power to regulate the conduct of public meetings in accordance with the law. Section 5 requires any organizer of a public meeting to give notice to the authorized officer of intention to hold a public meeting at least three days before the proposed date of the meeting.

122 Constitutional Petition No. 56 of 2013

123 Constitutional Petition No. 56 of 2013, Judgement of Hon. Justice Cheborion Barishaki, JA/JCC. Human rights defenders have argued that the repeal of Section 8 of the POMA, meant the collapse of the whole law. See <https://chapterfouruganda.org/articles/2020/03/29/poma-uganda-court-annuls-public-order-law>



The state has on numerous occasions weaponized the Act to disrupt CSOs that were seemingly exercising their legitimate rights during protests such as the anti-corruption campaigns dubbed 'Black Monday', the Walk to Work protests, among others.

pronounced itself on the POMA. The judgement “is yet to be tested after the COVID-19 lockdown and when the ban against public gatherings is lifted”.¹²⁴

The selective implementation of the Act has also been criticized for being discriminatory, with police allowing certain gatherings, including those held by the ruling party, while prohibiting others.¹²⁵

Civil society organizers have called for the repeal of other sections of the POMA. According to the Centre for Constitutional Governance and Copyright Institute of Uganda, Section 11 on the responsibilities of organizers of and participants in public meetings, for instance, “shifts the burden of keeping law and order from the police to the organizers” and should be challenged and repealed.¹²⁶

The Uganda Human Rights Commission Act

This law establishes the Uganda Human Rights Commission (UHRC), pursuant to article 51, 52 and 58 of the Constitution. The Commission, whose independence is guaranteed by the Constitution,¹²⁷ is the principal statutory agency in the defense and promotion of human rights. The key functions of the commission¹²⁸ which are relevant for facilitating the right to public participation are the following:

- (d) to establish a continuing program of research, education, and information to enhance respect of human rights.
- (f) to create and sustain within society the awareness of the provisions of the Constitution as the fundamental law of the people of Uganda.
- (g) to educate and encourage the public to defend the Constitution at all times against all forms of abuse and violation.
- (h) to formulate, implement and oversee programs intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people.
- (i) to monitor the Government’s compliance with international treaty and convention obligations on human rights.

124 <https://www.bowmanslaw.com/insights/constitutional-court-in-uganda-declares-section-8-of-the-public-order-management-act-unconstitutional/>

125 See Constitutional Petition No. 56 of 2013, (ibid), the court ruled that the police have “absolutely no authority to stop the holding of public gatherings on grounds of alleged possible breach of peace if such gatherings are allowed to proceed”. He stated that, “The police’s duty is to regulate the holding of public gatherings and to ensure there is no breach of peace... The attention of the police must be directed at the individuals causing the breach of peace.” Also see, <https://www.bowmanslaw.com/insights/constitutional-court-in-uganda-declares-section-8-of-the-public-order-management-act-unconstitutional/>

126 Centre for Constitutional Governance and Copyright Institute of Uganda (2021). Findings on Laws Affecting Civic Space. Briefing Paper.

127 Article 54 of the Constitution says the commission shall be independent and shall not, in the performance of its duties, be subject of the direction or control of any person or authority.

128 Section 7(1), Uganda Human Rights Commission Act.

A major criticism of the Commission has been the failure to conduct adequate civic education that can empower citizens to know, exercise and/or demand for their rights and meaningfully engage in public affairs. Some concerns have also emerged regarding attacks on CSOs for criticizing government. On 3 January 2022, the Chairperson of the Commission was strongly criticized for cautioning individuals against “trying to tarnish the image of security agencies by portraying them as the leading human rights abusers”,¹²⁹ which was tantamount to censorship of government critics.

The Equal Opportunities Commission Act, 2007

The Equal Opportunities Commission Act is primarily meant to “give effect to the State’s constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion, or disability”. It is also supposed to enforce the use of “affirmative action in favor of marginalized groups and to facilitate their participation in the conduct of public affairs.

The functions of the Equal Opportunities Commission, created under the Act, include monitoring, evaluating, and ensuring that “policies, laws, plans, programs, activities, practices” of organs of the state at all levels, statutory bodies and agencies, public bodies, and authorities comply with equal opportunities and affirmative action in favor of these groups.¹³⁰

However, minority rights advocates challenged Section 15(6) of the Act at the Constitutional Court which ruled that the provision barring the Commission from investigating any matter involving behavior that is considered to be “immoral and socially harmful or unacceptable by the majority of the cultural and social communities in Uganda” was unconstitutional.¹³¹ This can be read to include LGBTQI rights, which the Act is silent about.

Persons with Disabilities Act, 2020

This law provides for “the respect and promotion of the fundamental and other human rights and freedoms of persons with disabilities” including their right to participate in public affairs; and also re-establishes the National Council for Persons with Disabili-

129 At the time the Chairperson spoke security agencies had arrested author Kakwenza Rukirabashajja incommunicado for nearly four days and allegedly tortured him while in detention on charges of “offensive communication” against President Yoweri Museveni’s son Muhoozi Kainerugaba, the Commander of the Land Forces. See, <https://nbs.ug/2022/01/do-not-portray-security-agencies-as-human-rights-abusers-wangadya/>.

130 Section 14(1), Equal Opportunities Commission Act, 2007.

131 In 2009, the Human Rights Awareness and Promotion Forum petitioned the Constitutional court in the case of JUUUKO ADRIAN V. ATTORNEY GENERAL CONSTITUTIONAL PETITION NO. 1 OF 2009. In 2016, the Court declared that sec. 15(6)(d) of the Equal Opportunities Act, 2007 is inconsistent with the Constitution, in particular, Article 36 which guarantees that minorities have a right to participate in decision-making processes and their views and interests shall be taken into account in the making of national plans and programmes. See e.g. Adrian Jjuuko (2008): “Protection of Individuals from Discrimination or Galvanizing Discriminatory Cultural Practices? A Gendered Analysis of the Role of Section 15(6)d of the Equal Opportunities Commission Act.” https://hrapf.org/images/legalanalyses/equal_opportunities_commission_act_brochure-analysis.pdf

ties¹³² to among others, “monitor the implementation of the Act by Government, government agencies, nongovernmental, agencies, bodies corporate and private persons” and “advocate for the development, implementation and sustenance of programmes and projects by Government, government agencies, non-governmental agencies, for the improvement of the welfare of persons with disabilities.”¹³³

The National Council operates along with District and Sub County Councils for persons with disability that monitor and advocate for the implementation of policies and programs for persons with disabilities, including affirmative action measures. However, the failure to recognize the role of these Councils as key stakeholders, acting in collaboration with CSOs, at the policy formulation stage is a serious gap in the law.

In recognition of the importance of access to information in the enjoyment of other rights, including that of participation of persons with disabilities, the Act enjoins the government to promote:

“(a) the development, training and use of sign language, tactile and sign language interpreters, in all public institutions and at all government functions.

(b) the use of information assistive devices and technology.

(c) the provision in braille of public information such as Government documents and publications.”¹³⁴

The Act provides for the elections of representatives of persons with disabilities at all levels of government to promote the participation of persons with disabilities in public life.¹³⁵ It further establishes local government councils for persons with disabilities at the district¹³⁶ and subcounty levels.¹³⁷ The local government councils, appointed by the chairpersons of district or subcounty local governments are mandated to, among others, coordinate and monitor the implementation of policies and programs for persons with disabilities in the district, city, local government, municipal or town council. They are also supposed to “promote and advocate for the integration of services for persons with disabilities”, logical government plans of action as well as advocate for the implementation of national policies on disability in the local respective government.¹³⁸ Such mechanisms are potential avenues for CSOs working with persons with disabilities at lower level to engage with the Council on issues arising from their work.

132 Section 16 of the Act establishes the renamed National Council for Persons with Disabilities.

133 Section 17, Persons with Disabilities Act, 2020.

134 Section 15 (1), Persons with Disabilities Act, 2020.

135 Section 43, Persons with Disabilities Act, 2020.

136 Section 30

137 Section 33

138 Section 31 and 34

Other Laws Related to Citizen Participation

On revenue management, the **Public Finance Management Act, 2015** (as amended), seeks to strengthen accountability and transparency in the use of public resources through increased parliamentary oversight over the Executive and “robust planning, budgeting and accountability processes that are intended to promote stakeholder involvement and effective service delivery”.¹³⁹ The Act provides for a budgeting process that offers several opportunities for citizen engagement, including through consultations and the participation of civil society thematic groups. The Act further obligates the Minister of Finance, in consultation with the Equal Opportunities Commission, to issue a gender equity compliance certificate for budget framework papers for ministries, departments and agencies specifying measures taken to equalize opportunities for women, men, persons with disabilities and other marginalized groups, thus enabling their inclusion in decision making processes.¹⁴⁰

The **National Environment Act, 2019** is the primary law governing the management and protection of the environment in Uganda that establishes the National Environment Management Authority (NEMA) with the mandate to coordinate, monitor and supervise activities related to environmental protection and management. NEMA is required under section 2(1) of the Act to “encourage the maximum participation of the people of Uganda in the development of policies, plans and processes for the management of the environment. NEMA is also required to consult with district councils in establishing district environment committees¹⁴¹ and to ensure the participation of the public in environmental impact assessments.¹⁴²

The **Uganda Wildlife Act 2019** establishes the Uganda Wildlife

139 <https://www.csbag.org/download/understanding-the-public-finance-management-act-2015-a-simplified-version-of-the-pfma-2015/?wpdmdl=1997&refresh=60d30cbe8ec501624444094>

140 Section 9 (6) of the Public Finance Management Act provides that the Minister shall, in consultation with the Equal Opportunities Commission, issue a certificate— (a) certifying that the budget framework paper is gender and equity responsive; and (b) specifying measures taken to equalize opportunities for women, men, persons with disabilities and other marginalized group.

141 Section 14(1), National Environment Act.

142 Section 19(8), National Environment Act.



The National Environment Act, establishes the National Environment Management Authority, which amongst other things is required to 'encourage the maximum participation of the people of Uganda in the development of policies, plans and processes for the management of the environment.'

Authority (UWA),¹⁴³ which is mandated to ensure sustainable management of wildlife conservation areas, among other functions. UWA is required to not only encourage education and training but also to ensure public participation in the management of wildlife.¹⁴⁴ However the procedures for doing so are not so clear or streamlined for public awareness.

The **National Forestry and Tree Planting Act, 2003** provides for the regulation of forestry and trees in the country. Section 2 of the Act states one of the purposes of the law is to encourage public participation in the management and conservation of forests and trees. It establishes the National Forestry Authority, which is mandated to manage central forest reserves, “promote innovative approaches for local community participation in the management of (these) reserves,” and to establish sustainable utilization of the country’s forest reserves by and for the people of Uganda.¹⁴⁵

The **Education Act, 2008** the **Public Health Act, Cap 281** and the **Water Act, Cap 152** all provide for citizen participation in education, health, and water governance.¹⁴⁶ For example, Section 28 of the Education Act provides for School Management Committees, comprised of representatives of local councils and parents, to oversee the effective running of schools. Section 8 of the Health Act gives the minister of Health powers to establish an advisory board of health, which affords citizens the opportunity to participate in health governance. The *Guidelines for Health Unit Management Committees and Hospital Management Boards*, which were adopted pursuant to the Health Act, also provide for representation and the participation of citizens in health governance.¹⁴⁷ Sections 50 and 51 of the Water Act provide for citizen participation through the creation of Water User Groups and Water User Associations respectively.

C. POLICY FRAMEWORKS

Uganda Vision 2040

Vision 2040 is the product of the government’s Comprehensive National Development Planning Framework (CNDPF), which provides for the development of a 30-year vision to be implemented through: three 10-year plans; six five-year National Development Plans (NDPs); Sector Investment Plans (SIPs); Local Government Development Plans (LGDPs), annual work plans and budgets. In 2007, Cabinet approved the National Vision Statement that seeks to achieve “A Transformed Ugandan Society from a Peasant to a Modern and Prosperous Country within 30 years.” The framework was developed through a consultative process spearheaded by the National Planning Authority (NPA) working with other government agencies and other stakeholders, including CSO actors.

¹⁴³ Section 4, Uganda Wildlife Act.

¹⁴⁴ Section 2(h) & 9 (2), Uganda Wildlife Act.

¹⁴⁵ Section 54(1)

¹⁴⁶ See ISER (2018). Citizen participation in Local Government Service Delivery Processes in Uganda. Research report.

¹⁴⁷ ISER (2018). Citizen participation in Local Government Service Delivery Processes in Uganda. Research report.

Public participation and the need for an empowered citizenry that exercises its rights feature prominently in Vision 2040, which was launched in April 2013. The Vision cites the national aspirations¹⁴⁸ to include living and working in a “peaceful, secure harmonious and stable country... where the rule of law prevails and respect for fundamental human rights is observed, and Ugandans are empowered to be in charge of their own destiny and for “a future in which men, women, youth, children, and persons with disabilities are empowered to participate as equal partners in development.”¹⁴⁹

Good governance is one of the principles identified as of “paramount importance for the successful implementation of Vision 2040, which is characterized by citizen transformation and participation in governance, control of corruption, political stability, and respect for the rule of law”, among others.”¹⁵⁰

In terms of commitments, the government undertakes to among others, (i) ensure that the human rights-based approach to development is integrated in policies, legislation, plans and programmes; (ii) prioritize interventions that will respond to the needs of vulnerable and marginalized groups in society and; (iii) to integrate human rights education “to develop the capacity of citizens to undertake informed participation at all levels in line with the principle of equality and non-discrimination”.¹⁵¹

Among the strategies to be implemented, is towards “developing an informed and active population through conducting of regular civic education programmes...; and strengthening the laws on non-discrimination to promote inclusion of women, the youth, and other disadvantaged groups in electoral and political processes”.¹⁵²

National Development Plan III (2020/21- 2024/25)

The National Development Plan III (NDP III) constitutes the government blueprint for achieving sustainable socio-economic transformation of Uganda through inclusive development planning in accordance with the global Sustainable Development Goals. In doing so, the NDPIII adopts the Human Rights Based Approach (HRBA) with particular attention to human rights principles of equality and non-discrimination, empowerment and participation and attention to vulnerable groups.

The NDPIII identifies civil society organizations as “key actors” not only in identifying ideas for national projects, but also in monitoring, coordination, and evaluation along the project cycle; conducting evaluative studies; participating in program and sector annual reviews; NDPIII/project mid-term review; NDPIII and projects ex-post evaluations and impact evaluations.

148 Uganda Vision 2040, p.9

149 See, Chapter 2 on the Vision, aspirations, Principles, Targets and Policy Shifts, p9.

150 Uganda Vision 2040, pp.10-11

151 Vision 2040, p. 108

152 Vision 2040, p. 110

Indeed, CSOs were actively involved in the development of Vision 2040 and the third National Development Plan (NDPIII).¹⁵³ The program objectives set out in NDPIII include strengthening citizen participation in democratic processes.¹⁵⁴ The interventions under this objective include; strengthening democracy and electoral processes by increasing participation of the population (including vulnerable persons) in civic activities and strengthening the representative role of MPs, Local Government Councilors and the public. The main actors identified to do this are the Electoral Commission, Parliament, CSOs, Uganda Human Rights Commission, Parliament, and Local Governments.¹⁵⁵

The National NGO Policy, 2010

The NGO Policy lays down the overall framework whose overall vision is to promote “a vibrant and accountable NGO sector enabling citizens’ advancement and self-transformation.”¹⁵⁶ The goal of the policy is to strengthen the relationship between the NGO sector and the government, and “enhance capacities and effectiveness in the areas of service delivery, advocacy and community empowerment.”¹⁵⁷ The policy acknowledges and recognizes the key role NGOs play in service delivery especially to marginalized groups, and improving accountability of public institutions. It further obligates NGO umbrella bodies to coordinate the participation of their members and NGOs in government policy processes of interest to them and documenting their experiences so as to assess NGO contributions to development.¹⁵⁸ The Policy also sets out principles for the partnership between NGOs and the government and an implementation framework for realizing this. The policy emphasizes the need to strengthen mechanisms through which NGOs generate policy debate and channel the contribution of the NGO sector to Uganda’s development at central and lower level.¹⁵⁹

153 NDP III which runs from 2020/21 to 2024/25. Civil society organizations also participated in the development of the previous two National Development Plans.

154 Paragraph 440(6) of the NDP III, p195

155 Paragraph 440, Third National Development Plan (2020/21-2024/25).

156 Paragraph 3.1, National NGO Policy, 2010.

157 Paragraph 4.1, National NGO Policy, 2010.

158 NGO Policy, 2010, p39

159 See, Implementation Strategy under NGO Policy, p23



The NGO Policy lays down a framework whose overall vision is to promote 'a vibrant and accountable NGO sector enabling citizens' advancement and self-transformation.'

Among the specific objectives of the policy are to “define NGOs and their role with a view to promoting increased citizen participation in policy-making processes and development issues”; “provide for legal, policy and procedural changes that will allow NGOs to effectively contribute to national and district development planning in a harmonized manner”; “ensure the autonomy of duly registered NGOs”; and “promote a culture of accountability amongst different players in national development”.¹⁶⁰ These provisions lay a strong framework for CSOs’ enabling environment, but their realization in practice remains a significant challenge.

The NGO Policy appears to set the right principles and values for the operation of NGOs in Uganda as well as their partnership with the government, but, unfortunately, the governing law and regulations that were passed subsequently undermine some of these principles, thus interfering with the right to association and assembly.

Other Policies that Include Public Participation

A number of national policies also include citizen participation in governance processes:

The **Uganda Gender Policy, 2007**¹⁶¹, which aims to address the gender inequalities at all levels of government and by all stakeholders, is to strengthen women’s presence and capacities in decision making for their meaningful participation in administrative and political processes.¹⁶² Gender and governance are among the four policy priority action areas.¹⁶³ The specific strategies identified include formulating and implementing capacity building programs for women leaders, developing strategies to address gender inequalities in policies, plans and programs at all levels and developing strategies to empower the girl child. Civil society is expected to, among other responsibilities, collaborate with the Ministry of Gender and local governments on matters of gender mainstreaming, advocate for gender sensitive policy formulation and legislation, and monitor the implementation of international instruments that promote gender equality and women’s empowerment.

According to the institutional framework for implementing the policy, the Ministry of Gender, Labor and Social Development has the responsibility of “spearheading and coordinating gender responsive development, and in particular ensuring improvement in the status of women”.¹⁶⁴ The Ministry of Finance, Planning and Economic Development is enjoined to mobilize, allocate and release resources for gender mainstreaming activities as well as ensuring that the national planning framework and all other poli-

160 Paragraph 4.2, National NGO Policy, 2010.

161 The Equal Opportunities Commission was working on a review of this policy in 2021.

162 Paragraph 3.3 (3), Uganda Gender Policy, 2017.

163 See paragraph 5.3. Good governance is defined to entail respect for the rule of law, democratization, participation in decision-making, transparency and accountability, and protection of human rights. Gender equity is seen as critical for good governance as it ensures the effective participation of women and men in the democratization process, leadership, decision-making and law enforcement.

164 Paragraph 6.0, Uganda Gender Policy, 2007.

cies and sector investment plans are gender responsive. The Ministry of Local Government is responsible for ensuring that “local government development plans, programs, and budgets benefit women, men, boys and girls”. Parliament is supposed to establish appropriate mechanisms to monitor gender equality and equal opportunities; to review ministerial policy statements and budget framework papers for their gender responsiveness; and to monitor the implementation of international instruments that promote gender equality and women’s empowerment e.g., CEDAW. The Equal Opportunities Commission is enjoined to promote affirmative action and non-discrimination in the treatment and enjoyment of human rights; and to publish and disseminate guidelines for the implementation of equal opportunities and gender equality.

The **National Youth Policy, 2001** recognizes that since independence the youth have been most marginalized in participation in leadership and decision making. The youth have been viewed only as beneficiaries of programs rather than active participants. The policy seeks to promote youth participation in democratic processes as well as in community and civic affairs and ensuring that youth programs are youth-centered.¹⁶⁵ The National Youth Action Plan developed by the Ministry of Gender, Labor and Social Development includes youth participation in governance among its priority areas but falls short of prescribing specific mechanisms through which youth are consulted on decisions affecting their lives.¹⁶⁶

One of the strategic areas identified by the policy is the need to advocate for increased youth representation and participation in key positions of decision-making, leadership, and management at all levels of Government and in civil society.¹⁶⁷ The policy provides that Youth Councils at National, District and Sub-County levels will play a fundamental role in implementation of the policy through mobilization, sensitization and organizing youth in a unified body for political, economic, and socio-cultural activities.¹⁶⁸

3. Judicial Decisions Related to Participation

Ugandan courts have adjudicated cases on the right to participation in two ways: “direct litigation on the right to participate as provided under article 38 of the Constitution” and litigation of cases involving facilitative rights such as access to information, freedom of association and assembly.¹⁶⁹

165 Paragraph 5.5, National Youth Policy, 2001.

166 The Plan under Objective 1 and 2 simply states that the component will promote increased youth participation in making decisions which affect their lives through lobbying for increased and effective youth participation in decision making and programming. (See, p8-9)

167 Paragraph 8.3, National Youth Policy, 2001.

168 Paragraph 10.4, National Youth Policy, 2001.

169 ISER (2018). Citizen Participation in Local Government Service Delivery Processes in Uganda.

A. THE ROLE OF PARLIAMENT IN PROMOTING THE RIGHT TO PARTICIPATION

In the case of *Male Mabirizi vs Attorney General*, the Constitutional Court considered, among other issues, the question of public participation in the passing of the Constitutional (Amendment) Act (No. 01) of 2018.¹⁷⁰ In his dissenting judgment, Justice Kenneth Kakuru reiterated that the right of citizens to participate in the democratic process is a social, economic, and political right. Court emphasized that “Parliament has a duty to uphold and promote this right.” However, the Lord Justice found that; “...Parliament did not act reasonably and diligently to ensure that the National Objectives and Directive Principles of State Policy are attained, specifically the democratic principle II (i) which stipulates as follows:

“(i)The State shall be based on democratic principles which empower and encourage the active participation of all citizens at all levels in their own governance.”

Justice Kakuru cited the case of *Doctors for Life International v. Speaker of the National Assembly*¹⁷¹ in which the South African Constitutional Court held that right to participation had two facets—the right to vote and the right to participate through mechanisms such as public debates and consultations. He quoted Justice Ngcobo J, who held that “public participation in the law-making process is one of the means of ensuring that legislation is both informed and responsive”.

“The objective in involving the public in the law-making process is to ensure that the legislators are aware of the concerns of the public. And if legislators are aware of those concerns, this will promote the legitimacy, and thus the acceptance, of the legislation. This not only improves the quality of the law-making process, but it also serves as an important principle that government should be open, accessible, accountable, and responsive. And this enhances our democracy.”¹⁷²

“Applying the above principle and the tests set out above,” Justice Kakuru held that “Parliament failed to ensure and encourage active participation of all citizens of Uganda at all levels in the process that led to the enactment of the impugned Act, contravening *Article 8(a)* of the Constitution”.

B. PARTICIPATION AND OTHER CIVIC FREEDOMS

The courts have held up the right to freedom of expression in *Onyango-Obbo and Anor v Attorney General*¹⁷³, declaring unconstitutional the section of the Penal Code which criminalized the publication of false news and in *Andrew Mwenda and Anor v Attorney Gen-*

¹⁷⁰ Constitutional Petition No. 49 of 2017

¹⁷¹ 2006 (12) BCLR 1399 (CC)

¹⁷² 2006 ZACC 11 cited in Judgement of Kenneth Kakuru, JA/CC, Constitutional Petition No. 49 of 2017.

¹⁷³ Charles Onyango Obbo and Anor v Attorney General (Constitutional Appeal 2 of 2002) [2004] UGSC 81 (10 February 2004).

*eral*¹⁷⁴, annulling the archaic offence of sedition. However, in 2021 the Constitutional Court dismissed a petition filed by the Centre for Public Interest Law (CEPIL) and others in 2005 challenging several provisions of the Press and Journalist Act, including the one requiring the licensing of journalists.¹⁷⁵

As already noted, the courts have also held up the right to freedom of assembly in *Muwanga Kivumbi vs Attorney General*¹⁷⁶ and *Human Rights Network Uganda & Ors v Attorney General*.¹⁷⁷ In both constitutional petitions, the Court recognized the importance of the right to freedom of assembly for the enjoyment of the right to participate in the affairs of government, among others.

However, there has been no consistency in judicial decisions on the right to participate in the conduct of public affairs. In some cases, courts have ruled in favor of petitioners alleging violation of this constitutional right while in others they have determined there was no contravention of the Constitution.

In *Satya v. Attorney General*,¹⁷⁸ the Constitutional Court recognized the right to participate, but held that the Constitution did not impose on ministers or representatives an obligation to comply with the wishes of citizens. The constitutional petition had been filed after Parliament through a resolution, ignored the vote of the people of the new district of Kween, through their local councils, to have the headquarters at Chepskunya trading center. Parliament settled for Binyiny trading center. The Court held that "Parliament is not in any way required to act in the manner the petitioner's contentions suggest" since "the Constitution does not in any of the cited provisions require the minister of Local Government to merely endorse or act in accordance with the recommendations of the people or Local Government Councils concerned."¹⁷⁹

However, in the case of *Dr James Rwanyarare and Others V Attorney General*,¹⁸⁰ the Constitutional Court agreed with the petitioners that a number of provisions in the **Political Parties and Organizations Act, 2002** contravened constitutional provisions on the sovereignty of the people (article 1), the right to participate in the affairs of government (article 38), and to associate (article 29) among others. The Court held that Section 10(4) of the Act, which restricted political parties and organizations to elect members of their National Conference only during the fourth year of the life of any Parliament

174 Andrew Mujuni Mwenda & Anor v Attorney General (Constitutional Petition 12 of 2005) [2010] UGSC 5 (25 August 2010); [2010] UGSC 5.

175 Constitutional petition No. 9 of 2014.

176 Constitutional Petition No. 9 of 2005.

177 Constitutional Petition No. 56 of 2013.

178 Constitutional Petition No. 36 of 2012.

179 The Court found that Article 179 of the Constitution, which requires Parliament to empower district councils to alter the boundaries of lower local government units and create new local government units within their districts had not been contravened.

180 Constitutional Petition No. 7 of 2002 [2004] UGCC 5.

contravened article 29 on the right to associate. The Court dismissed the government's contention that political party activity can cause "disruptions in society".

"We hold that the restriction contained in section 10(4) is totally unjustified and unjustifiable in a free and democratic society. It is far in excess of what is reasonably necessary for enabling any political system adopted ...to operate. It contravenes and is not consistent with article 29(1) of the Constitution. A political party contending for ascendancy should not be made subject to legislative measures that limit its capacity to associate, engage in dialogue and communication."

The Court also held that section 10(8), which provided that only one meeting would be held in each district to elect members of a political party or organization's National Conference, violated the rights to associate and participate in the affairs of government. The Court thus ruled that "It is a monstrosity in a free and democratic society, and it should not stand".

Finally, the Court determined that section 13(b) of the Political Parties and Organizations Act, which barred the appointment to a political office of a person who had lived outside Uganda continuously for more than three years immediately before being appointed, indeed contravened the right and freedom to associate and participate in the affairs of the government. The Court further held "We have no doubt that the provision contains a restriction on the sacrosanct rights and freedoms of a citizen that should not be permitted in a free and democratic society,".

It would appear the courts have not been fully tested the right to public participation. Several key government decisions or policies that have been adopted without public participation have not been challenged.

CIVIC PARTICIPATION IN UGANDA IN PRACTICE: AN OVERVIEW

1. Background

The ruling National Resistance Movement (NRM) built its early legitimacy on the platform of restoring democracy, and in particular “popular participation”. Post-independence Uganda had witnessed the demise of citizen participation and an onslaught on civil society that had started during the colonial era. In the 1960s, the ruling Uganda People’s Congress (UPC) controlled cooperatives, undermined the autonomy of trade unions, infiltrated student, and youth organizations—turning them into government instruments.¹⁸¹ This is how Oloka-Onyango & Barya (1997) describe the first decade after independence:

“Civil society activity outside the accepted arenas of state supervision and control was completely proscribed. Under the slogan ‘One party; one nation; one people,’ alternative forms of political and civil expression were frowned upon and actively discouraged. This left behind activities of a mainly welfarist or developmental character, with organizations such as the YWCA, Save the Children Fund and the like dominating the scene. Activists who in any way presented a serious challenge to the status quo were crushed or incorporated into the framework of the ruling party.”¹⁸²

Respect for both civil and political rights worsened under Idi Amin’s “reign of terror”, while public participation under the Obote II government was mostly orchestrated.¹⁸³ The NRM, which came to power in 1986, after a five-year war, embraced the notion of popular participation across most of its political and policy frameworks. It has been argued that the NRM’s most radical reform was the introduction of a system of popularly elected local councils (originally called Resistance Councils or RCs). Hailed by many as a novel system of participatory democracy, the RCs worked through an interlocking structure that went from the grassroots through five administrative tiers up to the dis-

181 Bazaara, N. & Barya, J.J. (1999). “Civil society and governance in Uganda: a historical perspective.” Paper presented at the Second International Conference on Civil Society and Governance. Bantry Bay, Cape Town, South Africa. February 17-22. See also: Oloka-Onyango, J., & Barya, J.J. (1997). “Civil society and the political economy of foreign aid in Uganda.” *Democratization*, 4(2): 113-138.

182 Oloka-Onyango, J., & Barya, J.J. (1997). “Civil society and the political economy of foreign aid in Uganda.” *Democratization*, 4(2): 113-138, pp. 119-120.

183 Kanyeihamba, G.W. (2002). *Constitutional and political history of Uganda: from 1894 to the present*. Kampala: Centenary Publishing House. See also Mutibwa, P. (1992). *Uganda since independence: a story of unfulfilled promises*. Kampala: Fountain Publishers.

trict.¹⁸⁴ It was supposed to be “a system for popular democratic participation right from the grassroots”.¹⁸⁵ Kasfir (1998) describes the local council system as the NRM’s “most exciting democratic initiative”¹⁸⁶ while Mamdani (1995) argues that through it “the NRM decolonized the regime of decentralized dictatorship that had been alive and well in the village since colonial rule.”¹⁸⁷ The local council system was later to be built on with the entrenchment of the decentralization policy, which is aimed to devolve powers and services from the centre to local governments “in order to increase local democratic control and participation in decision making and to mobilize support for development which is relevant to local needs.”¹⁸⁸

Meanwhile, civil society activity “virtually exploded”.¹⁸⁹ Thousands of voluntary associations and NGOs were formed partly in response to the inadequacy of social services provided by the state, and to the calls of international donors who had embraced the notion of civil society as a prerequisite for democratic governance.

Yet, both the local council system and vibrant civil society under the NRM have been replete with problems and contradictions as explained in this study.

2. Public Participation Mechanisms

A. NATIONAL LEVEL PLATFORMS

At the national level citizens participate in the conduct of public affairs mainly through civil society organizations, which are key stakeholders in the Comprehensive National Development Planning Framework (CNDPF).¹⁹⁰

Executive Level

Cabinet: Cabinet is the highest decision-making organ in government that approves policy and regulatory proposals initiated by different Ministries, Departments,

184 Bazaara, N. & Barya, J.J. (1999). “Civil society and governance in Uganda: a historical perspective.” Paper presented at the Second International Conference on Civil Society and Governance. Bantry Bay, Cape Town, South Africa. February 17-22. See also Kasfir, N. (1998). “‘No-party democracy’ in Uganda.” *Journal of Democracy*, 9(2): 49-63.

185 Okoth, G.P. (1996). “The historical dimensions of democracy in Uganda: a review of the problems and prospects” (p.58) in J. Oloka-Onyango, K. Kivana & C.M. Peter (Eds.), *Law and the struggle for democracy in East Africa* (pp. 46-69). Nairobi: Claripress.

186 Kasfir, N. (1998). “‘No-party democracy’ in Uganda.” *Journal of Democracy*, 9(2): 49-63.

187 Mamdani, M. (1995). “The politics of democratic reform in Uganda.” (p.234) In P. Langseth, J. Katorobo, E. Brett & J. Munene (Eds.), *Uganda: Landmarks in rebuilding a nation* (pp. 229-39). Kampala: Fountain Publishers.

188 Regan, A.J. (1998). “Decentralization policy: reshaping state and society.” In H.B. Hansen & M. Twaddle (Eds.), *Developing Uganda*. Oxford: James Currey.

189 Oloka-Onyango, J., & Barya, J.J. (1997). “Civil society and the political economy of foreign aid in Uganda.” *Democratization*, 4(2): 113-138, pp. 119-120.

190 The CNDPF provides for Vision 2040, the 30-year overarching national development plan that is supposed to be implemented through: three 10-year plans, six five-year National Development Plans (NDPs), Sector Investment Plans (SIPs), Local Government Development Plans (LGDPs), annual work plans and budgets.

and Agencies (MDAs). In 2013, Cabinet developed a Guide to Policy Development & Management in Uganda to foster inclusive policy making processes. The Guide emphasizes the need for public consultations to be conducted with civil society organizations as key stakeholders in policy development as well enlisting their support in implementing policies for which they may have better capacity.¹⁹¹ Additionally, government MDAs are required to conduct a Regulatory Impact Assessment¹⁹² highlighting the impact of any proposed policy or regulation on various groups that are susceptible to disproportionate regulatory impact such as Civil Society and Non-Governmental Organizations.¹⁹³ Such frameworks provide critical avenues for civil society participation in policy development, and are of strategic importance in fostering collaboration between CSOs and government agencies to ensure human rights compliant policies and regulations. However, public stakeholder consultations are not yet very well formalized in the policy management process.¹⁹⁴ Government should create structured and institutionalized spaces for stakeholder dialogues with civil society in the policy development processes.¹⁹⁵

National Planning Authority: The National Planning Authority (NPA) is the coordinating body for the country's planning system. Its primary function is to produce comprehensive and integrated development plans for the country. Other functions include coordinating and harmonizing development planning in the country; monitoring and evaluating public projects and programs; advising the Presidency on development policies and strategies; liaising with the private sector and civil society in the evaluation of government performance; and supporting local capacity development for national and decentralized development planning. CSOs are represented on the board of the Authority. This offers an opportunity for civil society participation in the development, monitoring, and evaluation of national development plans as well as government projects and programs.

National Sub-Committee on Evaluation in the Office of the Prime Minister: The Office of the Prime Minister is mandated to review the performance of all government ministries, departments, and agencies (MDAs) against stipulated targets semi-annually and annually. CSOs are represented on the National Sub-Committee on Evaluation in the Office of the Prime Minister (OPM), which oversees all government-led evaluations. This is another opportunity for civic participation in decision-making.

191 Guide to Policy Development & Management in Uganda, para 2.14, p23

192 Para 5.9, p38

193 See, Cabinet Secretariat, "Evidence Based Policy Making A Guide to Regulatory Impact Assessment", available at Uganda-Guide-to-RIA-Cabinet-Office-Undated.pdf (regulatoryreform.com)

194 Ibid, p8

195 See, Civil Society Partnership for Development Effectiveness (CPDE); An Enabling Environment for Civil Society Organizations: A Synthesis of evidence of progress since Busan; October 2013, p20

Sector Working Groups (SWGs): Sector Working Groups were introduced after the adoption of Sector Wide Approaches (SWAs). SWGs were adopted as “the basic building blocks to ensure coherent planning, consultation between related entities, engagement with external stakeholders and service providers, management of crosscutting issues, oversight by central agencies, and management of inter-sector linkages.”¹⁹⁶ They are “leadership and technical level task-oriented groups, that harmonize, coordinate, monitor, evaluate and report on the Sector vision and goals, policy frameworks, plans, and performance of Sector MDAs.”

Some of the SWGs include Accountability; Agriculture; Education; Health; Justice, Law and Order; Water and Environment; Works and Transport.

Civil society and the private sector are supposed to be represented in the SWGs, which also include representatives of line sector ministries, departments and agencies, Local Governments, and development partners. This is another opportunity for public participation (through CSOs) in the formulation of policies, allocation of resources, as well as monitoring and evaluation of public expenditure in the sectors.

For example, the Civil Society Budget Advocacy Group (CSBAG) has worked with other CSOs organized into the *Education Sector Thematic Working Group* operating at both national and local Government level serving as advocacy platforms for improved public investment for inclusive quality education. CSBAG also participated in the development of Health Sector Thematic Working Group position papers such as the CSO Health Sector Position Paper on the Uganda National Budget Framework Paper FY 2019/20. Another national NGO, Oxfam, was involved in the implementation of the Uganda Participatory Poverty Assessment Project (UPPAP) studies. Others such as the Uganda Debt Network (UDN) have been major partners with government in the “prioritization of public expenditure on disadvantaged groups”.¹⁹⁷ The Uganda National NGO Forum has noted that these mechanisms “afford civil society the opportunity to provide input on national policy processes”.¹⁹⁸

One of the major gaps identified was that several Sector Working Groups were not fully functional, which has undermined coordinated and systematic engagement with stakeholders. In a research paper on the functionality of SWGs, ACODE argued that although these platforms provided an opportunity to CSOs to contribute to policy processes, their full impact was yet to be realized in some sectors.¹⁹⁹ “It was not adequate to attend and contribute to the meeting without bringing in position papers, research-based evidence on policy and statements of fact, and direction during review meetings,” the au-

196 Mushemeza, E.D. & Kisaame, E.K. (2020). The functionality of Sector Working Groups in Uganda. ACODE Policy Research Paper Series No. 99.

197 Uganda National NGO Forum (2014). “National Assessment of the Enabling Environment for Civil Society.”

198 Uganda National NGO Forum (2014). “National Assessment of the Enabling Environment for Civil Society.”

199 Mushemeza, E.D. & Kisaame, E.K. (2020). The functionality of Sector Working Groups in Uganda. ACODE Policy Research Paper Series No. 99.

thors wrote. However, some, such as the Agriculture SWG were cited for adopting best practices.

'Inclusive' But Not Effective

There is concern that despite the opportunities for consultation with the government, “CSOs are invited to attend meetings with very little time to prepare for comprehensive” input. “At times invitations are extended when the most critical decisions have already been made” which some have suggested is meant to make policy processes “appear inclusive”. In addition inclusion of CSOs in policy processes is said to be unpredictable.

Budget consultations: The national budgeting process that was adopted after the Public Finance Management Act came into force offers opportunities for citizen engagement. These include budget consultations at national, district and subcounty levels, and Sector Working Groups, which provide a platform for non-state actors to participate and influence the national budget. The government has encouraged CSO thematic groups to facilitate these consultations. However, both government officials and CSO representatives suggest the current organization of the budget consultations does not always allow effective engagement for stakeholders.

Uganda Extractive Industries Transparency Initiative (UGEITI): UGEITI is the institutional framework that is supposed to promote good governance in the extractive sector. In 2020, Uganda became a member of the EITI, following intense advocacy from civil society groups such as Publish What You Pay (PWYP). Uganda’s entry obligates the government to implement the EITI Standard. The EITI Standard reflects the critical role played by civil society in natural resource governance and emphasizes their inclusion in the country’s EITI process.²⁰⁰ The EITI Standard specifically mandates that implementing countries must ensure that “civil society [is] fully, actively, and effectively engaged in the EITI process,” and that “there is an enabling environment for civil society participation.”²⁰¹ The government has set up the Multi-stakeholder Group (MSG) comprised of representatives from Government, extractive companies and CSOs to steer EITI implementation in Uganda.

Additionally, EITI Members undergo regular assessments known as “Validations” to assess their compliance with the EITI Standard. The participation of civil society in the EITI process is formally assessed during the Validation process and CSOs have opportunity to

200 See, Protocol: Participation of civil society

201 Per EITI guidance, the “EITI process” includes “expressing views related to EITI activities” and “expressing views related to natural resource governance,” not just participating in EITI meetings, reports, and activities. Moreover, “civil society representatives” are “not limited to members of the multistakeholder group,” but encompass any representatives “substantively involved in the EITI process.” This includes representatives more generally engaged in advocacy about EITI or natural resource governance. So, the EITI Standard requires implementing countries to provide an enabling environment for broader civil society participation in natural resource governance.

share views, which can highlight concerns about civic space and to promote accountability for restrictions imposed on civil society. Uganda's validation is scheduled to commence on February 12, 2023, and a call for stakeholders to submit views relevant to the validation will be issued by the EITI Secretariat in advance (by January 1, 2023).

CSOs have noted some challenges that limit the impact of the EITI process to include limited information on extractives and the role of various stakeholders, including communities, in the implementation of EITI as well as limited capacity for civil society to analyze reports from government and extractive companies and make useful contribution to the process.²⁰²

Government Citizen Interaction Centre: The Government Citizen Interaction Centre (GCIC), which was initially created under the Ministry of ICT & National Governance, and is now under the Office of the President, seeks “to promote citizen participation through open governance”²⁰³ and bring government closer to the people. The GCIC is supposed to serve “as a key contact center between Government and citizens to enhance the monitoring of service delivery in a digitally connected world.” The center operates a toll-free line, an email, social media platforms various social media platforms, including Twitter (@GCICUganda), an interactive website (www.gcic.go.ug) with an online chat as well as SMS.

According to GCIC, it generates data from social media and online platforms to “inform policy decisions and guide in the formulation of policy interventions”. The other objectives of the center include providing a platform for accountability and transparency in government and accelerating the use of digital platforms as tools for dissemination of information and service provision. At the height of the COVID-19 pandemic, in 2021, GCIC started hosting government officials via its social media platforms and maintained a heavy presence online, providing timely updates about official decisions and other government actions.

Criticism of the Center: A Top-Bottom Approach

A major challenge with the center is a top-bottom approach to information flow. Concerns raised through the website are rarely answered and engagements on Twitter are not always attended to. For the most part, the common perception is that citizens are simply told what the government has done or is intending to do.

Another enduring criticism of the GCIC especially on social media has been the perception that the center is partisan and does not entertain feedback from citizens who are critical of the government. In particular, GCIC has been accused of being silent in the wake of human rights violations by security agencies.

²⁰² See, [EITI | Advocates Coalition for Development and Environment \(acode-u.org\)](http://EITI | Advocates Coalition for Development and Environment (acode-u.org))

²⁰³ GCIC is not governed by a specific legal framework. It operates as a department in the Office of the President.

Online participation mechanisms: The Ministry of Finance runs an online portal, www.budget.go.ug, that is meant to give citizens “access to timely and accurate budget information, and real opportunities to participate in government budget processes”. The public can access and download budget and expenditure data²⁰⁴ through a dashboard on the portal.²⁰⁵ They can also access published government documents such as the Budget Framework Paper and ministerial policy statements through the budget library on the portal. Citizens are also able to give feedback to the government, including their views on implementation of planned programmes. It is not clear whether such feedback is acted upon.

A major challenge has been around popularization of such online resources as well as the lack of knowledge among the public on how to put them to use. Gerald Businge, who was national coordinator of the donor-funded Action for Transparency (A4T), a project that aimed to promote the use of information technologies to empower citizens to access and monitor government budget allocations and report misuse of funds, singled out public engagement as a big problem. “In terms of availability of information on the budget, the government has tried,” he said. “But in terms of public engagement, it is almost non-existent. People need to be made aware that the resource is there and how they can use it. Generally, that element is being missed. We are focusing on the technology, forgetting that it is supposed to be about engaging the public if we are to achieve the results.”²⁰⁶

The government has also partnered with local NGOs to introduce online-based initiatives to promote open government and citizen participation. For instance, the Ministry of ICT has collaborated with the Africa Freedom of Information Centre (AFIC) and Collaboration for ICT Policy in Africa (CIPESA) on the operation of the “Ask your Government” (AYG) portal (<http://askyourgov.ug>). AYG fields information requests, questions, and comments for the authorities from citizens. A 2019 study of the portal which was launched in 2014²⁰⁷, found that usage of the tool to promote citizen participation had remained low. Although the number of requests has grown from 243 in the first two years to 2,450 by mid-2018,²⁰⁸ and 7,590 by the beginning of 2022,²⁰⁹ most of them are about internships, job opportunities and applications for tax identification numbers. There is rarely any content around opportunities for engaging the public to participate on governance matters.

204 The data include real-time budget disbursements and allocations to lower local governments.

205 A researcher who had used the portal to collect annual budget data said it was “woefully inconsistent and unreliable, with so much missing data and some links broken” the last time accessed it.

206 Personal interview, Kampala, 8 January 2022.

207 CIPESA (2019). Leveraging ICT to Promote the Right to Information in Uganda. Insights from Ask your Government Portal.” downloaded on 8 January 2022 from <https://cipesa.org/2019/03/leveraging-ict-to-promote-the-right-to-information-in-uganda-insights-from-ask-your-government-portal/>

208 <https://cipesa.org/2019/03/leveraging-ict-to-promote-the-right-to-information-in-uganda-insights-from-ask-your-government-portal/>

209 <https://askyourgov.ug/list/all?#results>

Also of concern, according to CIPESA, is the low response rate to information requests. Only 517 requests of the 7,590 submitted between June 2014 and December 2021 are indicated as successful on the portal, a response rate of about 7%. Almost 6,900 requests, representing about 91%, are classified as “unresolved”.

“The limited levels of government responsiveness to information requests and uptake of AYG by both citizens and public officials...calls for more capacity enhancement, sensitization and awareness raising among public officials of their duties and responsibilities as laid down in the Access to Information Act,” says CIPESA. “[But] citizens should also be empowered to fully exercise their right of access to information.”²¹⁰

Civic education programs: Statutory agencies such as the Uganda Human Rights Commission (UHRC) have sought to facilitate public participation through conducting countrywide civic education programs. UHRC’s human rights education and awareness takes place via a variety of tools including community meetings, radio talk shows, and information, education, and communication (IEC) materials. By the end of 2021, the Commission was in the process of finalizing the Uganda National Civic Education Policy, whose goal is to ensure “harmonized and coordinated delivery of civic education for enhanced citizen participation in nation building.”

Online platforms: Most ministries, departments, and agencies maintain websites and online portals that offer an opportunity to the citizens to access information about government activities and also seek public input. The Uganda Law Reform Commission (ULRC) for example, reiterates on its website that it “encourages public participation in the law-making process” and invites the public “to be a party of the laws developed and made for you by actively participating.”²¹¹ The website offers email and telephone contacts for those who want to share views on laws under debate or new ones that they wish to be passed. However, as one researcher noted, the websites of most government ministries and departments are “a total disaster”.²¹² Many are often not regularly updated and carry broken links.

Partnerships with CSOs: A number of government ministries and agencies also maintain partnerships with individual CSOs for purposes of improving policy formulation and implementation.²¹³ In some cases these partnerships are based on MoU’s between line ministries and individual CSOs. Some of the CSOs that are involved in such partnerships include ACODE, Care and Assistance for Forced Migrants (CAFOMI), CSBAG, Oxfam, Uganda Debt Network (UDN), and Uganda Women’s Network (UWONET).

210 <https://cipesa.org/2019/03/leveraging-ict-to-promote-the-right-to-information-in-uganda-insights-from-ask-your-government-portal/>

211 <https://www.ulrc.go.ug/content/can-i-make-suggestion-about-change-law>

212 Personal communication, 15 May 2022.

213 Uganda National NGO Forum (2014). “National Assessment of the Enabling Environment for Civil Society.”

The downside is that some of these partnerships are not anchored under a clear framework. The terms of engagement are not always clear and there is no predictability about the duration or sustainability of the partnerships. And there is concern among sections of civil society that such partnerships could in practice lead to ‘capture’ of CSOs by the state.

Parliament

Parliamentary committees: Parliamentary committee hearings also offer opportunities for citizens to participate in their governance. Individuals and civil society groups with expertise on matters before Parliament are often invited to committees to comment on bills or other matters. This is under the Rules of Procedure of Parliament.

Parliament has Standing Committees and Sectoral Committees.²¹⁴ The Standing Committees are set up at the start of a new term, and last two and half years. They include the Business Committee and committees on Appointments; the Budget; Government Assurance and Implementation; Equal Opportunities; Public Accounts (Central Government); Public Accounts (Local Government); Public Accounts (Commissions, Statutory Authorities and State Enterprises); Rules, Privileges and Discipline; National Economy; HIV/AIDS and Related Matters; Human Rights; and Climate Change. The Sectoral Committees, also known as Sessional Committees, are organized around sectors and last one session. They include committees on Agriculture, Animal Industry and Fisheries; Defence and Internal Affairs; East African Community Affairs; Education and Sports; Finance, Planning and Economic Development; Foreign Affairs; Gender, Labor and Social Development; Health; Information, Communication Technology and National Guidance; Legal and Parliamentary Affairs; Environment and Natural Resources; Physical Infrastructure; Presidential Affairs; Public Service and Local Government; Science, Technology and Innovation; and Tourism, Trade and Industry. The functions of the Standing and Sessional Committees include discussing and making recommendations on Bills before Parliament; initiating Bills within their respective areas of competence; assessing and evaluating activities of government and other bodies; carrying out relevant research in their respective fields; and reporting to Parliament on their functions.

Recent examples of citizen participation through parliamentary hearings include debate over the Landlord and Tenant Bill, 2018. The proposed law is meant to regulate the relationship between landlords and tenants; to reform and consolidate the law relating to letting of premises; to provide for the responsibilities of landlords and tenants in respect to the letting of premises and related matters. The bill followed an outcry from tenants over what they considered exploitative terms by especially city landlords. Civil society groups representing both tenants and landlord appeared before the parliamentary committee handling the bill to have their voices heard. Citizen participation also featured during debate on the National Social Security Fund Amendment Bill,

²¹⁴ <https://www.parliament.go.ug/page/committees-parliament>

2021. Representatives of the National Union of Trade Unions (NOTU), which represents workers, appeared before the parliamentary committee on Gender, Labor and Social Development to make the case for the expeditious passing of the bill, which among others, would allow workers early access to their retirement savings. Civil society also provided input to some of the laws discussed in this report, including the Public Order Management Act and the NGO Act.

Whereas the public and civil society can and do appear before parliamentary committees, in practice Parliament is under no obligation to act on their input. So, whereas in some cases public and civil society input has been reflected in the bills passed by Parliament, in other cases, it has been ignored.

Petitions: Individuals or groups can petition Parliament over matters before committees or any other issues affecting them. Some of the recent petitions to Parliament by citizen groups were on the “unsatisfactory and unfair service delivery” by telecommunications service providers in Uganda, the status of Kasoli Housing Project, the renaming of city roads/streets after Ugandans, and working conditions of local government workers.

Online platforms: Parliament also shares information with the public on its websites and social media platforms. Such information includes upcoming business before the House, new bills, motions, etc. Such information can be leveraged by CSOs to enhance public participation in parliamentary business.

Roadblocks to Citizen Participation in Parliament

The challenge is, save for Rule 141(1) of the Rules of Procedure of Parliament, which provides that individuals or groups “peculiarly affected” by a Bill may petition Parliament, there is no laid down framework for citizen participation in parliamentary proceedings. As such, the practice has been inconsistent. Some committees invite individuals or CSOs while others do not. Citizen participation or consultation is not among the requirements for a bill to be passed. The key requirement for bills to be tabled in Parliament is to submit the Certificate of Financial Implication, issued by the Ministry of Finance, the Certificate of Gender, and Equity Compliance, which follows scrutiny from the Equal Opportunities Commission, and the Checklist for Compliance with Human Rights, which is issued by Parliament’s Committee on Human Rights Committee.

Judiciary

Court Users Committees: These are forums that bring together actors in the administration of justice as well as users in the justice system to address problems within the sector and to coordinate responses to these problems by the Judiciary. These committees are lauded as the best vehicle for improving public participation in judicial processes because they provide the opportunity to make the justice system more participatory.²¹⁵ The committees are critical avenues that CSOs can use to highlight issues affecting legal redress for violations of enabling environment rights.

B. LOCAL LEVEL MECHANISMS

Local Council Meetings

At the regional level, local council meetings are among the major forums through which citizens participate in the conduct of public affairs in the following ways:

- Citizens either directly or through CBOs and NGOs participate in local government budget conferences, planning, as well as accountability meetings.
- The district planning technical committees, municipal/town council/sub-county planning committees, parish development committees, and village planning meetings offer opportunities for public participation.
- NGOs and CBOs contribute to the formulation of the Local Government Development Plan as well as its implementation and monitoring and evaluation. NGOs/CBOs operating in the local government area are also supposed to share their plans and budgets for integration into Local Council plans and budgets to promote coordination with government on their initiatives that benefit local communities, but many do not do this.

According to research conducted on Kampala City Council Authority (KCCA) and selected district local governments in Uganda, there is evidence of citizen participation at that level, but there are a number of hindrances, including “limited awareness on the avenues for participation and the value in participation”, which tend to discourage civic participation.²¹⁶ Additionally, there is a lack of sufficient efforts by local authorities to promote public ownership of the local government system, and the use of local governance structures as “conduits for populist politics and entrenchment of patronage” tends to be a disincentive.

Local Committees

Local committees created by various regulations also offer opportunities for citizen participation in governance in sectors such as education, environment, health, and

²¹⁵ See, <http://www.judiciary.go.ug/data/news/434/Civil%20Division%20Holds%20Court%20Users%20Committee.html>

²¹⁶ Nakayi, R. (2018). “Local governance in Uganda.”

water. For example, School Management Committees (SMCs) provide oversight in the governance of public schools, while district Environment Committees are supposed to promote public participation in environmental management. Health Unit Management Committees (HUMCs) are supposed to enhance citizen participation in the administration of general hospitals and government healthcare centers, while Water User Committees (WUCs) manage water local water systems, including setting policies on location of water points and costs.

A research report by the Initiative for Social and Economic Rights (ISER) on citizen participation in local government service delivery processes in six districts of Uganda found that although citizens participated in these local committees, there were generally low levels of participation.²¹⁷ In particular, citizens lacked access to adequate information on HUMCs, SMCs, and WUCs, did not have enough voice, and had little involvement in negotiations on rule-making around education, health and water issues. Factors affecting participation included lack of access to information, illiteracy, low levels of awareness of rights, long distances to meeting venues, competing priorities, lack of accountability by local leaders coupled with perceptions of corruption, and non-integration or consideration of citizen recommendations in planning and budgeting processes.²¹⁸

Dr. Kabumba Busingye (2018) investigated participation and accountability in the exercise of administrative power in Uganda's environmental regulation, found that "there is insufficient participation by citizens in rule-making, decision-making and adjudication in the environmental sector".²¹⁹ His analysis of the legal framework suggested that "greater emphasis has been placed, under the principal laws, on inter-agency consultation rather than robust citizen engagement. However, even under the limited framework for citizen participation, particularly through structures of the local government system, it is evident that the principal agency – NEMA (National Environment Management Authority) – exercises inordinate influence and control."²²⁰ He adds:

"Even where provisions have been made within the law for citizen participation, in fact this does not occur as often as envisaged and, in any case, it is evident from the study that even where this participation does occur, citizens do not get a sense that their views have been taken into account...The result is that a great majority of the citizens feel dissatisfied with the current processes of rule-making, decision-making and adjudication in the environment sector in Uganda..."²²¹

217 ISER (2018). Citizen participation in Local Government Service Delivery Processes in Uganda. Research report.

218 Ibid, p.83.

219 Kabumba, B. (2018). Re-centering the citizen: Participation and accountability in the exercise of administrative power in Ugandan environmental regulation, p.38.

220 Ibid, p.38.

221 Ibid, p.40.

Barazas – Public Forums

Barazas or townhall meetings were popular forums for citizen participation and the local level prior to the Covid-19 pandemic restrictions on public gatherings. Based on a presidential directive introduced in 2009, *barazas*, also known as community public meetings, were conceived as civic platforms that aimed to strengthen accountability in public service delivery through direct interactions between district local governments and citizens on the status of programmes and projects run by government and non-state institutions such as NGOs. These forums were meant to ease information flow, foster monitoring of implementation of government and NGO programmes, and fast track community/citizen input in delivery of public services.

Operating under the Office of the Prime Minister (OPM), the *baraza* project is spearheaded by the Resident District Commissioner. Typically, the district technical team, led by the Chief Administrative Officer (CAO), presents the status of implementation of government and non-state development programmes to citizens and representatives from OPM. Citizens are then allowed to seek clarification, suggest improvements, or provide any feedback they deem appropriate. The CAO and district technical officers present respond before a representative of the OPM is invited to speak and close the meeting.²²²

Participants in focus group discussions, especially in northern Uganda, reported mass turn up by citizens when *barazas* were held in their communities. However, there was little evidence that issues raised at these meetings were subsequently addressed by the authorities. The low frequency of the *barazas*—one in one selected sub-county each financial year—was also cited as a challenge. Some CSO actors such as human rights lawyer Nicholas Opiyo have criticized *barazas* as “control spaces” where “consent is manufactured”.²²³

Besides the *barazas* organized under the OPM, other government agencies have also increasingly organized community public meetings under the same format. The Equal Opportuni-



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222 ISER (2018). An Assessment of the Role and Effectiveness of Barazas in Decision-Making Processes. Policy Brief.

223 Personal interview, Nicholas Opiyo, (Executive Director, Chapter Four Uganda), September 2021.

ties Commission, the Inspectorate of Government (IGG), and the Uganda Human Rights Commission, are among the agencies that have organized *barazas* where officials engage citizens at the local level particularly to received complaints but also create awareness about their rights and roles as citizens. In the Handbook on the Human Rights Baraza, UHRC and the United Nations Development Program report that these meetings had become an important tool for human rights education and awareness creation.²²⁴ In some cases, citizen recommendations at the *barazas* were implemented. For instance, the idea of human rights committees to help monitor and report on human rights violations at the local level came from *barazas*.²²⁵

Social Accountability Mechanisms

The government has endorsed the formation of social accountability mechanisms that are meant to promote citizen engagement in the design, implementation, monitoring, and oversight of selected development programmes. For example, the IGG has in recent years worked with civil society to establish Transparency, Accountability and Anti-Corruption Committees under the Third Northern Uganda Social Action Fund (NUSAF 3).

District Integrity Promotion Forums

These have been established in 78 districts to promote accountability in service delivery in local governments. According to a government report, a number of accountability issues/cases have been discussed and resolved within the local governments using these forums.²²⁶

Community Public Hearings

Elected local leaders usually call these public meetings/hearings to discuss a whole range of issues affecting citizens, such as security, roads, water, environmental management, public health (especially sanitation) and delivery of public services generally. Public hearings are usually organized at the behest of central and local government officials working in tandem with local leaders. These forums offer an opportunity for citizens as well as civil society organizations to demand for services and hold leaders accountable. Some of the challenges for participation in these forums cited by informants include the many demands on the ordinary citizen's time, the absence of an established framework for public hearings (they are often held at the whims of leaders), lack of confidence on the part of many ordinary people or an ingrained culture deference to authority, and the lack of knowledge of citizen rights and responsibilities. Political scientist Frederick Golooba-Mutebi put it this way:

224 UHRC and UNDP: The Human Rights Baraza: A Handbook on Conducting Community Public Meetings.

225 Ibid.

226 Ministry of Finance Planning and Economic Development (2020). Government Dossier to the European Union Delegation to Uganda. Unpublished.

“The ordinary person sees the LC chairman as a master. The notion of holding leaders accountable depends on one’s confidence. Ordinary people don’t always have that confidence. The idea of citizen participation is theoretically sound, but it clashes with the way people are organized, their attitudes and the way they live their lives. Ordinary people, especially women, have a lot of things to do. The way the concept of participation is conceived assumes that people are supposed to be in meetings. But where is the time for that?”²²⁷

Public Rallies

These meetings constitute another avenue through which Ugandans participate in their governance. Active citizens attend these meetings, when the authorities permit them, to listen to politicians, activists, and government officials on public issues, but also to provide their feedback. Major government proposals such as proposed constitutional amendments, have been the subject of such rallies in the past. Members of Parliament also occasionally organize constituency meetings as a form of public hearings where they listen to the views of their constituents and/or update them on issues of public importance under debate in Parliament. MPs were sent for such consultations ahead of the 2017 controversial debate on the constitutional amendment to lift the age limit for presidential candidates. Legislators were also paid Shs20 million each to consult their constituents at the height of the Covid-19 pandemic in 2020.²²⁸ A major challenge, however, is that there is no established framework for such consultations. Parliament chooses which issues require public consultation. The criteria is neither clear nor laid out in any regulation.

C. CIVIL SOCIETY PLATFORMS FOR PARTICIPATION

Ugandans also participate in their governance through civic organizing led mostly by NGOs and CBOs. There were 14,000 such organizations before the “revalidation” of NGOs in 2019 and about 2,400 registered by the Bureau for NGOs by September 2021.²²⁹ A majority of these organizations are involved in service delivery in sectors such as education, environment, gender, and health, while a smaller number are involved in advocacy work related to democracy, governance, and human rights.

Below are some civil society initiatives that seek to promote citizen participation:

- **Uganda National NGO Forum (UNNGOF)** – serves as the national platform for coordination of NGOs. With over 650 members across the country, the Forum seeks to “create space for NGOs to reflect, strategize and take action on matters of mutual interest.”²³⁰ UNNGOF has led strategic convenings such

²²⁷ Personal interview, Kampala, 4 September 2021.

²²⁸ The move saw a fallout between President Museveni and Speaker Rebecca Kadaga after the latter opposed Parliament’s decision to give MPs money at a time when there were so many demands on the public purse particularly to support the government’s Covid-19 response.

²²⁹ Moses Watasa, Commissioner for Information, Ministry of ICT & National Guidance, speaking on the UBC TV talk show Behind the Headlines, 25 August 2021.

²³⁰ <https://ngoforum.or.ug/about/who-we-are>

as the Strengthening Citizens' Engagement in Elections (SCENE) dialogue that brought together CSOs, State actors and political parties to promote citizens' involvement in the electoral process. UNNGOF was also instrumental in mobilizing the civil society response to the Non-Governmental Organizations Bill, 2015.

- **Development Network of Indigenous Voluntary Associations (DENIVA)** – operates the self-regulatory mechanism for NGOs referred to as the NGO Quality Assurance Mechanism (QuAM) which is a self-regulatory model for CSOs was established to provide minimal benchmarks for governance and accountability.²³¹ Through its programs on civil society strengthening and governance and human rights, DENIVA empowers its over 700 member organizations across the country to participate in democratic governance and policy reform processes at local and national levels; and to advocate for a favorable operating environment for CSOs in Uganda. It is thus well equipped to strengthen and nurture sustainable partnerships between CSOs and state authorities to foster public participation mechanisms to improve the enabling environment for civil society. The QUaM can also address accusations that Ugandan CSOs are not accountable.
- Action Aid International Uganda runs programs to create an enabling environment for community engagement, youth empowerment and leadership in fighting corruption at local, regional, and national levels.
- Advocates Coalition for Development and Environment (ACODE) manages Citizen Engagement Action Plans (CEAPs) to engage district leaders through their councilors to address persistent service delivery issues. The CEAPs are citizen-generated action plans used as tools for civic engagement. They are the products of Community Engagement Meetings (CEMs), which are aimed at creating civic awareness and steering citizens to agree upon actions for demanding response on specific service delivery needs.²³² ACODE hosts the Civil Society Coalition on oil and gas (CSCO) which coordinates civil society interventions to support implementation the Extractive Industries Transparency Initiative (EITI) in Uganda as well as deepening the understanding of EITI amongst citizen groups for meaningful participation and engaging the Uganda Extractive Industries Transparency Initiative Multi-Stakeholder Group (UGEITI MSG) to inform legislative reforms that support implementation of EITI. Such platforms offer strategic opportunities for CSOs to ad-

231 However, according to the 2020 Civil Society Sustainability Index report (ibid), the adoption of the QuAM model remains low despite efforts to revive it. (See, p8)

232 <https://www.acode-u.org/CEAP>

dress enabling environment issues.²³³

- The Africa Freedom of Information Centre (AFIC) has trained the public and both local and national leaders on how to promote citizen participation through leveraging the Access to Information Act. AFIC also leads the national Coalition on Freedom of Information (COFI) and has worked with government agencies such as the Public Procurement and Disposal of Assets Authority (PPDA) to increase public access to promote accountability by increasing public access to information about government spending.
- CSBAG coordinates Participatory Budget Clubs for citizens to engage in the planning and budget process at the lower local governments.
- The Forum for Women in Development (FOWODE) runs Village Budget Clubs to hold leaders accountable and trains women leaders in gender responsive policy making.

Among the major challenges cited in the implementation of these and similar civil society initiatives are public apathy, low levels of trust in government, low participation of women and marginalized groups, shrinking civic space, and more recently the disruptions caused by the Covid-19 pandemic.²³⁴

CSO-Government Public Dialogues

A number of NGOs increasingly organize high-level public dialogues that bring together civil society, academia, the media, and policy makers to discuss and influence government policy.²³⁵ These meetings provide opportunities for engagement and sometimes yield results especially when CSOs present credible evidence-based research to back up their case. ACODE, CSBAG, and UDN are among some of the NGOs that have organized such dialogues. The high-level dialogues and workshops convened by the Civil Society Coalition on Oil and Gas on the proposed oil and gas governance legislation between 2012 and 2016 are said to have yielded dividends as Parliament ended up adopting most of the recommendations that had been made by local and international advocacy CSOs. A key gap is that these dialogues are ad hoc mechanisms that are not anchored under substantive legal or policy frameworks.

Civic Education Programs

NGOs and CBOs also regularly organize training or capacity-building workshops for both local and national leaders as well as the public on wide range of issues, includ-

233 The EITI Standard specifically mandates that implementing countries must ensure that “civil society [is] fully, actively, and effectively engaged in the EITI process,” and that “there is an enabling environment for civil society participation.

234 Personal interview with ActionAid Uganda’s Mercy Grace Munduru [Kampala, 22 November 2021], Richard Okuku of Anti-Corruption Coalition Uganda (ACCU) [23 November 2021] and others who declined to be named.

235 Personal interview, Dr Arthur Bainomugisha (Executive Director, ACODE), September 2021.

ing human rights. Typically, these workshops focus on creating awareness and improving knowledge on the rules and responsibilities of different duty bearers. They also tend to focus on the legal and regulatory frameworks for different policies and actions at the center of the debate.

CSO-Led Community Barazas

A number of NGOs/CBOs also hold community *barazas* either in conjunction with local leaders or central government officials or independently on a wide range of areas. For example, ISER has organized health *barazas* under its program on promoting social and economic rights. The meetings offer an opportunity for the public to access information about how they can participate in decision-making and hold leaders accountable.

Public Demonstrations/Campaigns

Additionally, CSOs and political groups use public campaigns, protests, and demonstrations to express their views on critical policy issues. For instance (i) The “Black Monday” campaign, launched in 2012 as a citizens’ protest against rising levels of corruption in the country, is among the most prominent in recent years. CSOs, led by the ActionAid Uganda, Ant-Corruption Coalition Uganda (ACCU), and the Uganda National NGO Forum, among others, mobilized citizens to dress in black every Monday as well as identify and speak out against the corrupt.²³⁶ The campaign also involved the publication of communication materials documenting how much the country was losing to corruption. The campaign, which was relaunched in December 2019, after slowing down in intervening years, was hampered by the onset of the Covid-19 pandemic in early 2020.

More recently in 2018 the public campaign against the imposition of a “social media tax” saw a public backlash that involved protests led by mostly youthful activists. The government was forced to review its decision to impose a 1% tax on Over the Top (OTT) services which offered voice and messaging over the Internet. This affected social media services, including Facebook, Google Hangouts, Instagram, Skype, Twitter, and WhatsApp. Although the tax is still in effect, the rate was later lowered.

Much earlier in 2007, the government’s plan to degazette and



More recently in 2018 the public campaign against the imposition of a “social media tax” saw a public backlash that involved protests led by mostly youthful activists.

²³⁶ <https://www.independent.co.ug/csos-re-ignite-black-monday-campaign/>

give away part of the Mabira Forest Reserve for sugarcane planting was abandoned after a massive campaign that brought together local and international environmentalists and activists. Dubbed the Save the Mabira Crusade, the campaign involved a massive protest on the streets of Kampala, which turned violent after police attempted to stop the demonstrators. Three people were killed in the protest. The National Association of Professional Environmentalists (NAPE), which spearheaded the campaign, described it as “the first time in Ugandan history when unity in diversity prevailed (and) all Ugandans spoke with one voice”.²³⁷ Although the government later resurrected the plan for the give-away in 2011, officials bowed to pressure from civil society following consultations, which also involved President Yoweri Museveni and other stakeholders.

Although CSOs have attempted to exercise the right to peaceful assembly as a forum for public participation, in most instances they have faced obstruction from state authorities and those engaged in fighting corruption, enforcing transparency, and defending human rights often do so at great peril. For example, leaders of the campaigns against the Mabira Forest give-away and social media tax, were arrested. In 2018, young people from the Alternative Uganda social movement and Uganda Poor Youth Movement were arrested, tortured, and detained for protesting against corruption outside Parliament.²³⁸ In September 2016, police stopped a planned gay parade outside the Capital Kampala after threatening to arrest the organizers for allegedly violating Uganda’s Penal Code. Homosexuality is illegal in Uganda. The previous month police had raised a night club where a “gay pride event” was taking place and arrested at least 15 people. They were accused of staging an illegal gathering and promoting homosexuality.²³⁹

D. MEDIA PLATFORMS FOR PARTICIPATION²⁴⁰

Both mainstream and social media also offer opportunities for citizen participation. Talk shows, especially on radio, and to a much lesser extent television, allow citizens to call in and express themselves on a wide range of public affairs. Both local and national leaders also participate in these forums to sensitize the public on the implementation of government policy or respond to specific questions from the public. Increasingly, the public, especially young people who have access have turned to social media platforms such as Facebook, Twitter, and YouTube to express their views on public affairs. Lawyer Opiyo noted that these “online spaces for young people” have been very “helpful” as tools for empowerment. “Hashtags on Twitter, campaigns on Facebook are exceedingly useful in mobilizing young people,” he added.²⁴¹ Some of the popular advocacy hashtags in recent years include *#NoSocialMediaTax*; *#ThisTaxMustGo*; *#StopPoliceBrutali-*

237 <https://www.nape.or.ug/about-us/key-achievements/73-campaign-to-save-mabira-forest>

238 See, 2019 Civil Society Organization Sustainability Index - Africa (fhi360.org), (p4)

239 <https://www.africanews.com/2016/09/25/uganda-gay-pride-parade-stopped/>

240 A substantive chapter on media and participation provides an overview of the sector and also explores how the media covers public participation and issues around the enabling environment for civil society.

241 Personal interview, Nicholas Opiyo, September 2021.

tyUG; #SaveBugomaForest; #JournalismIsNotACrime; #UgandaIsBleeding; and #PayUgandan-Doctors.

CSO-Media partnerships are potentially useful to foster public participation and support for CSOs' work in the general public. CSOs rely on the mainstream media and social media spaces to issue statements, opinion pieces and articles on public issues and to spread messages about the role and importance of NGOs to Uganda's development.²⁴² CSOs similarly organize press conferences to share views on trending public issues and to respond to infractions of civic space by the government.²⁴³ However, according to the 2020 CSO Sustainability Index report, most media soliciting for CSOs participation are privately owned, and private media also adopt internal editorial policies to produce balanced stories about CSOs' work.²⁴⁴ Organizations such as the Center for Constitutional Governance (CCG) established Civic Space TV, an online platform for promoting freedom of speech and expression in relation to civil society activities.²⁴⁵ Selected government officials have also embraced social media to explain their actions and government policy generally. For example, the ministers of Health, the Permanent Secretary, and the Director General of Health Services have used social media to explain its response to the Covid-19 pandemic. Frank Tumwebaze, the Minister of Agriculture, Animal Industries and Fisheries is also a regular Twitter user who continues to campaign for open government communication.

3. Perceptions on the Level of Citizen Participation at Local and National Levels

On the face of it, Ugandan citizens seemingly have a variety of options when it comes to platforms or avenues through which they can participate and exercise their agency. However, interviewees painted a mixed picture when asked to assess the level of citizen participation in Uganda. Participation may be high in some spaces such as elections, community meetings and the media, but it is limited or entirely absent in others. Generally, there is an overwhelming sense that the existing mechanisms do not always bear fruit.

Many informants agreed with the assessment of lawyer David F. Mpanga who said, "Ugandan citizens are quite engaged at various levels through local government elections, parliamentary elections, radio stations, social media... People are alive to political issues. There is a vibrancy—tolerated vibrancy. I would give us 7/8 out of 10 in terms of quantity. The problem is with quality. Space closes when you begin to touch the switch-

242 See, 2020 CSO Sustainability Index report available at 2020 Civil Society Organisation Sustainability Index Report.pdf (ngoforum.or.ug). (See p8)

243 Ibid.

244 See, 2020 CSO Sustainability Index Report on Uganda, p8, available at 2020 Civil Society Organisation Sustainability Index Report.pdf (ngoforum.or.ug)

245 Ibid.

es that run the state.”²⁴⁶ By this logic, citizen participation either directly or through NGOs, CBOS and other organized groups is tolerated for as long as it does not threaten those in power. The media and civil society can report about delivery of public services, corruption, and accountability without consequence. But, as we shall see in the next chapter, when participation touches on political rights and power it is met with restrictions. Most informants also agreed that participation was generally high around elections (turnout in the 2021 presidential elections was 59.35%, according to official figures), but in reality, citizens tend to disengage after the electoral period. “Participation has been reduced to only elections,” said one Member of Parliament Anna Adeke Ebaju.²⁴⁷ “Once elections are over, people seem to be detached from governance issues. Those who are engaged do so within (a number of) limitations,” said Opiyo. Julius Mukunda, an activist on budget transparency and accountability, agreed that citizen participation was high in political spaces such as elections at both national and local levels. “However, when it comes to participation in policy formulation and resource mobilization, utilization and accountability spaces participation is still low,” he said.²⁴⁸ Ronald Wamajji, the Executive Director of the Centre for Public Affairs (CEPA), also noted that in terms of service delivery “you have to think about whether or not citizens are engaged when it comes to monitoring services in their communities, holding the leaders accountable, (and) being able to demand for particular services. That is where perhaps some of the gaps are.”²⁴⁹ As we shall see later, this is partly because of lack of awareness and knowledge of rights and duties as well as a creeping sense of despondency.

A number of participatory platforms at the local level, which are statutory creatures, such as the Parish Development Committee and Village Planning Committee, are “generally inactive and ineffective” as Mukunda, pointed out.²⁵⁰ Gertrude Gam-

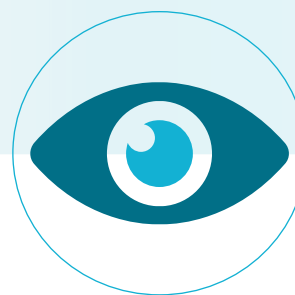
246 Personal Interview, David F. Mpanga (Managing Partner, Bowmans), September 2021.

247 Personal interview, Anna Adeke Ebaju, Member of Parliament (Soroti, Women), September 2021.

248 Personal interview, Julius Mukunda (Executive Director, CSBAG), September 2021.

249 Personal interview, Ronald Wamajji (Executive Director, Centre for Public Affairs), September 2021.

250 Personal interview, Julius Mukunda, September 2021.



At a Glance

- Ugandans are generally engaged.
- Many avenues for public participation, but a number come off as tokenism.
- Participation is high around elections.
- There is less participation around policy formulation, implementation & accountability.
- Many local level participatory platforms inactive or ineffective.
- Inadequate funding of participation mechanisms affects citizen engagement.
- Political environment (polarization and criminalization of dissent) discourages public participation.
- Low political efficacy affects participation.
- Lack of access to information, high levels of illiteracy and inadequate civic education hinder participation.
- Low levels of civic competence.
- High levels of poverty (at the individual/household level) affect participation.

wera, Secretary General of the Uganda Local Governments Association, agreed.²⁵¹ “The full potential of these structures is undermined by inadequate funding and threat to recentralize systems,” she noted. Arthur Bainomugisha, the Executive Director of Advocates Coalition for Development and Environment (ACODE), agreed that the government’s “commitment to decentralization” had waned over the years. Moreover, both local leaders and citizens have capacity challenges, in addition to not fully appreciating their power and roles, he added.²⁵² As a result of all this, local development plans do not always reflect the voice of citizens. The central government still has more influence on local government planning and resource allocation than the other way around.

Another view was that citizen participation was limited because of low political efficacy and “a sense of resignation”. “It is very low because people don’t think it has any dividends; leads to anything,” noted political scientist Golooba-Mutebi. “There is a sense in which participation became a ritual.”²⁵³ Under this line of thought, the non-responsiveness of the state has engendered a sense that participation “doesn’t make a difference” which has in turn undermined the legitimacy of government at both the local and national levels. A women’s rights advocate, one of the anonymous respondents for this study stated that “Ugandans seem to have lost morale in the affairs of the country because fundamental freedoms of expression, association, assembly, which guarantee the rights to participate in the governance of the country, are not respected.”

Sarah Bireete, the Executive Director of the Centre for Constitutional Governance (CCG), agreed that the right to freedom of association and expression were at the heart of participation. “Once you curtail these avenues for citizen participation, you take away guaranteed rights,” she said.²⁵⁴ These rights have been taken away by both laws as well as the behavior of duty bearers. As such, the lack of respect for fundamental rights by state authorities responsible for protecting these rights is a significant barrier and disincentive for CSOs’ participation in public affairs.

High levels of poverty are also blamed for low citizen participation. According to Richard Ssewakiryanga, the “low standard of living and poor living conditions leave citizens no time for meetings”.²⁵⁵ Researcher Yusuf Serunkuma agrees. In some ways, “the biggest danger is not the democracy deficit nor the human rights deficit. It’s food and water; those basics.”²⁵⁶

Lack of access to information, high levels of illiteracy, and inadequate civic education and the attendant poor levels of public awareness have collectively resulted in “civic

251 Personal Interview, Kampala, 1 September 2021.

252 Personal interview, Kampala 11 January 2022.

253 Personal interview, Dr F. Golooba-Mutebi (Political scientist/Independent researcher), September 2021.

254 Sarah Bireete, Personal Interview, September 2021.

255 Personal interview, September 2021.

256 Personal interview, September 2021.

incompetence” as explained by ACODE’s Bainomugisha. A “majority of citizens do not know their rights and duties”.²⁵⁷ Without access to information, “people don’t connect the dots”.²⁵⁸ The Uganda Human Rights Commission, which has the mandate of promoting civic education programmes, has consistently pointed at inadequate funding for this state of affairs. The “lack of a common understanding about the coordination mechanism (for civic education)²⁵⁹, particularly with regard to the oversight role of UHRC ...as well as uncoordinated civic education delivery” have also been blamed for the “limited awareness of the citizens about provisions of the Constitution and limited participation of the citizenry in decision making or government programs”.²⁶⁰

Some participation platforms, such as the mass media, including radio talk shows, and Internet-based initiatives such as the GCIC and “Ask Your Government” are not accessible for many citizens on account of illiteracy, lack of knowledge, and the high costs of access. Only a ‘vocal minority’ appears to participate in these spaces.

Inclusive participation and access are also a challenge especially for marginalized and minority groups—especially those in rural communities, persons with disabilities,²⁶¹ and citizens identifying as LGBTI.

The “monetization of politics”²⁶² or “transactional politics” according to ACODE’s Bainomugisha, has also tended to discourage civic participation. Citizens with strong value systems, who for instance shun bribery and the abuse of public resources, tend to stay away from elective politics, while voters come to expect very little by way of accountability from elected leaders.

The overall political environment has also tended to discourage participation. There is a growing sense that the strong presence of the military in the country’s politics has been largely to cement the dominance of the ruling National Resistance Movement. Although the country returned to multi-party politics in 2005, Uganda is still “constructed as a military state; it’s securitized. Simple things like protests become security matters. Elections look like war.”²⁶³ The violence unleashed on many citizens who challenge the government has created fear, and in particular a chilling effect on the exercise of the

257 Personal Interview, Dr Arthur Bainomugisha, September 2021.

258 Personal interview, Nicholas Opiyo, September 2021.

259 UHRC is mandated by law to coordinate civic education programs in the country. The other state institutions that have a civic education role, include the Electoral Commission, Ministry of Gender, Labor and Social Development, Ministry of Justice and Constitutional Affairs, the Judicial Service Commission, the Inspectorate of Government, and the Electoral Commission.

260 Uganda National Civic Education Policy, Final Draft, p.12

261 Personal interview with unnamed digital rights activist, September 2021.

262 Prof. Monica Chibita, Dean Faculty of Journalism & Communication, Uganda Christian University. Personal Interview, September 2021.

263 Personal interview, Richard Ssewakiryanga, September 2021.

rights to free expression, association, and assembly.²⁶⁴ The criminalization of dissent and opposition under laws such as the Public Order Management Act has in particular made active participation risky for many citizens. “Human rights abuses targeting dissenting views are pushing many to fear for their lives,” said Member of Parliament Aisha Kabanda.²⁶⁵ These arrests or attacks not only have a chilling effect on participation in other spheres, they also easily lead to despondency.

Despite existing laws that seek to foster public participation, the lack of implementation of these frameworks has undermined their impact in practice. Instead, authorities have used restrictive provisions to curtail fundamental rights to expression, association, and assembly, which are critical for public participation in contravention of the 1995 Constitution of Uganda. “These laws, the police, and other organs of the State ... are not healthy for free participation as enshrined in Article 38 of the Constitution,” noted opposition Member of Parliament Asuman Basalirwa.²⁶⁶

Whereas participation does take place in a number of spaces at both local and national levels, it easily comes off as tokenism. Citizens may speak, despite the challenges cited above, but their voice is not always heard. This also points to the lack of reporting and feedback mechanisms even where institutions attempt to engage citizens and civic society in decision making processes.

According to the international standards on the right to participation, states should ensure effective remedies for violations of the right to participate in public affairs.²⁶⁷ Beyond the court process (judicial recourse)²⁶⁸, which is typically long and complex, Uganda does not appear to have redress mechanisms for those who are unduly deprived of the right to participate in public affairs. Perhaps even more ominous Uganda does not have an overarching framework to support the implementation of the right to public participation.

264 In pointing at the “overall climate of violence on the population” and “the general prevailing sense of fear among the population”, Nicholas Opiyo spoke for many who did not want to be named.

265 Personal interview with Aisha Kabanda (Woman Member of Parliament, Butambala), September 2021.

266 Personal interview with Asuman Basalira, MP (Bugiri Municipality), September 2021.

267 See Para. 21, United Nations Guidelines on the Effective Implementation of the Right to Participate in Public Affairs. Also see, A/HRC/27/29, para. 16.

268 The Human Rights (Enforcement) Act, 2019 provides for procedure to for enforcing human rights guarantees under Chapter 4 of the Constitution. According to section 3 of the Act, a person or organization whose fundamental right or freedom has been infringed or threatened can apply to a competent court for redress. Section 13 provides that a person who has right to believe the state is not taking adequate steps for the progressive realization of the rights and freedoms guaranteed under Chapter 4 of the Constitution may apply to the High Court for redress.

BARRIERS TO CSO PARTICIPATION IN GOVERNANCE

Civic space is the bedrock of any open and democratic society. When civic space is open, citizens and civil society organizations are able to organize, participate, and express themselves without hindrance.²⁶⁹ The state has an obligation to protect citizens as well as provide an environment that guarantees enjoyment of freedoms of expression, association and assembly, and redress infringements on these rights by both state and non-state actors.

1. Background

It has been noted that after Uganda held the first multi-party elections in 2006, slightly more than 25 years ago, development agencies turned to NGOs as a dependable force for cultivating citizen engagement to promote political accountability, which was required to deepen democratic governance in the country.²⁷⁰ According to a 2020 paper by Konrad Adenauer Stiftung (KAS), “as financial aid increased towards promoting the ‘good governance agenda’ in Uganda, so did the number of NGOs that became increasingly focused on implementing political activities. By 2013, the Ministry of Internal Affairs reported that there were over 12,500 registered NGOs from a paltry 200 in 1986.”²⁷¹ By 2019, this number had increased to nearly 14,000. By the end of 2021 the number of registered NGO was 2,325.²⁷² The number has reduced following the “revalidation” of NGOs after the passing of the NGO Regulations, 2017. The KAS paper continues: “... Development support towards civil society from 2006 to date has been premised on the assumption that CSOs can serve as a platform for mobilizing and facilitating citizen participation in political, economic, and social processes aimed at promoting transparency and accountability in governance. This was presumed to foster a rules-based governance structure, promote peace and stability and, ultimately, achieve economic transformation.”

²⁶⁹ <https://monitor.civicus.org/whatis-civicspace/>

²⁷⁰ Civil Society in Uganda: Broadening Understanding of Uganda’s Civil Society Ecosystem and Identifying Pathways for Effective Engagement with Civil Society in the Development Process; <https://www.kas.de/documents/280229/280278/Reality+Check+11+Civil+Society.pdf/c17c76f7-e3d5-40d4-a5e8-fc8af1107a5b?t=1580718867580>

²⁷¹ Civil Society in Uganda: Broadening Understanding of Uganda’s Civil Society Ecosystem and Identifying Pathways for Effective Engagement with Civil Society in the Development Process;

²⁷² This is based on the number of entries in the Updated National NGO Register maintained by the Bureau for NGOs.

A majority of Ugandan civil society organizations are NGOs and CBOs that are involved in service delivery, particularly in areas such as education, gender, health, and water. A growing number of NGOs are however involved in advocacy around democracy, governance, and human rights.²⁷³ Trade and professional associations such as the National Organization of Trade Unions (NOTU), the Uganda Medical Association (UMA), the Uganda National Teachers' Union (UNATU), the Uganda Law Society (ULS), Kampala City Traders Association (KACITA), and the Makerere University Academic Staff Association (MUASA) are a major part of civic organizing in Uganda. In addition to these are 'organic' informal associations operating at the local level. They include savings groups—Savings and Credit Cooperative Organizations popularly known as SACCOs, Cooperatives, *Munno Mu Kabi* (A Friend in Need), women, youth, and faith-based groups, as well as a growing number of *boda boda* (commercial motorcycle riders) associations. Overall, the number of voluntary organizations at both local and national levels speaks to active CSO participation. As Richard Ssewakiryanga noted, “the level of associational life is increasing”.²⁷⁴

Several interviewees noted the valuable roles and functions played by CSOs in fostering participatory democracy. Member of Parliament Asumani Basalirwa (Bugiri Municipality) stated that “In a country like Uganda where you need to build civic consciousness, institutions like NGOs play an important role in empowering the citizenry; in sensitization.”²⁷⁵ According to Salima Namusobya, the Executive Director of the Initiative for Social and Economic Rights (ISER), “citizen engagement through CSOs has been relatively high and diverse, varying from participation in social to political activities, including demonstrations, petitions and other engagements.”²⁷⁶ Member of Parliament Ojara Mapenduzi (Bardege-Layibi Division, Gulu City), stated that civil society organizations have done “a commendable job especially at local government level. Many people, including leaders, have undergone induction on their functions (and responsibilities). Local communities have also had the chance to learn about holding leaders accountable.”²⁷⁷ And as we saw in the previous chapter, there is some decent level of collaboration between civil society and government, especially around service delivery, transparency, and accountability. Whereas most CSOs are able to operate at both local and national levels, their organizing and participation in governance continues to be hampered by a number of factors that we explore in the next section.

273 In the absence of a current typology of Ugandan NGOs, numbers on NGOs working in different sectors are not readily available.

274 Personal interview, September 2021.

275 Personal interview, September 2021.

276 Personal interview, September 2021.

277 Personal interview, September 2021.

2. Barriers to CSO Participation

A. LEGAL RESTRICTIONS

The most common refrain among more than three dozen informants from Parliament, civil society, and academia as well as focus group discussions with more than 40 ordinary people was that the shrinking civic space in Uganda arising from actions of the state and restrictive legislation have increasingly undermined citizen autonomy and participation in governance. Uganda's global rankings show a marked decline in civic space.²⁷⁸

The 2020 Civil Society Organisation Sustainability Index Report.pdf (ngoforum.or.ug) noted that civic space, which had remained constrained the previous year, deteriorated as the country responded to the Covid-19 pandemic while also preparing for the 2021 general elections. The legal environment and financial viability of civil society organizations were singled out as areas where sustainability had been impeded. "The legal environment governing the CSO sector deteriorated moderately in 2020 as the government selectively applied laws and threatened closures and deregistration in an effort to clamp down on civic space."²⁷⁹ The government's attitude towards CSOs was marked by mistrust. For instance, publicly praising CSOs' donations to the National COVID-19 Relief Fund, the President accused CSOs of conspiring with undefined "foreign elements" to overthrow the state, prompting security agents to increase their intimidation and harassment of advocacy CSOs and human rights defenders. For CSOs in service delivery, government relations remained positive at both the central and local level, especially insofar as CSOs supported government relief efforts during the pandemic.

From 2017, attacks on CSOs have worsened. There has been an unprecedented onslaught on civic space following the announcement by popular musician Robert Kyagulanyi aka Bobi Wine, an elected MP, to run for president against the incumbent. Initially, efforts were made to review the outdated Stage Plays and Public Entertainments Act of 1943 which was viewed as an attempt to control musicians and other creatives.²⁸⁰ Artistes appeared to have pushed back successfully against the proposed guidelines based on a review of the Act by what was then the Ministry of Gender, Youth and Culture, but the guidelines were revived in 2019 in the run-up to the 2021 elections.

B. REGULATORY OVERREACH

In August 2021, the NGO Bureau, which regulates and coordinates activities of the sector, suspended 54 local groups for alleged non-compliance with the NGO Act. Some

278 Freedom House – Freedom rankings describe Uganda as “not free”, see, <https://freedomhouse.org/country/uganda/freedom-world/2020>. Similarly, CIVICUS Civic Space Monitor, ranks Uganda as “repressed” (see, <https://monitor.civicus.org/country/uganda/>)

279 2020 Civil Society Organization Sustainability Index, Uganda. p.2.

280 Uganda's Creative Industry Under Siege Again: <https://theatretimes.com/ugandas-creative-industry-under-siege-again/>

were suspended indefinitely for alleged failure to consistently file annual returns and audited books of accounts, while others were accused of operating without registering with the Bureau.²⁸¹ Not only do these official actions interfere with the right of association of these organizations, but they also affect delivery of services to their direct beneficiaries.

The Minister of Foreign Affairs, Gen. Jeje Odongo, who had previously worked as Minister of Internal Affairs, which supervises the NGO Bureau, told CNN during an interview on August 24, 2021, that the Bureau's action was justified. "So, what did you expect the regulator to do? To fold its arms when people are deliberately breaking the law? They had to bring to book those that did not follow the law," he said. In May 2022, the High Court ruled in a petition filed by Chapter Four Uganda against the government stating that the indefinite suspension of the applicant was irregular on account of its indefinite nature and ordered the NGO Bureau to hear the applicant within 30 days from the date of the ruling.²⁸² As at the completion of this report, the Bureau had issued a new registration certificate and one-year NGO permit to Chapter Four Uganda to resume its operations.

C. INTIMIDATION

Observers have argued that the suspension of NGOs was part of the government's attempts to intimidate and muzzle civil society. Ssewakiryanga described recent developments as "a crisis for advocacy NGOs because the State is pushing back against them. In a situation where you have democratic reversals, the state is trying to legitimize this reversal. You don't want people who critique your excesses. This is a problem for NGOs that focus on human rights and power. For people who are building schools, hospitals, organizations, working on HIV/AIDS, disability, one sees no crisis at all."²⁸³ Lawyer David F.K. Mpanga called it "a clear pattern." He said, "If it's perceived you're doing certain things that threaten regime security, the law will be used against you."²⁸⁴ Researcher Yusuf Serunkuma agreed. "The

281 <https://ugandaradionetwork.net/story/ngo-bureau-suspends-operations-of-54-ngos>

282 Chapter four Uganda vs. National Bureau of NGOs, Miscellaneous cause no. 292 of 2021.

283 Personal interview, September 2021.

284 Personal interview, David F.K. Mpanga, September 2021.



If it's perceived you're doing certain things that threaten regime security, the law will be used against you.

Lawyer David F.K. Mpanga

moment [Godber] Tumushabe [of GLISS] and [Nicholas] Opiyo started doing activist work—the state had to rein them in,” he said. “What it is telling them is do not do activist work. Once the state sniffs that you are blurring the boundaries, they come for you. In that moment when the Opiyos start doing the job they are actually supposed to do, the state will come in and target them.”²⁸⁵

But the government maintains that critical NGOs have not been targeted.²⁸⁶ While appearing on UBC’s late-night political talk show, *Behind the Headlines*, the NGO Bureau’s Executive Director, Stephen Okello, defended the decision to suspend NGOs. He said it was based on investigations which found non-compliance with the laws that regulate activities of NGOs.²⁸⁷ He cited section 31 (1) of the NGO Act which states that any NGO without a valid permit shall not be allowed to operate. “We have seen lots of suspicions and misrepresentations. This is not a political issue; not a witch-hunt...It’s a non-compliance issue,” Okello said.

Panellist Sarah Bireete pushed back against Okello saying the Bureau’s actions contradicted the object of the NGO Act which was to provide a conducive environment for NGOs. She added that the Bureau had not followed due process, and in any case could have fined the defaulting NGOs rather than suspend them. Lawyer Mpanga also disagreed with the Bureau’s approach. “If you are trying to promote compliance, there are many ways to do it without suspending NGOs. Why not use other sanctions, for example fines? There is lack of proportionality. The suspension is massive compared to the infraction. The [NGO] Act is a tool of control.”²⁸⁸ Prof. Monica Chibita also was not convinced that the move to suspend so many NGOs was merely a compliance issue. “It’s difficult to imagine that suddenly so many NGOs are getting it wrong. You get the sense there is a purge motivated by something. It could be related to insecurity and breakdown of trust.”²⁸⁹ Appearing on the UBC *Behind the Headlines* show, Nobert Mao, the President General of the Democratic Party, said it was not a coincidence that a number of the NGOs suspended were working around governance and human rights issues. “Government is interested in NGOs that provide trees, plant trees...But if you are an NGO and you say lifting (presidential) term limits mutilates the Constitution they want to check your file,” he said. “That approach is not sustainable. We can talk about the legalese but at the end of the day we must answer one question—does the government want citizens to organise and assert civic rights?”

Moses Watasa, the Commissioner for Information in the Ministry of ICT & National

²⁸⁵ Personal interview, September 2021.

²⁸⁶ Foreign Affairs Minister Jeje Odongo dismissed CNN’s claim of “a pattern of intimidation of civil society” when he appeared on Larry Madowo’s show on 24 August 2021. He said not all the NGOs that had been suspended were critical of the government.

²⁸⁷ <https://youtube.com/watch?v=kxkqhl4gje>

²⁸⁸ Personal interview, David F.K. Mpanga, September 2021.

²⁸⁹ Personal interview, Monica B. Chibita, September 2021.

Guidance, maintained during the UBC Behind the Headlines show that the “picture is not as scary” as only 54 NGO “have issues” out of a total of about 2,400. “Government recognizes NGOs (and) strives to create space for civic awareness,” he said. “Government is a partner with NGOs but that doesn’t mean they should operate outside the law. We don’t want Uganda to be a theatre of experiments, for example, funding terrorism. We need to find a middle ground. We need to regulate...We need to build a vibrant but accountable NGO sector in this country.”

ISER’s Namusobya said, “The suspension of the organizations is arbitrary and will in fact discourage many NGOs or CSOs that work around advocacy for better governance and democracy. Suspending civil society organizations also exposes them to additional legal risks if they are unable to pay staff or suppliers, affecting many Ugandans that work with these organizations. Many of the organizations work in critical areas such as legal (aid) to help poor or marginalized people, accountability, and transparency in the oil sector, or monitoring human rights in the context of elections. To shut down organizations working so closely with Ugandans abruptly will hurt people who rely on their services or advocacy.”²⁹⁰

So far there is little sign that the government is relenting. On 15 August 2021 Hajji Yunus Kakande, Secretary in the Office of the President, wrote to Resident District Commissioners and Resident City commissioners, bringing to their attention the directive of President Museveni on monitoring NGOs. He said following the suspension of the 54 NGOs, the President had “directed all MDAs [ministries, departments, and agencies] and District authorities to exercise vigilance and get involved in the operations of NGOs operating within their mandated jurisdictions”. The Secretary advised the RDCs and RCCs as well as their deputies “to keenly take up this matter with the urgency it deserves.”

D. ARREST OF VOCAL NGO LEADERS

Recent arrests of civil society leaders have been widely seen as a campaign of intimidation. In December 2020, Chapter Four-Uganda’s Nicholas Opiyo was arrested and charged with money laundering in a move that was widely seen as an attempt to intimidate vocal civil society leaders ahead of the January 2021 general elections.²⁹¹ The outspoken human rights lawyer was detained for several weeks before he was released on bail. Charges against him were dropped in September 2021, but this was after his organization had been closed for alleged failure to consistently file annual returns and audited books of accounts. In October 2021, Dickens Kamugisha, the Executive Director of the Africa Institute for Energy Governance (AFIEGO), and five members of his organization were arrested and detained for three nights. They were charged with failure

²⁹⁰ Personal interview, September 2021.

²⁹¹ Uganda’s top human rights lawyer Nicholas Opiyo jailed ahead of elections: <https://www.rfi.fr/en/africa/20201223-uganda-s-top-human-rights-lawyer-nicholas-opiyo-jailed-ahead-of-elections-bobi-wine-yoweri-museveni>

to produce NGO registration documents and a permit. Maintaining that operating without the NGO permit was not an offence, Kamugisha said they were being targeted for their work on land rights and the environment.²⁹²

E. FUNDING CHALLENGES

Funding challenges have also been cited as a major roadblock in citizen participation facilitated by civil society. Uganda does not have a developed philanthropic industry and the limited number of membership-based civil society organizations has left external donors as the major sources of funding. The predominant funding model for Ugandan NGOs and CBOs—grants from western philanthropic foundations and governments—has attracted criticism. According to Opiyo, “The funding infrastructure plays safe. It doesn’t want to push boundaries.”²⁹³ Lawyer Isaac Ssemakadde of the Legal Brains Trust added that reliance on grants that are provided in response to requests for proposals (RFPs) excludes many organizations that do not programme “organically”. Mpanga agreed. “What inhibits participation on civil society side is ironically what should be enabling—the money from donors. It shapes what we talk about and how. Many conversations take place at [hotels] ... where the people are not. A lot is lost in the format and grant structures.”²⁹⁴

CSO engagements have been further affected by growing restrictions on donor funding. As the 2020 CSOSI report for Uganda notes, the majority of CSOs in the country still rely on foreign sources of funding. In January 2021, the government suspended the operations of DGF²⁹⁵, which supports nearly 100 NGOs and statutory agencies²⁹⁶ working in the areas of accountability, civic engagement, human rights, rule of law and access to justice. Following the suspension, in June 2021, the government drafted a Memorandum of Understanding which

292 <https://www.independent.co.ug/we-are-being-victimized-for-our-work-says-afiego-director/>

293 Personal interview, September 2021.

294 Personal interview, September 2021.

295 Uganda: Suspension of Democratic Governance Facility Highlights Growing Concerns: <https://freedomhouse.org/article/uganda-suspension-democratic-governance-facility-highlights-growing-concerns>

296 DGF suspension cripples NGO activities: <https://www.monitor.co.ug/uganda/news/national/dgf-suspension-cripples-ngo-activities-3323914>



The funding model for Ugandan NGOs and CBOs — grants from western philanthropic foundations and governments — has attracted criticism. According to Opiyo, 'The funding infrastructure plays safe. It doesn't want to push boundaries.'

details some stringent conditions to guide DGF's activities in the country once it reopens. The media reported that the new MoU would grant government a supervisory role over activities of DGF.²⁹⁷ In the meantime, all the NGO activities that were supported by DGF have been on hold, and some of the organizations funded by the facility are on the verge of closing.

Earlier on, in October 2020, the government had halted the activities of GiveDirectly, an international charity funded by the U.S. government, which had embarked on a cash transfer programme to the urban poor affected by the Covid-19 pandemic. GiveDirectly reached an understanding with the government in 2021 to give the money to teachers, who were among the groups most affected by the Covid-19 lockdown following the long closure of schools.

F. FREEZING OF BANK ACCOUNTS

Throughout the campaigns ahead of the 2021 elections, President Museveni accused Kyagulanyi and other opposition as well as NGO activists of being agents of 'a neo-colonial agenda'. In December 2020, the Financial Intelligence Authority, which monitors illicit inflows, froze the bank accounts of four NGOs involved in governance and election monitoring allegedly on grounds of financing terrorism.²⁹⁸ The FIA unfroze the accounts in February 2021, in effect hampering their election related activities.²⁹⁹ Similar attacks were reported in 2017 with the freezing of bank accounts of some NGOs --ActionAid Uganda and the Great Lakes Institute for Strategic Studies (GLISS) --that had been challenging the amendment of the Constitution to remove age limits for presidential candidates, and thus allow President Museveni to contest in the 2021 elections. The FIA also sent letters to 24 other NGOs requesting for their books of accounts, a move that was interpreted as a threat.

According to a June 2021 report issued by the Defenders Protection Initiative (DPI) on the impact of the Anti-Money Laundering (AML) law, the FIA has unchecked powers to cause the freezing and by extension halting of transactions of accounting persons such as NGOs. "Critically, the law is silent on how long the FIA can keep such bank accounts frozen as provided for under Section 17A of the Anti-Terrorism (Amendment) Act, 2015. Rather it is within the discretion of the FIA to determine this. This is susceptible to abuse and creates unnecessary and frustrating uncertainty on the part of the organizations under investigation especially when the monies they hold, at least for NGOs, are project time bound as part of the agreements with the development partners. In the

297 NTV PANORAMA: Inside the DGF, government agreement: <https://www.youtube.com/watch?v=ek9aiQnzg8k&t=28s>

298 Govt freezes accounts of 4 NGOs doing poll work: <https://www.monitor.co.ug/uganda/special-reports/elections/govt-freezes-accounts-of-4-ngos-doing-poll-work-3216360>

299 A report of the investigation had not been released by the end of the year.

long run, this can paralyze the work of the NGOs and limit their civic space.”³⁰⁰

G. PHYSICAL ATTACKS ON MINORITY RIGHTS GROUPS

Marginalised and at-risk civil society organizations such as those working on the rights of sexual minorities and sex workers have tended to grapple with a distinct set of challenges—physical attacks by both state actors such as police and security agencies and fellow citizens. Ronald Wamajji of the Centre for Policy Analysis (CEPA) noted that “the crackdown on these organizations is even higher because it’s not just the government they are contending with but also the community. So, if you are an organization that is fighting for the rights of sexual minorities you have it rough because your target group is considered illegal by the state and by the laws.”³⁰¹

H. ABUSE OF POWER BY LOCAL OFFICIALS

It appears that the government’s hostility or suspicion towards NGOs has emboldened Resident District Commissioners and District Internal Security Officers (DISOs) who are said to wield a lot of power in the regions and can easily bring the operations of local civil society organizations to standstill. “If you want to do anything you need to be blessed by them—from security to good will,” noted a leader of a local civil society network in eastern Uganda.³⁰² Related to this is corruption from local officials which undermines the rights to associate and assembly and the implementation of some CSO activities. NGO and CBO leaders interviewed said there are many cases of government officials in the countryside looking for kickbacks from NGOs and CBOs. Sarah Bireete said this issue had come up in the last meeting of civil society leaders and the Minister of Internal Affairs.³⁰³ As noted earlier, local officials play a role in approving CBO and NGO registration applications as well as holding public meetings.

I. CSO PUBLIC IMAGE

The 2020 CSO Sustainability Index for Uganda said local communities were showing new levels of suspicion of NGOs after the ruling party accused opposition candidate Kyagulanyi of trying to bring war and homosexuality to Uganda.³⁰⁴ Civil society groups working at the local level also face the challenge of what Julius Mukunda from CSBAG calls “financial expectations from community members involved in various activities”.³⁰⁵ Many local people do not perceive NGOs and other civil society groups merely as vehicles for serving the public good. Rather, they are seen as people who are enriching themselves with foreign funding at the expense of the local people they purport to

300 Anti-Money Laundering and Counter-Terrorism Laws: An examination of their impact on Civic space in Uganda: <https://defendersprotection.org/home/wp-content/uploads/2021/07/A-Report-on-the-impact-of-AMLCTF-regulations-on-Civic-Space.pdf>

301 Personal interview, September 2021.

302 Personal interview, September 2021.

303 Personal interview, September 2021.

304 2020 Civil Society Organization Sustainability Index for Uganda. p.8.

305 Personal interview, September 2021.

serve. Project beneficiaries are now increasingly and boldly demanding for payment before they can participate in activities otherwise meant to benefit them or their communities.

Some Members of Parliament interviewed did not also hold favorable views towards civil society, especially NGOs. Anna Odeke Ebaju (Soroti Women) noted that “Civil society has fallen under state capture, and it cannot perform its duties. You either have to worship the regime or close shop.”³⁰⁶ Another Member of Parliament, Aisha Kabanda (Butambala Women), stated that civil society in Uganda is “very weak and threatened. Many live under intimidation.”³⁰⁷ Fellow Member of Parliament Cecilia Ogwal (Dokolo Women) said the civil society sector is “not doing enough. They should be more vibrant.”³⁰⁸

An enduring criticism of civil society in Uganda is that these groups are not “citizen organizations” or movements but “professional” organizations that are a far cry from the “organic” livelihoods-based groups such as farmers’ associations. Researcher Yusuf Serunkuma said, “I am concerned when civil society becomes institutionalized with offices and budgets. Community organizations that speak to civil society are not project-driven; they are civic movements...”³⁰⁹ Lawyer Opiyo agreed and said civil society should take some blame for the state of affairs. “People are building professional organizations, not citizen movements and (these organizations) are detached from the lives of ordinary people.”³¹⁰ Constitutional law lecturer Busingye Kabumba was also concerned by what he called “a certain superficiality” around the work of civil society in Uganda. He said a lot of the work of civil society today is “inorganic, inauthentic. That’s the problem. People (have been) brought together with a shared commitment to telling lies to each other. There is no resilience like you see with bread-and-butter livelihood-based groups of the past.”³¹¹ Lawyer Opiyo echoed a similar frustration, saying the suspension of DGF activities would have caused “a reaction” if the NGOs it supports

306 Personal interview, September 2021.

307 Personal interview, September 2021.

308 Personal interview, September 2021.

309 Personal interview, September 2021.

310 Personal interview, September 2021.

311 Personal interview, September 2021.



Civil society has fallen under state capture, and it cannot perform its duties. You either have to worship the regime or close shop.

Anna Odeke Ebaju,
Member of Parliament

were “connected” to the common person. “(The silence) is a repudiation of office-based entities. We are becoming comfortable with press conferences and workshops in hotels. Those things don’t mobilize citizens.”³¹²

The notion of civil society as “non-partisan” organizations has also attracted criticism for engendering compliance or docility. Ssemakadde argues that by civil society wanting to be seen as apolitical or non-partisan they end up promoting apathy. “How do you articulate the agenda of the people when you are apolitical? That means you are not going to support people to participate.”³¹³

Critics, including government officials, have also accused Ugandan NGOs of not being accountable to the public but to the donors that fund them. Cases of pervasive corruption have been cited in the NGO sector. Chapter Four’s Opiyo admitted that some NGOs were not above board but added that “the argument is being used disingenuously to impeach the credibility of civil society”.³¹⁴ Uganda Christian University’s Chibita agrees a lot of NGOs don’t set the bar high. “But is the government interested in that or is it a convenient excuse?”³¹⁵

As noted in the previous chapter, the Quality Assurance Mechanism (QuAM), was established to enhance CSOs’ capacities and promote ethical conduct. But according to both the 2020 Civil Society Sustainability Index on Uganda, participation in the QuAM remained low.³¹⁶ The 2019 CSOSI report attributed this to the Secretariat lacking the funding required for effective outreach.³¹⁷

Negative public perceptions can and do adversely affect the ability of civil society to mobilize citizens to participate and take action in public policy. Not only do they easily feed the government’s hostility towards NGOs, but they also lead to public suspicion or mistrust of these organizations.

J. LACK OF FORMAL PUBLIC CONSULTATIVE PLATFORMS

Another challenge is the lack of public consultative platforms on legal and policy issues for affected citizen groups. For instance, in its concluding observations on the initial report of Uganda, the Committee on the Rights of Persons with Disabilities noted the absence of specific mechanisms to ensure a high-level consultation with organizations of persons with disabilities that goes beyond the National Council for Disability.³¹⁸ The Committee raised concern that civil society does not fully participate in processes to en-

312 Personal interview, September 2021.

313 Personal interview, September 2021.

314 Personal interview, September 2021.

315 Personal interview, September 2021.

316 2020 Civil Society Organization Sustainability Index for Uganda. p.8.

317 2019 Civil Society Organization Sustainability Index for Sub-Saharan Africa, pp.270-271; [2020 Civil Society Organisation Sustainability Index Report.pdf \(ngoforum.or.ug\)](#).

318 UN Doc. CRPD/C/UGA/CO/1, May 12, 2016, para 6, p2

act legislation, and in the discussion and adoption of public policies both at the national and district level, including the involvement of women with disabilities, young people, children with disabilities and persons with psychosocial and/or intellectual disabilities. The Committee recommended that the government should establish high-level formal mechanisms to conduct consultations with organizations representing persons with disabilities, systematically and on a regular basis. In addition, these mechanisms should be allocated with budgetary resources to promote the meaningful participation of organizations of persons with disabilities, including organizations of women with disabilities, young people, children with disabilities and persons with psychosocial and/or intellectual disabilities.³¹⁹ This same logic should be applied to promote public participation across the board.

3. Conclusion

Overall, civic organizing in Uganda is in a state of flux. There are growing concerns that shrinking civic space will continue to undermine the ability of civil society to facilitate public participation. A variety of NGOs, CBOs, professional and trade associations, faith-based organizations, and informal groups are engaged in a number of activities, including service provision and advocacy, at both local and national levels. Civil society also collaborates with the government at all levels, in the areas of policy formulation, planning, budgeting, implementation, and monitoring and evaluation of government programs. Rather than providing an enabling environment that promotes the right to association and assembly the legal and regulatory framework in place appears to have restricted the activities especially of vocal NGOs and adversely affected public participation in governance. Advocacy on critical governance issues appears to be on the wane, following a series of high-handed actions against NGOs by state authorities. Internally, many CSOs continue to struggle to access financial resources, provided mostly by foreign funders who are also increasingly under pressure from the government. Although the public perceives CSOs as important mediating institutions, some NGOs are looked at as a collection of self-seekers that are detached from the lives of ordinary people.

319 Ibid, para 7.

THE MEDIA AND PUBLIC PARTICIPATION

As we have already noted, Uganda’s Constitution recognizes the right to freedom of expression (including free media) and access to information as not only fundamental, but also important for the protection of other basic human rights. As the UN Human Rights Office of the High Commissioner for Human Rights has noted, “the absence of free, pluralistic, and independent media ...jeopardizes the realization of participation in political and public affairs, since the media can be crucial in making citizens aware of their rights”.³²⁰

The Ugandan Supreme Court has argued that “meaningful participation of the governed in their governance, which is the hallmark of democracy, is only assured through optimal exercise of the freedom of expression. This is as true in the new democracies as it is in the old ones.”³²¹

Information is a prerequisite for public participation. The traditional news media of print and broadcasting and new media (including social media) are important channels for the public to access information about public affairs, to express their views and aspirations, and ultimately to participate in decision-making or hold those in charge accountable.

This chapter therefore looks at traditional news media and social media not only as channels or sites for information dissemination, but also as facilitators of public participation.

1. Overview of the Media in Uganda

A. TRADITIONAL MEDIA

The last two decades have witnessed a significant expansion of the media landscape in Uganda. By the end of 2020, the country had 304 radio stations and more than 30 TV stations³²² in addition to at least 10 print news publications, and a host of online-only news sites. Radio remains the biggest source of information for 80% of Ugandans³²³, although many stations dedicate very little time to news and public affairs program-

320 A/HRC/30/26

321 Judgment of Justice Joseph Mulenga, Supreme Court of Uganda, Charles Onyango-Obbo and Anor vs Attorney General.

322 Uganda Communications Commission <<https://www.ucc.co.ug/wp-content/uploads/2017/09/Communication-Sector-Performance-for-the-Quarter-ending-June-2018.pdf>>

323 Afrobarometer (2020):“Feasible but unsuitable? Examining the practicality of a media-only 2021 election campaign during COVID-19: Findings from the Afrobarometer Round 8 Survey in Uganda.”

ming.³²⁴ Television comes second at 31%, followed by the Internet (14%) and social media (13%). While newspapers come last at 12%, they remain influential agenda-setters for the public, political class, as well as other media. Radio talk shows have been a major arena of citizen participation.³²⁵

The multiplicity of media platforms in Uganda and the vocal expression on many talk shows belies major challenges to the right to free expression. For very many years, the country has been characterized by the international freedom watchdog, Freedom House, as “partly free”. Constitutional guarantees of freedom of expression have been undermined by restrictive laws and regulations, government interference, regulatory overreach, harassment and intimidation of journalists by security officials, advertiser influence, media ownership, professional and human resource challenges within newsrooms, and low levels of media literacy among the population.³²⁶ There are also growing concerns about the phenomenon of “media capture”, which often involves control over the news media by political and business interests as well as licensing and regulatory bodies that are usually not independent from the Executive.

Uganda has a generally diversified media industry today, but there are concerns that many private radio stations are owned by politicians in the ruling NRM or business actors who are close to the party. This is said to be a major factor in determining the content of these stations, and who gets access to them.³²⁷

Although UCC has in the past put radio ownership by politicians at about 15 per cent, some media watchers contend that it could be well over 70 per cent, especially in the countryside. Such ownership patterns have raised concerns about media diversity, especially given that many radio stations owned by politicians have been known to turn away members of the opposition and other voices of dissent hence curtailing free flow

324 ACME (2021). Preliminary report on monitoring media coverage of the 2021 elections in Uganda.

325 Mwesige, P.G. (2009). “The democratic functions and dysfunctions of political talk radio: the case of Uganda.” *Journal of African Media Studies*, 1(2): 221-245. Intellect Books.

326 African Centre for Media Excellence (2021). *The Media in Uganda. A Landscape Analysis*. Unpublished research report.

327 African Centre for Media Excellence (2021). *The Media in Uganda. A Landscape Analysis*.



Uganda has a generally diversified media industry today, but there are concerns that many private radio stations are owned by politicians in the ruling NRM or business actors who are close to the party.

of information and exchange of ideas and public opinions. The Catholic Church and other faith-based groups also own several radio stations that are influential in their regions of operation.

The state-run Uganda Broadcasting Corporation (UBC), which has the widest TV and radio reach and broadcasts in multiple local languages as well as English and Swahili, was supposed to have transformed into a public broadcaster that is independent of the state. However, until recently, it remained very much a state broadcaster that was subservient to the ruling party and rarely provided opportunity for expressing views critical of the government.

There are also fears that conglomeration is beginning to undermine the media pluralism and diversity that democracy demands. A number of smaller radio stations have been bought out by bigger media groups.

In the past the government has forced the closure of media houses over their reporting of controversial political issues. The Uganda Communications Commission has also ordered the suspension of journalists over their live coverage of demonstrations.

As the African Centre for Media Excellence (ACME) has argued, “the restrictive laws and absence of media self-regulation have opened the way not only for state regulatory overreach, but also for routine harassment and intimidation of journalists, sometimes including physical attacks. State security services have been at the center of such attacks on journalists. This has had a chilling effect, often forcing self-censorship. The public are worse off when some stories are withheld because journalists fear they will offend authorities.”³²⁸ A pestered and cowering media shies away from doing more comprehensive and probing public affairs journalism that is vital for accountable government and inclusive national development (Freedom House, 2017).³²⁹

Although most Ugandan journalists enjoy the freedom to report on many aspects of public affairs, there are reports of self-censorship when it comes to controversial stories especially about security agencies, or certain high-ranking government officials and some forms of official corruption.³³⁰

Uganda’s Second National Development Plan, 2015/16–2019/20, noted: “...the media has been instrumental in exposing misappropriation of public resources, abuse of office, inadequacies in service delivery hence promoting accountability, transparency, and good governance. However, the media still faces a number of challenges resulting mainly from the existing capacity gaps which have constrained its ability to adequately execute its oversight function.”

328 African Centre for Media Excellence (2021). The Media in Uganda. A Landscape Analysis.

329 Freedom House, “Freedom of the Press 2017: Uganda” available at <https://freedomhouse.org/report/freedom-press/2017/uganda>

330 African Centre for Media Excellence (2021). The Media in Uganda. A Landscape Analysis.

The capacity gaps revolve around low ethical standards, including the pervasive practice of journalists accepting money from sources, and flouting of basic journalistic principles of accuracy, balance and fairness, context and perspective, completeness, depth, and follow-up. In addition, most journalists are general reporters who lack specialized knowledge about different areas of public affairs.

B. DIGITAL AND SOCIAL MEDIA

The number of Ugandans with access to digital and social media is growing, with WhatsApp leading the way, followed by Facebook. Instagram, Twitter, and YouTube which have also found a growing number of subscribers. As Kamp (2016) noted, social media can open up new avenues for participation.³³¹ At the same time the mushrooming online news platforms have become a major source of information about public affairs.

The mobile phone in particular has become a game changer in facilitating public participation. Telephone subscriptions in Uganda stood at 25.5 million at the end of June 2020, implying 61 connections³³² for every 100 persons in the country.³³³

By the end of June 2020, Uganda had 18.9 million internet connections, translating into 46 internet connections for every 100 persons.³³⁴ The percentage of the population that actually uses the internet is much lower, as many users have multiple subscriptions. According to a January 2020 report by We are Social and Hootsuite, Uganda had 10.67 million active Internet Users.³³⁵

Mobile handsets provide the dominant form of internet access, accounting for 99% of all internet subscriptions. Meanwhile, one in four handsets in use in the country is a smartphone, while about one in five handsets is incapable of accessing the internet and is limited to merely making calls and sending or receiving messages.

Research has shown that Uganda's data costs are higher than the African average³³⁶, with 1 GB of data costing up to 16.2% of an average Ugandan's monthly income compared to the Sub-Saharan average of 9.3%.³³⁷ Indeed, according to NITA-U's nation-wide survey, 76.6% of respondents named high cost as the main reason why their use of the internet was limited.³³⁸ High data costs also undermine the involvement of civil society in public participation. Limited digital literacy also hinders greater internet use.

331 Kamp, M. (2016) (Ed.). *Assessing the impact of social media on political communication and civic engagement in Uganda*. Kampala: Konrad Adenauer Stiftung.

332 Note that the proportion of Ugandans who actually own or use mobile phones is less than 61% since many subscribers have multiple SIM cards.

333 See UCC Market Report, <https://tinyurl.com/ya4e8txn>

334 UCC, Market Performance Report 2Q20 (April-June 2020), <https://tinyurl.com/ya9ylrnt>

335 <https://datareportal.com/reports/digital-2020-uganda>.

336 The costs have been driven in part by taxes on data.

337 https://a4ai.org/affordability-report/data/?_year=2018&indicator=INDEX&country=UG

338 NITA-U, National Information Technology Survey 2017/2018, <https://tinyurl.com/ycdpoq8c>

Definitive figures of social media users in Uganda are hard to come by. According to the Digital 2020 report by We are Social and Hootsuite, Uganda had 2.5 million social media users by January 2020.³³⁹ Research shows that social media sites (including Facebook, WhatsApp, Instagram, TikTok, and Twitter) are among the online platforms visited most by Ugandan internet users. According to the Global social media stat counter, Facebook is the most popular online-based social media platform in Uganda.³⁴⁰ The government blocked access to Facebook ahead of the January 2021 elections, which has brought down the number of Ugandans who can access the social media platform.³⁴¹

The last few years have witnessed a burgeoning online media sector, which includes platforms run by professional journalists, many of whom previously worked with mainstream media, particularly newspapers. While a number of these online news sites carry credible information for the most part, many others tend to publish unverified reports and have low levels of credibility. According to many media watchers, Uganda's Online news platforms are more susceptible to ethical lapses including accepting money to publish or withhold stories, publishing unverified information, or posting stories from other media without giving them credit.³⁴²

Increasingly, the Ugandan Communications Commission has taken steps to regulate online content including online blogs and social media, although its regulatory mandate over digital media has been contested.³⁴³ Critics argue that the move to regulate digital media will restrict rather than facilitate public participation.

Besides the UCC Act, the Computer Misuse Act of 2011 also regulates digital media, and prohibits broadly defined offences such as cyber harassment (section 24), offensive communica-

339 <https://datareportal.com/reports/digital-2020-uganda>

340 <https://gs.statcounter.com/social-media-stats/all/uganda>

341 Those who access Facebook have to use Virtual Private Networks (VPNs), which drives up their data costs.

342 African Centre for Media Excellence (2021). The Media in Uganda. A Landscape Analysis.

343 UCC move to tax online content, face opposition, <https://www.newvision.co.ug/news/1527106/ucc-tax-online-content-opposition>; City lawyer petitions Court over UCC plot to stifle bloggers, online sites, <https://tinyurl.com/ybhvsvbn>



According to many media watchers, Uganda's Online news platforms are more susceptible to ethical lapses including accepting money to publish or withhold stories, publishing unverified information, or posting stories from other media without giving them credit.

tion (section 25), and cyber stalking (section 26). Various individuals have been charged for these offenses over their posts on social media, mostly Facebook. Most notable is Dr Stella Nyanzi, an activist and former researcher at Makerere University's Institute of Social Research, who in 2019 was convicted on a charge of cyber harassment and sentenced to 18 months in prison. The charges arose from a Facebook post in 2018 in which Dr Nyanzi, who once called President Museveni "a pair of buttocks," said she wished he had died while his mother was giving birth. More recently, prize-winning author Kakwenza Rukirabashaija was charged with "offensive communication" after being held incommunicado for nearly 10 days. His lawyer said he had been tortured by soldiers from the Special Forces Command. He was accused of insulting President Museveni and his son Muhoozi Kainerugaba, who is the commander of the Land Forces.

Others who have been charged under the Computer Misuse Act include Henry Mutyaba, Robert Darius Tweyambe, Swaibu Nsamba Gwoyolonga, and Robert Shaka. Online publications can also be charged with the offense of criminal libel under the Penal code Act.

The two offences of cyber harassment and offensive communication have been invoked by the State on a number of occasions to harass critics especially of President Museveni. These sections appear to come into play only to stifle political dissent or curtail the right to freedom of expression of individuals who are critical of the powerful. Rarely have they been invoked to *protect* the weak e.g. (young) women who are increasingly subjected to widespread *cyberbullying*.

The Uganda Law Society had earlier filed a petition in the Constitutional Court challenging the two sections of the law as too broad and vague and a violation of the right to freedom of expression guaranteed by the Constitution.³⁴⁴ The case has not been heard.

C. PUBLIC PARTICIPATION VIA THE MEDIA

Both the traditional news media and social media in Uganda focus quite heavily on politics and public affairs. In general, they provide information to the public about political and development processes and government actions (including decision-making at all levels). The availability of such political information conceivably spurs public involvement or civic engagement at least on occasion.

The media also provide a platform for citizens to share their needs, demands and wishes with political leaders and the government bureaucracy. The most common tools that amplify citizen voices include radio and television talk shows, newspaper opinion columns and news reports and feature stories, social media posts and chats as well as online news and blogs. Although research shows that most Ugandans use social media for networking, a growing number of especially young people are using these platforms to

344 Anthony Wesaka & Juliet Kigongo, Law Society Challenges Computer Misuse Law, *Daily Monitor*, February 5, 2019; and Farooq Kasule & Barbra Kabahumuza, Law Society Wants Computer Misuse Act Outlawed, *New Vision*, February 5, 2019.

participate in public affairs. As noted earlier, hashtag campaigns on Twitter, Facebook and WhatsApp have become a defining feature of public life in recent years.

As we saw earlier, civil society organizations also mobilize citizens to participate and also attempt to influence decision-making at national and local government levels via various media platforms. The most common tools used include press/media statements, press conferences, media interviews, newspaper opinion articles as well as radio and television talk shows.

At the same time, government officials use traditional and social media platforms to provide information to and educate the public about different processes and developments. The government also spends substantial amounts of money on newspaper supplements that explain the work of different ministries, agencies, and departments. The extent to which the government uses the media to educate citizens on opportunities available for public participation in decision-making is not clear.

D. MEDIA COVERAGE OF PUBLIC PARTICIPATION

A major challenge remains the media's failure to proactively cover public participation as an issue. Anecdotal evidence suggests that the media rarely flag the presence or absence of public participation in decision-making in their coverage of politics and public affairs. From parliamentary committee proceedings, local government council meetings, to budget-making processes, the media often focus mostly on the outcomes and rarely on the mechanics or processes. Key informants from the media and academia blamed this on a number of factors.

First was the lack of adequate knowledge on public participation as a constitutional prescription. "I doubt that many journalists would know that public participation is a constitutional requirement," said the editor of a new online news publication.³⁴⁵ "Many journalists, especially, upcountry reporters, are not sufficiently schooled about government processes." Another editor of a continental online outlet agreed. "The media don't understand the extent to which (public participation) is supposed to happen," she said.³⁴⁶ Indeed, it appears that many journalists do not pay enough attention to how political institutions and processes are *supposed* to work. Rather they focus on how they work. For the media to cover the issue of public participation meaningfully, journalists would need to have a better understanding of the constitution, laws, policies, and political processes.

Second was the tendency to look at Members of Parliament (MPs), and occasionally civil society, as the public voice. Their views are taken to represent the public voice, said Dr George Lugalambi, a specialist in media development, communication, and social &

³⁴⁵ Personal interview, Kampala, 8 March 2022.

³⁴⁶ Personal communication, Kampala, 8 March 2022.

behavior change.³⁴⁷ The absence of direct participation by citizens, therefore, is not seen as an issue.

Third was the fact that newsmakers, including MPs and civil society representatives, do not always highlight the issue of public participation following official processes which would require it. “Usually what is flagged in coverage is what a news-maker has pointed out,” said journalist Eriasa Mukiibi. “It is rare for a journalist to point out the issue of public participation.”³⁴⁸ This is especially so because, as research continues to show, media coverage in Uganda is largely driven by event-based reporting rather than issues. Stories originating from independent reporting and research by journalists remain limited. Therefore, the issues that are salient in coverage are very often those that newsmakers emphasize.

Fourth was media culture. “Our media structure focuses on the powerful and often is rarely concerned about accountability to ordinary citizens,” said Dr Emilly Maractho, Director of the Africa Policy Centre at Uganda Christian University.³⁴⁹ Journalists have been socialized to treat especially government officials, politicians and business actors as their ‘legitimated sources’.³⁵⁰ Ordinary people are usually covered as victims, and not as actors.

Fifth was the issue of human resources within newsrooms. “Newsrooms are very thin,” said journalist Eriasa. “There is hardly time to process these (issues).” Most media houses will focus on the basic 5 Ws—what, who, when, where, why? There is not enough supervision to explain or provide context and depth.

Although a number of civil society organizations are engaged in fostering public participation in decision-making at both national and local levels, the media do not always cover their activities consistently. Similarly, the media do not cover civic space and the issue of an enabling environment for civil society consistently. Research on media coverage of public affairs conducted by ACME has consistently shown that civil society

347 Personal interview with Dr George W. Lugalambi, Kampala, 8 March 2022.

348 Personal interview with Eriasa S. Mukiibi, Kampala, 8 March 2022.

349 Personal communication with Dr Emilly C. Maractho, Kampala, 8 March 2022.

350 Gans, Herbert. (1980). *Deciding What's News: A study of the CBS Evening News, NBC Nightly News, Newsweek and Time* (p.116). New York: Vintage Books.



Usually what is flagged in coverage is what a newsmaker has pointed out. It is rare for a journalist to point out the issue of public participation.

Eriasa Mukiibi, journalist

organizations are low on the pecking order of news sources. Government officials, politicians, business actors, and security and law enforcement officers dominate coverage. Mwesige (2006) suggested that the civil society organizations that consistently attracted media coverage in Uganda tended to be either large NGOs and professional or trade associations that had significant resources and were vocal on the topical issues of the day, or those that paid journalists for coverage.³⁵¹ Studies of interest groups elsewhere suggest that “the single most important organizational attribute leading to media visibility is the economic resources or budget size of the organization seeking it”.³⁵²

Media coverage of civil society also appears to be affected adversely by widespread skepticism or suspicion among journalists about NGOs especially. Perhaps what veteran journalist Joachim Buwembo says in his book, *How to be a Ugandan*, represents the perceptions of many Ugandan journalists towards NGOs. He defines an NGO as “a very small business with a very big name and a very large four-wheel-drive car driven by the founder who gets some wealthy foreign visitors once a year.”³⁵³

To compound this problem is the lack of adequate media relations skills within the ranks of civil society. Many – if they can afford – tend to throw money at journalists or media houses rather than cultivating professional relationships, understanding how the media decide what is newsworthy, and how to deal with both traditional news media and social media more effectively.

It would appear that the weaknesses in the media coverage of the issue of public participation have less to do with political and legal constraints on media and more to do with capacity challenges as well as journalists’ perceptions of civil society organizations that claim to facilitate citizen engagement.

New media (including social media) offer limitless opportunities for civil society and the public to express themselves and provide feedback to the government, but there is little evidence to show that the issue of public participation in decision-making has received the attention it deserves on these platforms. On the flip side, some have argued that new media is driving especially young people away from ‘real issues’ to trivialities. “It doesn’t look like these platforms are leveraged for engaging substantive issues that touch on the quality of government and the role of the citizen or civil society groups. Also, new media avenues are sources of disinformation, toxicity, and sheer abuse of the right to free speech and expression.”³⁵⁴

351 Mwesige, P.G. (2006). “The media and civil society in Uganda: Exploring relations and possibilities.” Paper presented at meeting of media owners hosted by the Civil Society Capacity Building Program, November 15.

352 Rich, A. & Weaver, R. K. (2000). “Think Tanks in the U.S. Media,” *Harvard Journal of Press & Politics* 5 (4): 81-103.

353 Buwembo, J. (2002). *How to be a Ugandan*. (p.53). Kampala: Fountain Publishers.

354 Personal communication with Dr Moses Khisa, May 15 2022.

CONCLUSION AND RECOMMENDATIONS

1. Conclusion

Uganda's Constitution guarantees the right of citizens to participate in their governance. It also provides for rights to freedom of association, assembly, and association which enable the enjoyment of the right to participate in political and public affairs. The country is also a signatory to a number of regional and international instruments that recognize the right of every citizen to participate in the conduct of public affairs, which forms a crucial part of the enabling environment for CSOs.

Although the country has no specific law on public participation, a number of laws contain specific provision related to the right to participate such as the NGO Act, 2016, the Public Finance Management Act, 2015, the Access to Information Act 2005, and the Local Governments Act, 1997. The country's planning framework, including Vision 2040 and the NDPIII, as well as a number of national policies also provide for the right of citizens to participate in decision-making. Furthermore, a number of platforms exist at both the national and local levels for citizens to participate directly or through civil society or elected representatives in decision-making. Some of these include budget consultation processes, parliamentary committee hearings, public petitions, a series of planning and development committees at all levels of local government, community meetings, as well as the media. Both the government and civil society have also attempted to harness ICTs to promote citizen participation. Civil society in Uganda is also involved in extensive advocacy that provides a voice for citizens in governance and development. In addition, there are numerous examples of partnerships between the government and civil society that foster public participation.

Despite existing legal guarantees on public participation however, civil society continues to face major obstacles in the enjoyment of this right in practice. In particular, restrictive legislation, regulatory overreach, inadequate funding, and internal capacity challenges have contributed to limited participation for CSOs. Ultimately, the fortunes of civil society in Uganda cannot be divorced from the broader challenges and contradictions around democratic space.

There are also concerns about the levels of civic awareness among the population. Many citizens do not have a full understanding of their rights and duties, as well as the government structures and processes in which they are entitled to participate. Social movements such as the 'People Power' campaigns raised public consciousness on their sovereign authority over public officials. Although agencies such as the Uganda Human Rights Commission are engaged in promoting civic education, funding remains inad-

equate. And the coordination of civic education across ministries, departments and agencies that was envisaged in the Uganda Human Rights Commission Act is yet to be realized. This points to a gap that CSOs can address through consolidating efforts with the Commission and other autonomous institutions to undertake public awareness on civic freedoms and the enabling environment.

The collaboration between CSOs and government that is critical for improving civil society's enabling environment under the NGO Policy remains obscure due to various factors including, limited political will, the absence of formal platforms for consultations and dialogue, and the mistrust of the civil society by the State.

Coming full circle

Finally, we return to a question posed in the introduction: is it tenable for civil society to collaborate or engage with a government that appears hostile especially to a section of NGOs and other organized interests involved in human rights and governance advocacy? A pessimistic view would be to dismiss civil society-government engagement as meaningless. A pragmatic approach would be to recognize the opportunities for some wins that certain participation mechanisms outlined in this report present and the circumstances under which they could be achieved. Without engagement the situation could get worse.

2. Recommendations

TO GOVERNMENT:

1. **Adopt a national legal and policy framework on public participation:**

The government should work with an inclusive and diverse group of stakeholders to develop a national policy on public participation. Such a policy would provide an overarching framework for the implementation of the right to public participation, including key principles, such as consultation and dialogue, and institutional arrangements, as well as funding mechanisms across all government institutions.

Additionally, engage with CSOs and other stakeholders to develop specific legislation on public participation to establish mandatory procedures and processes for inclusive decision making both at national and local level. The law should set out the guiding principles and parameters for public participation. It should also outline the obligations of the State and rights and responsibilities of citizens in public participation.

2. **Establish and strengthen the operationalization of permanent institutionalized spaces** for multi-stakeholder dialogue on policy development

and recognize the roles and contributions of civil society and other non-state actors in policy development, implementation, and monitoring processes.³⁵⁵

3. Facilitate **inclusive engagement of diverse civil society actors** in policy and its implementation at all levels through strengthening fully representative CSO platforms, particularly those representing grassroots-based social organizations, women, and indigenous peoples' organizations.³⁵⁶
4. Build open and timely access to information measures and strengthen transparent accountability mechanisms and processes, in line with the Access to Information law. There must be accountability/feedback to those who have been consulted.³⁵⁷
5. Ramp up the process of translating laws and relevant official government documents into local languages to increase
6. Parliament should amend its rules of procedure to make consultation with the public and civil society during the legislative process mandatory.

TO CIVIL SOCIETY:

1. CSOs should advocate for the adoption of a specific law on participation.

There is a need for CSOs working in collaboration with various actors to advocate for the adoption of a specific law on public participation to give effect to the constitutional right of citizens to participate in their governance. The legal framework should include “the explicit right of individuals and groups to participate in the design, implementation, and evaluation of any policy, program, or strategy that affects their rights at the local, national and international levels”³⁵⁸ as well as the institutional arrangements necessary to guarantee the realization of the right to participate in the conduct of public affairs. The principle of consultation of citizens currently set out in the Cabinet Secretariat Guide to Policy Development should be legally binding and evidence that the public was consulted should be one of the requirements for bills passed in Parliament, equivalent to the Certificate of Financial Implications and Certificate of Gender and Equity Compliance procedures. The law should also require that the relevant public authority reports to parliament annually on steps that were taken to promote public participation. Finally, the law should contain redress mechanisms for the violation of the right to participate.

355 See, Civil Society Partnership for Development Effectiveness (CPDE, (ibid), p20

356 Ibid.

357 Ibid.

358 A/HRC/30/26, para. 72.

2. Support the capacities for a wide range of CSOs – including women’s rights organizations, rural, indigenous, people with disabilities, and urban community organizations – to participate effectively in multi-stakeholder policy processes.³⁵⁹
3. Strengthen partnerships with the media to promote public participation mechanisms (traditional media, social media, and community radio) and support capacity building of media practitioners on the concept of public participation and the role of the media; identify strategic areas for institutional strengthening on public awareness creation on civic space issues.
4. Increase collaboration with state institutions on civic education.
5. Create permanent consultative forums with government actors on legal enabling environment issues (e.g., through the NGO Forum at national and regional/district level)
6. Engage local government mechanisms on designing public participation guidelines and policy frameworks and institutionalizing participation mechanisms in practice.
7. Leverage existing transparency mechanisms promoting inclusive CSO participation such as the EITI validation process.
8. Lobby government to join membership to the Open Government Partnership (OGP)- which is a multilateral initiative that aims to secure concrete commitments from national and sub-national governments to promote open government, empower citizens, fight corruption, and harness new technologies to strengthen governance. The OGP process allows governments to work with civil society to create action plans with concrete reforms addressing various governance issues such as justice, gender, digital governance, the right to information, civic space, natural resources, and corruption.
9. Civil society should speak with one voice and present a united front in response to the challenge of shrinking civic space. Foster public awareness on the role of CSOs and build public support.
10. More organic membership organizations, professional associations, and trade unions as well as citizen movements are needed for a stronger and more robust civic space.

TO THE MEDIA:

- I. Media houses should invest in improving the capacity of journalists to cover public affairs. In particular they should invest in knowledge building of the

³⁵⁹ Ibid.

media actors on the Constitution and policy making and implementation processes. More attention should be paid to capturing how public policy is *actually* developed, implemented, monitored, and evaluated.

2. Media houses should pay more attention to civic space and an enabling environment for civil society. These issues require far more consistent coverage than they currently generate.

TO DEVELOPMENT PARTNERS:

1. **Provide funding and technical assistance:** Development partners should provide funding and technical assistance in developing relevant frameworks on public participation and in establishing the institutional mechanisms equipped with knowledge on best practices.

GENERAL RECOMMENDATIONS

i. CSO-Government Partnership Framework

Although the National NGO Policy 2010 contains some provisions on partnership between civil society organizations and the government, it does not go far enough. A CSO-Government partnership framework should outline the objectives of the collaboration, the guidelines, and principles to be followed, and the institutional arrangements to ensure an effective partnership that can foster public participation. The framework should be legally binding. The principle of the autonomy and independence of civil society should be respected and protected against any arbitrary interference by the state or non-state actors. State actors and CSOs should be enjoined to foster collaboration based on “mutual respect, understanding and trust”.³⁶⁰

ii. Undertake Legal and Policy Reforms to Promote Public Participation

Most of the laws that operationalize the constitutional provisions on the rights to association, assembly, and expression, which facilitate the right to participation, have come under judicial challenge. These include the NGO Act, 2016; the Public Order Management Act, 2013; the Access to Information Act, 2005; the Press and Journalist Act; the Communications Act, 2013; the Computer Misuse Act 2011; and the Anti-Money Laundering Act, 2013. The Uganda Law Reform Commission should exercise its core mandate and review these laws with a view to ascertaining whether they are in conformity with the Constitution of Uganda. Particular attention should be paid to the restrictions to the right to participate in political and public affairs and the facilitative rights of association, assembly, and expression. According to international human rights standards, while restrictions are permissible, they must be “objective, reasonable, non-discriminatory, and provided for by law”. They must also be “necessary and proportionate”

³⁶⁰ UN OHCHR, Guidelines for State on the effective implementation of the right to participate in public affairs, p.19

and the “essence’ of the right should never be affected”.³⁶¹ In addition, the regulation of civil society and the media should be transparent and accountable.

iii. Political Will

The government should demonstrate a commitment to promoting citizen participation through fostering an enabling environment for civil society. As the UN OHCHR has noted in its guidelines to states, “meaningful participation requires a long-term commitment by public authorities, together with their genuine political will and a shift in mindset regarding the way of doing things.”³⁶² This can be achieved through:

- ensuring public consultation in legal and policy development is mandatory for all institutions.
- Proactive disclosure of public information in all public organs in line with the obligations under the ATI law.
- Establish high-level formal mechanisms to conduct consultations with CSOs especially, organizations representing marginalized groups (persons with disabilities, youth etc.), systematically and on a regular basis.

iv. Accountability in Decision-Making Platforms

Decision-making platforms that by law require participation of civil society and citizen consultation must be transparent and accountable. These include platforms such as parliamentary committee meetings, national and district budget conferences, regional budget consultative meetings, annual sector reviews, district technical planning committees, sub-county planning committees and budget conferences, parish development committees, and village planning meetings.

v. Institutionalizing Consultation by Parliament

The parliamentary rules of procedure should include the imperative of public participation and lay down procedures through which citizens will be consulted on bills before Parliament as well as institutionalizing feedback mechanisms.

vi. Promoting Access to Information

The government should take more active measures to promote the right of citizens to access information. Government ministries and agencies should be held accountable on their obligation to report to parliament annually on the information requests they received and how they acted. In addition, more official documents, include laws, policies, and strategies should be translated into local languages that are understood by a majority of citizens. They should also be reproduced in user-friendly formats that are accessible to a majority of citizens.

³⁶¹ A/HRC/30/26, para 14.

³⁶² UN OHCHR, Guidelines for State on the effective implementation of the right to participate in public affairs, p. 5.

vii. Civic Education

The National Civic Education Policy has taken more than six years in the pipeline. Recent efforts to complete the review of the final draft should be accelerated so that a final policy is adopted. The government should earmark more funding towards civic education. In addition, the Uganda Human Rights Commission should be supported to execute its mandate of coordinating civic education programmes in the country.

viii. Leveraging ICTs

Both state actors and civil society should harness and leverage ICTs for participation. ICTs can offer the dual benefits of expanding the space for civic engagement while also promoting more responsive government and civil society. Both state and non-state actors have opportunities to share more information faster, engage in online consultations, and receive public feedback on implementation of policies and programmes. However, the government needs to invest more in making ICTs accessible to more people and closing the 'digital divide'. Similarly, both the government and civil society should work towards promoting digital literacy or media and information literacy generally if more people are to reap the benefits of ICTs. Media and information literacy would also provide an antidote to the growing misinformation and disinformation that many have described as a threat to democracy.

ix. Capacity-Building and Training for Duty Bearers

Government officials at both national and local levels, Members of Parliament and councilors, as well as judicial officers should be supported to improve their knowledge of national and international standards on the right to participate in public affairs.

x. Funding for Civil Society

Although the government often acknowledges CSOs as partners and recognizes their role in the development of the country, it does not fund these organizations. The government should consider setting up a civil society fund aimed at strengthening the role of CSOs in service provision as well as monitoring the implementation of government programmes. The promotion of public participation in decision-making, implementation, and evaluation of government programs would be one of the conditions for accessing these public resources. Such a fund would also support the alignment of CSO activity to government priorities. Admittedly, many in civil society are uncomfortable with the idea of funding from a government that appears hostile to a section of CSOs. Indeed, such a fund would only be successful if the transparency and autonomy of the funding processes are guaranteed by law and overseen by an independent authority accountable to Parliament. Public funding for civil society should also not be used as an excuse for limiting the inflow of resources from elsewhere to support the sector.

xi. Fighting Impunity for Attacks on Journalists and HRDS

The government must ensure that physical attacks on journalists and human rights defenders are investigated, and perpetrators are punished. Civil society should also play a bigger role by instituting private prosecutions and seeking damages on behalf of those assaulted and abused.

xii. Uganda Human Rights Commission Annual Report

The Uganda Human Rights Commission annual report to Parliament should include a section on how the right to participation was implemented and the challenges that were encountered.

xiii. Civil Society Public Image

Civil society organizations should work on improving their public image through sharing information with the public, getting feedback from citizens, and ensuring more popular participation in their activities. All NGOs and CBOs should also participate actively in Uganda's Quality Assurance Mechanism (QuAM), the self-regulatory mechanism for NGOs. Public confidence and trust in CSOs are critical aspects of the enabling environment for civil society.



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